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House of Representatives

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

(Continued)

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 95, after line 21, insert the following new section:

SEC. 422. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent, if the gentleman would agree, that we have a time limit agreement on the gentleman's amendment and all amendments thereto of 20 minutes.

Mr. GUTKNECHT. Mr. Chairman, I would cede to the chairman of the subcommittee, yes, 20 minutes, 10 each side.

Mr. LEWIS of California. Ten minutes to each side.

The CHAIRMAN. is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] will control 10 minutes in support of his amendment and the gentleman from California [Mr. LEWIS] will control 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, some of us were extremely disappointed a few weeks ago when we passed the conference committee report on the budget because in that budget, we reneged on a promise that we made last year and we increased spending by about $4.1 billion over what we had agreed to spend in last year's budget resolution.

Back in November 1994, the people of the United States I think sent a pretty clear message. They wanted us to put the Federal Government on a diet. They wanted us to balance their budget. I think, by backtracking on some of the commitments we made last year, we made a serious mistake and not only a breach with the taxpayers of America today but, more importantly, with our children.

So I am offering again the same amendment that I offered last week, and I intend to offer it to every appropriation bill from this point forward to eliminate the 1.9-percent in discretionary spending on every appropriation bill that comes through this House. Now, if we will do that, we can recover that fumble and get back the $4.1 billion that we overstepped in the budget agreement just a few weeks ago. I want to just briefly say what this 1.9-percent amendment will not affect, because I think there will be some misstatements on this floor of the House, and I think there is some misunderstanding. First of all, this amendment will not affect compensation of veterans. It will not affect pensions for veterans. It will not affect veterans insurance and indemnities. It will not affect the readjustment in education benefits for veterans, and it will not affect burial benefits, because I think sometimes people are concerned about that. It will not affect mandatory spending.

So, Mr. Chairman and Members, what will the amendment affect? Well, it will affect discretionary spending, including administrative costs for the Federal bureaucracy. It will include $1.2 billion for Mission to Planet Earth, $4.3 billion for community development block grants. It will affect the $50,000 travel budget for the VA Secretary. And it will affect up to $15 million for the EPA employee bonus program.

Finally, it will affect, although a previous amendment may have changed this, the $365 million for AmeriCorps. So it will have some impact.

Mr. Chairman, what we are really talking about is less than 2 cents. It is about keeping our faith with the American people, set about keeping the promise we made just 1 year ago and the promise that many of us made in the elections 2 years ago. Mr. Chairman, I hope that Members will support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. LEWIS of California. Mr. Chairman, I rise in the strongest of opposition to the gentleman's amendment. We all know the potential impact of across-the-board cuts, but this 1.9-percent cut indeed could be devastating to this very delicately developed bill. Let me tell the Members what this amendment would do.

For those of us who care about VA medical care, this across-the-board cut would impact those programs by no less than $323 million, a minor little cut in VA medical care that we fought so hard today to increase by $40 million. Under those circumstances, that would mean that thousands of veterans would not be able to receive inpatient medical treatment and thousands would not receive their outpatient care.

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It also would cut $124 million from EPA, $375 million from our housing programs, $258 million from NASA, and $62 million from the National Science Foundation.

Mr. Chairman, I think most around here know that this subcommittee has done very diligent work in an attempt to reduce the rate of growth of government. We made by far the largest contribution to those reductions we are looking toward as we move in the direction of a balanced budget by 2002. We are not in that process, though, interested in destroying these programs and particularly undermining our ability to deliver the services out there to people in communities that we all really care about and really need many of those services.

So while I know my colleague from Minnesota is sincere in his efforts to cut the budget, we believe we have done the job in as balanced a manner within the committee as possible, and we urge a very strong ''no'' vote on this across-the-board cut.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly do not want to cast any ill feelings toward the chairman of this subcommittee or to the other subcommittees. In fact, I think the entire Committee on Appropriations has done a very good job. If some will remember the Fram oil filter commercials from years ago, ''you can pay me now or you can pay me later.'' What we are really saying is we do not have the moral fortitude, we do not have the courage to actually cut an additional $4.1 billion this year from domestic discretionary spending, but somehow in just 2 years, we will find the courage to cut $47 billion.

Mr. Chairman, we are talking about 2 cents this year. I do appreciate the work that the subcommittee has done, and I certainly appreciate these programs and I appreciate the veterans as much as anybody. But I think most veterans understand that balancing the budget transcends all of our responsibilities, and I think if we say, well, this group is going to be exempt and this group is going to be exempt, we will never get to the goal of balancing the budget.

So with all due respect, I think that this is a good amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, today this great Nation of ours stands $5.2 trillion in debt. That is literally $20,000 for every man, woman, and child in the United States of America. Every year as we keep spending more money than we are talking in, we just keep adding to that debt and our children get to get that debt. This is their inheritance, that is what we are going to pass on to our children.

When this Congress came in here 2 years ago, we said we are going to be different. We said we were going to balance the budget, we were going to do it by the year 2002. We got off to a great start. For the first year, we met our targets and we did what we said we were going to do and stayed on track, and things were going pretty good until about 2 weeks ago.

Two weeks ago, we passed a budget plan through this Congress that literally has the deficit going back up again. Let me say that one more time. The budget plan that we passed 2 weeks ago has the deficit going back up again next year. That is not OK.

Tonight we offer an amendment that literally reduces spending by 1.9 percent to help get us back on track to a balanced budget, back to where we belong, 1.9 percent. That is not 20 percent. That is less than 2 cents out of every dollar. Is there really anyone out there in this entire country that does not believe we can find 2 cents out of every dollar of waste in government spending? I believe we can. I honestly believe we can go into these bills and we can find 2 cents on the dollar of waste.

We are not talking 20 cents here. Two cents on the dollar. If we are able to do that, we can get ourselves back on track to a balanced budget and do what is right for the future of this great country of ours. That is what this Congress is all about. That is what our service to our country is all about. It is what we ought to be doing here tonight.

Mr. Chairman, I strongly encourage support of this amendment.

Mr. STOKES. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a bad amendment. It is a bad amendment because if the Members of this House were to vote for this amendment, it would certainly show irresponsibility. This is because earlier today the House accepted a 0.4 percent across-the-board reduction amendment sponsored by the gentleman from Arizona [Mr. STUMP].

I think we need to take a moment and just understand what that amendment has already done as an across-the-board reduction amendment. The Stump amendment cuts $79 million from HUD, an area of the budget that has already been cut $2.3 billion. It cut $26 million from EPA, an area that already had been cut $494 million. It further cuts $54 million from NASA, which has already been cut $1.1 billion.

Now, the offerer of the amendment would have us think this is just a 1.9-percent small reduction that does not amount to anything. But we have to consider the amounts already cut from these important areas and add to it the fact that, as the chairman of the subcommittee has just said, this 1.9 percent is not so small. It cuts VA medical care, which was protected from reduction under the Stump amendment. This amendment cuts medical care by $323 million, an area that all day long through one amendment after another we have protected on behalf of the veterans. This one hurts the veterans.

It cuts HUD, in addition to the cuts of the Stump amendment, by $374 million. This is an area of the budget already cut $2.3 billion. It cuts EPA by $124 million, an area already cut by $494 million. And it cuts NASA by $258 million, an area already cut $1 billion, as I said before.

I think the amendment, under these circumstances with these facts, ought to be strongly rejected by the Members of this House.

Mr. Chairman, I yield myself an additional 30 seconds and yield to the gentleman from Mississippi.

□ 1900

Mr. MONTGOMERY. The gentleman is absolutely right. Under medical care for veterans, under this amendment, we are going backward. We are losing by $280 million. We are going down, down, down. So this amendment should be soundly defeated if we have any care for veterans and their medical care.

Mr. STOKES. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that while a 1.9-percent cut does not seem like much, we have to understand what this does. With all due respect, the gentleman is correct when he says it will not affect mandatory veterans benefits, but what he is not saying is it will affect our ability to deliver those benefits to them and to process them.

As the ranking member just mentioned, the thing that hurts me the most in this amendment is the cut to medical care. That is the worst place in the world that we could cut veterans benefits. So I would ask the gentleman to reconsider this; $323 million out of medical care certainly does hurt our honored veterans, as the gentleman put it a while ago.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I want to first comment briefly on the question of veterans benefits. Should this amendment pass, I would be more than willing, as I am sure many others would, to look at how to transfer money into veterans medical inside this bill from HUD or other sections.

That is not the question we are trying to get at here. Veterans benefits go up. We are trying to keep some of them out. I am willing to back more, and have looked at several amendments to back more money for veterans. But overall we have to look at the Federal deficit. Many of us are very upset that the deficit is increasing in our second year of office. This amendment is not targeted at this bill, it is being offered to every bill.

We talk a lot about balancing the budget. The fact is we are not moving toward a balanced budget. We took a step in the wrong direction. Maybe we will over 7 years. We cannot bind Congress over 7 years, unless there is a

constitutional amendment. We cannot bind the next Congress. All we can be held accountable for is what we do during our 2 years in office.

A 1.9-percent cut across the board would get us, if we went back to our other appropriations bills, back to no bump-up in the second year. That is the intent of this amendment.

Had others balanced off and figured out what priorities were inside that bill, we would not be faced with this. But we cannot constantly say, oh, well, we want to balance the budget but not here, but not here; 1.9 percent is a very small amount, yet it is what the difference is as to the trend line of where this country is going.

I, and many others, came here to reduce the size of Government, to put more power back to the States, and to make sure we stopped mortgaging our children's future. At this point, my children will be saddled with such a debt and such a high potential of bankruptcy of Medicare, of Social Security, of all of our Federal programs, unless we get a handle on it, that I believe it is time that we do at least these small steps.

Every year in this budget it gets harder. If we cannot change 1.9 percent now, how in the 3d year or the 4th year, the 5th year, the 6th year, and the 7th year are any of those numbers realistic? I urge this body to vote ''yes'' on this simple amendment.

Mr. STOKES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to respond to the statement made by the gentleman from Minnesota who just left the well and who acknowledged that money would be taken out of the medical care account, which I have already stipulated would be about $323 million. He commented that, if this amendment passed, he would be willing to look at ways that we can transfer that money back into that part of the bill.

Well, I submit to Members of the House that is not the way we legislate and that is not the way that this House should legislate. In addition to that, that particular gentleman does not sit on the Subcommittee on VA, HUD and Independent Agencies. He will not be involved in the conference on this bill. He will not have the ability to be able to do anything else about this bill.

We have to act on this bill based upon what would happen tonight if we were to pass this irresponsible amendment. I would urge the Members again to vote ''no'' on this. The gentleman from Minnesota says 1.9 percent is very small. I contend that there is nothing small about a $323 million reduction in medical care.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume to say that this debate really is about what is responsible, and I think that is what this Congress should do.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to reduce across the board the VA–HUD appropriations bill by 1.9 percent. First of all, let me reiterate the fact that, in fact, we spend $121 million more on VA medical expenditures than we did over 1996 in this bill with the 1.9 percent cut, so that even with the reduction in spending, even with the savings for the next generation, we will increase VA medical expenses by $121 million.

Mr. Chairman, this is a responsible amendment. My dad was a veteran and he served in North Africa, Sicily, Italy, France, and was on his way into the South Pacific when he got the good news that World War II was over. But my father, who passed away earlier this year, never meant for that victory in World War II to result in a time when his grandchild, who is going to be born later this year, is going to have a $187,000 bill to pay in interest on the debt.

Mr. Chairman, this is a responsible amendment, and I ask for its adoption.

Mr. GUTKNECHT. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. NEUMANN].

(Mr. NEUMANN asked and was given permission to revise and extend his remarks.)

Mr. NEUMANN. Mr. Chairman, I just rise because I keep hearing all this stuff about cutting, cutting, cutting, cutting. I think we have an obligation to let the American people know that this bill is not going down in spending, it is going up in spending by about $4 billion from last year to this year.

So when we get all done talking about all these cuts, the American people have a right to know that spending is increasing in this bill. And even if our amendment is passed, spending from last year to this year, in good old Wisconsin language, is going up because we are spending more of the American taxpayers' money.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] has 1½ minutes remaining, the gentleman from California [Mr. LEWIS] has 2 minutes remaining, and the gentleman from Ohio [Mr. STOKES] has 1½ minutes remaining.

Mr. STOKES. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is the gentleman who originally opposed the amendment and claimed the time, but yielded to the gentleman from Ohio [Mr. STOKES]. Under the procedure today, the gentleman from California [Mr. LEWIS] has the right to close.

Mr. STOKES. Mr. Chairman, I have no problem with the gentleman from California closing.

Mr. LEWIS of California. Mr. Chairman, I will even yield that to the gentleman from Ohio, if he would like.

Mr. STOKES. Mr. Chairman, I do not need the additional time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I appreciate the gentleman yielding me this time, and I should point out that I hope my colleagues would oppose this amendment. We were able earlier today to get for the veterans benefits an additional $17 million. Under this amendment it takes $19 million out of the benefits, so we actually lose $2 million out of the benefits program.

This is based on claims, that it takes 158 days now to process a claim in the benefits department. If we keep taking money away from us, it is going to take us forever to process these claims. It should be less than 90 days. Because we do not have the staff, and we are going to lose 600 employees anyway if we defeat this amendment, so by taking another $2 million out of the benefits, it does not make any sense at all.

On the VA health care, we are trying to open up outpatient clinics so we can take care of more veterans. We are cutting this $323 million more under this amendment, so certainly I believe that the House should defeat this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance of my time.

I want to go over again, and I do understand that there will be cuts as a result of this 1.9 percent reduction, but if we look down the path, sooner or later we are going to have to pay the price for this. If we cannot make $4.1 billion worth of cuts this year, how are we going to make $47 billion worth of cuts in a couple of years? The answer is we probably are not.

Let me just say this. Again, this 1.9 percent reduction will not affect mandatory spending on veterans benefits, including compensation of veterans, pensions for veterans, veterans insurance and indemnities, readjustment in education benefits and burial benefits. This amount will affect none of those. It affects domestic discretionary spending.

If we could adopt this simple little amendment that is less than 2 cents on every dollar, we can recover the fumble this House made a few weeks ago when we reneged on the promise we made last year.

Mr. Chairman, my grandmother said, ''If you always do what you have always done, you will always get what you have always got.'' Unfortunately, this Congress is starting to do what previous Congresses have always done.

We are starting to say well, manana, manana. We will balance the budget in 2 years or 3 years. Well, some of us will not be back next year, and maybe this amendment will cause some of us not to be back, but, ladies and gentlemen, as long as we are here, we ought to do the right thing, and the right thing is to keep the promises we made in the campaign of November 1994.

To keep the promises we made last year with our 7-year budget plan, we need to get back on our path towards a

balanced budget; 1.9 percent on the rest of the appropriations bills will get us there. I hope Members will support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

I am very impressed by the presentation by my colleague from Minnesota, Mr. GUTKNECHT. And to paraphrase his grandmother, I would say, ''If you do not always do what you have always done, you are not going to get what you always got.''

The objective of the gentleman is not different than our mutual effort to eliminate the deficit. The subcommittee takes this work very seriously. It is very important for all of us to know that the House, particularly this Member, as well as the gentleman from Minnesota [Mr. GUTKNECHT] are committed to changing the pattern of spending that have been a part of our past. But that does not mean that we have to overnight tear the heart out of important programs or undermine very carefully crafted efforts to move in the direction of reducing all traditional patterns of spending.

What we are about here, in all of these efforts, is to reduce the rate of growth of our government. We all recognize that there are other elements to the government process than just spending. There are growth opportunities in terms of our economy. The taxing system is producing more revenues. Indeed, over time, as we reduce the pattern of spending and the revenues grow, we get to 2002 and we have a balanced budget. That is our objective.

The time we suggest that the way to solve the budget is to cut every program, eliminate programs that are very important to people, is the time we have a counterrevolution. That could lead to real disaster in terms of our economy. We are attempting to make sense out of this process in this bill.

So far, through the rescission process, the 1996 bill this year, this subcommittee will have passed over $17 billion of reduced spending, a significant shift in pattern for this subcommittee. I tell the author of this amendment, as I oppose the amendment and ask that the Members vote ''no,'' I tell the author that I too am committed to balancing this budget.

I am a absolutely convinced we are on a pathway to help with that, especially in terms of discretionary spending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The point of no quorum is considered withdrawn.

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AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. LEWIS of California. Mr. Chairman, at the request of the gentleman from Michigan [Mr. HOEKSTRA], I ask unanimous consent that the pending demand for a recorded vote on the amendment offered by the gentleman from Michigan be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The amendment is rejected on a voice vote.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 95, after line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading ''HAZARDOUS SUBSTANCE SUPERFUND'' may be used to provide any reimbursement (except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act, and none of the funds made available under such heading may be used to pay any amount when it is made known to the official having the authority to obligate such funds that such amount represents a retroactive liability discount attributable to a status or activity of such person (described paragraphs (1), (2), (3) or (4) of section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) that existed or occurred prior to January 1, 1987.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, is there an agreement on time for this amendment?

Mr. MARKEY. On the amendment which is now pending, there is a 40-minute agreement on time, 20 minutes evenly divided.

I am sorry. I apologize, Mr. Chairman. There has not yet been an agreement reached on time.

Mr. BOEHLERT. Would the gentleman entertain an request for an agreement on time? I know both the chairman and the ranking member are anxious to move this along. I would be receptive to an agreement on time.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, we would have to object to an agreement on time.

Mr. MARKEY. Mr. Chairman, as all who are listening are well aware, the Contract With America was intended as a full-scale, all-out attack upon the environment of our country. There was an agenda put together in the beginning of this Congress towards the goal of eviscerating most of the laws which have been placed upon the books over the last quarter of a century to protect the environment in our country.

One of the primary assaults upon the environment was begun in the Committee on Commerce last year, culminating, in the fall, upon a Superfund reform bill introduced by the Republican Party. Its intent, for all intents and purposes, to gut the Superfund bill, to make it ineffective.

The centerpiece, in their own words, of their Superfund gutting bill was to take hundreds of millions of dollars a year, billions of dollars, billions over the next decade, and to give money back to polluters, polluters who have already accepted responsibility for having polluted their own neighborhoods, for having ruined the water in their communities, for having led to the deaths of small children because of exposure to toxics, giving money not to the communities in order to help clean up but to the polluters themselves.

Now, the centerpiece of this proposal is still embodied in the Republican appropriations bill. In it is included a provision taking $861 million over the next year and making it available to give back to polluters who already accepted responsibility for their pollution and their responsibility to clean it up.

Now, here is how it works: If you happen to have been a polluter, congratulations to you. You may already have won millions of dollars in cash prizes from the Grand Old Party. The Ed McMahon polluters clearinghouse sweepstakes. Here is how it works. Just wait for this appropriations bill to pass, enacting reforms. Pretty soon the EPA Superfund prize van will pull up to your corporate headquarters and hand you a Federal Government taxpayer check, if you can identify yourself as a polluter. Here is how it works. First, is your toxic waste dump listed on the Superfund site on the national priorities list? In other words, that you are one of the worst polluters in America. You must answer yes to that question to qualify for this Federal money.

Second, did you even incur cleanup costs since they introduced their bill last October? That is, once, if you were there on October 18 as a polluter, you qualify for this money.

Third, was your liability attributable to activities which occurred prior to 1987? That is after the Superfund bill passed in 1981 so that in fact we knew that and you knew that the Superfund law was on the books, and have you accepted responsibility in a court-ordered, a court-ordered consent decree in which you have already agreed to accept liability to clean up the site yourself?

If you qualify under all of those standards, then you are a grand prize winner as a polluter. You qualify for the $861 million a year, billions of dollars over the next decade, which can be and will be given out to polluters.

Now, this, it seems to me, is an absurdity. We do not have $861 million a year for a new program to hand over to polluters when we are cutting Medicare, when we are cutting student loans, when we are cutting every other social program. We cannot have this program pile up to $6 and $8 billion over the next decade, gobbling up what limited resources we have as we target the 2002 for a balanced budget.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Ohio very much for yielding to me.

This provision has to be stricken from the Republican proposal, has to be cut out. That is what this amendment does. It just ensures that not only under the bill which the Republicans introduced last year, H.R. 2500, but under any bill which is ever introduced, we do not give money back to polluters who have already accepted court-ordered consent decree responsibility as to their responsibility to clean up the site. It makes no sense whatsoever.

So this is a very simple proposal. It gets right at the heart of what it is that the Republicans want to propose as a reform of environmental laws, giving money to polluters. We have operated for the last 15 years under the notion of the polluter pays, if they are responsible. The Republican proposal transforms it into the taxpayer pays the polluter. We are so sorry, it is going to cost you money for having to clean up the mess you created in the community, this neighborhood nightmare, which has taken all the property in the neighborhood off of the tax rolls, which could have led to the deaths or the creation of disease in families within the community. That is their new notion. We take care of the polluters.

So the Markey-Pallone-Borski amendment deletes this ability to be able to hand this money over to the polluters. It is a very clean, simple vote. As we go through the rest of the night, there will be attempts to take out one small attempt at doing it, last year's version, but it does not deal with any other version. The money stays there, all $861 million.

The gentleman from New York [Mr. BOEHLERT] is going to seek to make an amendment which just says, well, we are not going to use H.R. 2500, last year's version, but it does not say anything about any other version, which is what the Markey amendment says. You cannot do it. It is impossible under the Markey amendment. The Boehlert amendment says, well, we got caught; we got caught off base. We do not want to have this on our record. So we are going to withdraw it. Let us wait until Bob Dole is President so he will not be vetoing this so we can just do it with the majority of the votes in the House and the Senate. We are going to pull it back right now. We got caught. But no way are we going to take out the $861 million. In no way are we going to put a limitation on it being used by other mechanisms to give rebates to polluters, no. We are going to take out that part of the Markey amendment.

So this is a very clean, simple amendment that deals with the heart of the challenge to the Superfund program which for 12 years was under Republican control.

Remember this tonight, my colleagues: Yes, it was passed by a Democratic Congress but Rita Lavell and Ann Gorsuch and a whole line of Republican administrators for 12 years, right up to 1993, had responsibility for it. Only in the last years has it been put in the hands of an administrator who is fully committed to its implementation.

If this program was not as fully effective as it could have been, and we do believe it should be reformed, blame those Republican administrators, one of whom even went to jail in a contempt of Congress citation, for their lack of regard for our congressional intent.

So this is at heart a vote on whether or not in fact we are going to keep to the soul of what the Superfund program was meant to achieve; that is, that those who were responsible must pay. And we are not going to use limited taxpayer dollars as a handout to them. As we go through this debate, Mr. BOEHLERT will attempt to take one small portion of it, one small attempt, the initial attempt, and to say, we are not going to use that route anymore, but make it impossible to have a straight up or down vote on whether or not any other attempt which the Republicans have contemplated can in fact be used to give this money over to polluters.

I want everyone to understand this debate, as it unfolds, because it gets right at the heart of what we believe as Democrats should be the intent of this program, which is personal responsibility, personal and corporate responsibility. Those who created the messes should clean them up. Those who have accepted legal responsibility in the courts should clean them up. We should not have to turn to the taxpayers, tip them upside down, have $861 million over the next year and billions more in years after that used to clean up the messes which corporate executives are responsible for.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, let us get one thing straight first of all. The taxpayers that I know the gentleman from Massachusetts is so fond of and wants to protect, the taxpayers who pay into the Superfund and the very polluters that he is talking about. He would allow the impression out there that somehow these taxpayers, Mr. and Mrs. Joe Sixpack, are paying, are going to pay for these cleanups. And we simply cannot allow that argument to stand. It makes no sense.

The Superfund program is basically funded to the tune of $1.6 billion a year until, of course, the President vetoed those taxes that go into the Superfund, $1.6 billion a year that come from the oil companies, the chemical companies, from chemical feedstocks, and the environmental income tax, that is really what funds the program.

So my friend from Massachusetts, who I know is a great friend of the taxpayers, has received a lot of awards for his stand on lower taxes and protecting the taxpayer, I am appalled, frankly, that my friend from Massachusetts would make the argument here on the floor of the House of Representatives that somehow the taxpayer is going to bail out these evil corporate polluters when, in fact, they are paying the taxes in the first place. They are not getting their money's worth, folks.

All you have to do is look at the program, 15 years of failure, about 5 percent of the sites on the national priorities list cleaned up. We have spent $30 billion in public and private moneys to clean up these sites. And what do we have to show for it? the average site rests on the NPL for 10 to 12 years. The average cost of a site to be cleaned up is between $25 and $30 million. And guess what?

□ 1930

Only about half of that really goes to actual cleanup.

Mr. Chairman, I would suggest to my colleagues that a vote for the Markey amendment is basically a vote for the status quo.

Now, if my colleagues like the idea of a Superfund program that fits all the qualifications that I just mentioned in terms of abject failure, then they want to support the Markey amendment because the Markey amendment essentially is an SOS amendment, ''some old stuff,'' and we are going to continue with the same process that we had before, and I have got to think we are better than that.

I think we can learn from the mistakes of past Democrat Congresses that foisted this program on us, first of all, in a lame-duck session, signed by a lame-duck President, in overreaction to a couple of situations in New York State and Missouri, and then in 1986 we compounded that felony by voting for a reauthorization of the program that made it even worse, and some of the architects behind the original bill and the 1986 reauthorization are the same people who are opposing meaningful reform in this program. And I say shame

on them and shame on their memory of what they have accomplished in the last 15 years, which is practically nothing.

And so it gives us an opportunity finally, under a Republican Congress, to really deal with the problem at hand and to clean these sites up, and I would suggest to my colleagues that that is our goal and that is what we are trying to accomplish with our bill that we have introduced [ROSA] Refund of Superfund Act.

Make it very clear that the Markey amendment stands for the status quo.

This is clearly the most egregious environmental program that anybody could have ever invented, and I do not understand why my friend from Massachusetts would want to sustain that for another several years.

I had an opportunity the other day to find a rather interesting piece of reading material. It is a coloring book that is put out by the Environmental Protection Agency. It is called the ''Superfund Team, Mother Mouse,'' and instead of protecting children from contamination by cleaning up Superfund sites, the EPA apparently is indoctrinating them with a Superfund Man and Mother Mouse routine.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. OXLEY] has expired.

(By unanimous consent, Mr. OXLEY was allowed to proceed for 3 additional minutes.)

Mr. OXLEY. Mr. Chairman, I understand we have no time constraints on this particular amendment; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. OXLEY. Mr. Chairman, this is the coloring book, and let me quote from the book where Mother Mouse meets the U.S. EPA remediation workers:

> She was smiling and humming when all of a sudden she heard someone coming. She saw a strange sight. ''Oh my. What a fright!'' Two people wore white suits with hoods on their heads and gloves on their hands. ''They're creatures from Mars,'' she screamed. ''Quick. Get in the house. Pull tight the laces. Don't make a sound. Stay in your places.'' ''But we know them—they're keen!'' the children cried out. ''They're the Superfund Team! The Superfund Team!'' the kids said with a shout.

This is actually a publication of the government of the United States of America. We have established a special hazardous waste cleanup program with its own taxes to pay for the self-promotion of the Environmental Protection Agency. The sad part is that in real life the men in white suits do not show up for years while mother and the children still live by the contamination.

Let us not waste time on coloring books, outrageous delays, endless lawsuits and bureaucratic bickering. Let us clean up the pollution for a change. Contaminated sites are still sitting around as giant festering sores on the landscape primarily because of the contentiousness Superfund's liability system causes. One can be held a hundred percent liable for the entire cost of cleanup at a site which could stretch into hundreds of millions of dollars even if they did not cause any of the contamination, even if they were not even alive when the contamination occurred, and even if they acted completely legally at the time, or even if they were ordered to put contamination at the site by the Federal Government or some local government.

Does that strike my colleagues as a reasonable Federal statute? I do not think so, and that is why the NFIB, the National Federation of Independent Business, who represent over 600,000 small businesses in this country today, along with local governments, school boards and other local organizations oppose the Markey amendment. As a matter of fact, the NFIB has made this a key vote.

I want to stress to my colleagues in the House on both sides of the aisle this is the NFIB key vote on the Superfund bill this session, and let us understand exactly where they are coming from. They understand what a disaster this Superfund statute really is.

Let us make certain for a change that we will deal with real cleanups this time instead of spending it on coloring books, on lawyers, on bureaucracies, and get this job done once and for all.

Mr. BUYER. Mr. Chairman, will the gentleman yield.

Mr. OXLEY. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I am curious. Did not Carol Browner and the EPA come before the gentleman and ask for an increase in funding, and now the gentleman is telling us they are spending dollars, taxpayer dollars, on coloring books?

Mr. OXLEY. That is precisely correct.

Mr. BUYER. That is pretty disgraceful.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman.

Mr. Chairman, I hope everybody has listened very closely to the comments by my dear friend from Ohio and looked at these wonderful posters that he has put up. The wonderful posters that my good friend from Ohio has put up do not mean anything and they do not have anything to do with the debate in which we are now engaged.

There are two amendments pending. The first is an amendment by my good friend from Massachusetts [Mr. MARKEY]. That amendment does two very simple things. It says first that one cannot give rebates to polluters in connection with cleanup.

Now, I have heard some rather novel and stressed explanations of why that might be a good idea, but the simple matter is that is a device to pay the polluter. That is something that has always been alien to the principles that we have had with regard to dealing with Superfund.

Second, it would prohibit compensating people who have already cut a deal with the Federal Government and with other polluters to clean up and to allocate the responsibilities.

My good friend, the gentleman from New York [Mr. BOEHLERT] who is a most sincere Member of this body, has come forward with an amendment which says that the first is a good idea, that we should not pay polluters for cleaning up. But he says that we should permit polluters to continue to get paid after they have cut a deal so that they essentially would be drawing moneys above and beyond what they should get in terms of their cleanup.

Now, this is a most curious posture, and I am sure that the gentleman from New York will have an interesting explanation for this. It is going to, I am sure, be extremely interesting, and he has nodded ''yes'' to me, but I think it is probably going to lack merit.

Now having said these things, there has been pending a long time an effort to get a decent cleanup under Superfund. I was highly critical of the last Superfund bill, and I was roundly criticized by a lot of people for being very much opposed to many of the things they tried to do in terms of compounding the difficulty of enforcement. So I do not apologize for anybody for my views on this.

I will tell my colleagues there is urgent need for enactment of new and improved Superfund legislation, get rid of some of the things that my good friend from Ohio, Mr. OXLEY, properly complained about. There is time, however, to address this question.

Last Congress we reported out legislation out of the Committee on Commerce. It was duly killed by my Republican colleagues, who did not want to move forward on Superfund legislation during the last Congress.

The Republicans during the last Congress killed our efforts to pass a better Superfund bill, and I know it distresses them to have this fact revealed because it is one of the nasty little secrets that they carry around in their pocket.

Now having said this to my colleagues, I think that we should observe that there is the ability on the part of my Republican colleagues to address Superfund. They chair the committee, they chair the subcommittee, they have the majority of the House, and they have extraordinary discipline.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I will yield to my friend because I know he has something important to add, and I am sure he wants to agree with me. But I want to conclude my statement, and I know he understands because I listened to

him with great interest even though his comments were, in good part, irrelevant to the discussion that we are engaged in.

Having said these things and expressed great respect for my good friend from Ohio, who is not only a dear friend but one of the finest Members in this body, even though he is wrong in this matter, I would observe that the Republicans have the full capability to move forward. We stand ready to assist them in moving forward on good legislation.

I will observe that good legislation does, however, not embody the principle that we should pay the polluters for cleaning up. We should cause the polluters to pay, and we should not absolve those who have arrived at a settlement of the responsibility that they have achieved by having set at risk the health and the welfare and the well-being and the environment of the American people.

Mr. Chairman, I would urge my colleagues then to reject the amendment offered by my good friend from New York, for whom I also have enormous respect, and to adopt the amendment offered by my good friend from Massachusetts because it says that the polluter pays, the polluter gets no break for his wrongdoing, whereas the gentleman from New York says that he might get some.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman from Michigan [Mr. DINGELL], who I have a great deal of respect for, and he is usually right on most issues, but let me remind him about the last Congress when I think the gentleman in the well was the chairman of the committee, and we had Democrats chairing the committee.

Mr. DINGELL. That is right, and we reported out a good Superfund bill unanimously out of the Committee on Commerce, and my Republican colleagues——

Mr. OXLEY. I am amazed, I must say, at being in the minority for all the time that I was in the Congress for the first 14 years, and then to be honored with apparently the title of being able to kill the Superfund bill——

Mr. DINGELL. And the gentleman is a fine chairman——

Mr. OXLEY. As a minority I am truly honored. I did not realize I was that good, and I thank the gentleman for yielding.

Mr. DINGELL. The gentleman is a fine chairman, and all he has got to do to get us a Superfund bill to the floor which is really meaningful is to see to it that the subcommittee convenes, writes a bill, and reports it out and excludes paying the polluter.

Now I guess the gentleman from New York [Mr. BOEHLERT] wants me to yield to him?

Mr. BOEHLERT. No, I am just listening with rapt attention.

Mr. DINGELL. Mr. Chairman, I am mightily distressed at that, and I therefore yield back the balance of my time.

Mr. Chairman, our Republican colleagues rejected the bipartisan bill that was approved 44 to 0 by the Energy and Commerce Committee in the 103d Congress in favor of a new bill, H.R. 2500, that was not introduced until October 1995. It seems that it took 10 months to figure out how to destroy the bipartisan agreement we had achieved in the prior Congress after months of stakeholders discussions.

It is my firm belief that we should dedicate as much Superfund money as possible to cleanup, and not to relieving polluters of their responsibility. And that is exactly what Mr. MARKEY'S amendment is designed to do.

Mr. MARKEY'S amendment will assure that Superfund money will be spent on cleanup and not on reimbursing polluters. The Markey amendment will ensure that existing consent decrees, under which parties have agreed to conduct or pay the costs of cleanup, will not be disturbed. Why should EPA expend enormous transaction costs to revisit existing consent decrees when the parties to those decrees have agreed to conduct a cleanup? If those parties have agreed, why do they expect to be relieved of their obligations under these decrees?

This amendment absolutely does not disturb the EPA's ability to provide funding at sites where there are existing consent decrees if EPA decides to provide funding to cover all or part of the shares of insolvent or defunct parties. This amendment does not adversely affect the EPA's ability to fund the relief contained in the recent Superfund liability proposals offered by the Democratic members of our Committee as well as the administration. Our recent proposals include fair share funding, limitations on municipal owner liability, exemptions for small business generators and transporters of waste, and exemptions for generators and transporters of municipal waste. The administration's letters in support of Mr. MARKEY'S amendment confirm that this amendment is consistent both with the administration's Superfund reform initiatives as well as the liability proposals we have offered during our bipartisan negotiations.

Moreover, this amendment will not bring Superfund cleanups to a halt. That is, unless companies decide to use this as a hollow excuse to breach their agreements to perform cleanup under the consent decrees they have already signed.

I urge my colleagues to support the Markey amendment to assure that Superfund moneys are spent on what I had thought was our mutual goal—expediting cleanup.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the vote on the Markey amendment today is nothing short of a referendum on Superfund itself. If my colleagues think Superfund is effective, if my colleagues think that the program is doing a good job of cleaning up our Nation's worst toxic waste sites quickly and effectively, if my colleagues think that the Girl Scouts, churches, small businesses, local governments, and many, many other polluters are polluters and that we should continue throwing good money after bad to lawyers and consultants, then, by all means, my colleagues should support the gentleman's amendment. If, on the other hand, they have even the faintest idea of how badly broken Superfund truly is, they should join me in vigorously opposing the Markey amendment.

□ 1945

The amendment would prevent any meaningful Superfund recovery from taking place by eliminating even the possibility of allowing some fair share or ''orphan share'' funding under the program. The amendment effectively prohibits any retroactive liability relief whatsoever. Superfund's system of retroactive liability is so fundamentally unfair that it has forced parties caught up in a never ending blame that delays cleanup and threatens human health.

Mr. Chairman, the fact of the matter is that no one, and I mean no one, believes that the current Superfund law is working. Here is what people have said. President Clinton; yes, President Clinton: ''We all know it doesn't work,'' he says, ''the Superfund has been a disaster. All the money goes to lawyers and none of the money goes to clean up the problem it was designed to clean up.''

The EPA Inspector General has said that ''On a site-by-site basis, it is clear that liability negotiations consume a lot of time and delay completion of the site.''

In a 1994 editorial, that bastion of conservative thought, the New York Times, said that

> Superfund has failed the efficiency test: of the $13 billion spent by government and companies, one fourth has gone to what are euphemistically called ''transaction costs,'' fees to lawyers and consultants, many of them former Federal officials who spin through Washington's revolving door to trade their Superfund expertise for private gain.

A year earlier, the Washington Post editorialized that Superfund ''is generating intolerable injustices and needs to be fixed. Many of these cases,'' as they say, ''are grossly unfair, and all invite furious litigation as small companies, big ones, banks, mortgage holders, local governments and insurers all go after each other. That is why a high proportion of the money spent so far has gone not to cleanups but into lawyer's fees.''

The Seattle times editorial board wrote that Superfund ''has created a legal swamp, enriching lawyers while accomplishing precious little cleanup.''

And a 1994 USA Today editorial said that ''Superfund is absurdly expensive, hideously complex, and sometimes patently unfair. As a result, it invites litigation the way dung attracts flies: not by seeking but just by being.''

Mr. Chairman, the evidence is clear. Superfund is badly broken. That is precisely why I have made Superfund reform a top priority of the Committee on Commerce in this Congress. All other reform proposals are on the table, including the 103d Congress's Superfund deal, the administration's new liability proposal, Republican proposals drafted by my colleague and friend, the gentleman from Ohio [MIKE OXLEY] and myself, contain some element of the fair share funding which the Markey amendment would prohibit.

In fact, the administration has the statutory authority to use so-called mixed funding under the law, and Administrator Browner recently announced that EPA would expand its use of orphan share funding to the tune of $40 million a year. This amendment would eliminate EPA's ability to implement even the modest administrative reform of the Superfund proposal.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BLILEY] has expired.

(By unanimous consent, Mr. BLILEY was allowed to proceed for 2 additional minutes.)

Mr. BLILEY. Mr. Chairman, the vote on this amendment is very simple. If members support Superfund reform, vote ''no'' on the Markey amendment.

It simply amazes me, Mr. Chairman, that the gentleman from Massachusetts would offer the amendment. Massachusetts has 32 sites, three-two, 32 sites listed on the national Superfund priorities list. Construction on cleanup remedy is complete on only 2 of these sites, even though 14 of them have been on the NPO list since 1983. It is astonishing that we cannot decide how to clean up a Superfund site in the time it took our forefathers to hold a Boston tea party, declare independence, fight a Revolutionary War, write a new Constitution, and establish a whole new government.

My friend sent out a ''Dear Colleague'' letter last week saying ''Superfund is working in my district.'' Now he is introducing an amendment to prevent Superfund from working in anyone else's district. I would think the gentleman would not be so callous toward the people across the country who live near Superfund sites to block legislation that will get those sites cleaned up, especially since only 2 of 34 sites in his home State have been cleaned up.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat amazed by what I am hearing on the other side, because earlier today when we discussed my amendment that simply would have required that this $861 million in contingency money for the Superfund Program be simply put to use this year to fund the Superfund Program and to make it possible to work on new sites and continue work on existing sites where work has already started, what I was hearing from my friends on the other side of the aisle in opposition to it, basically I got the impression they were denying that this money would ultimately be used for a rebate program that gives money back to the polluters.

But having listened to some of the debate tonight, it seems like just the opposite. I do not know if anyone has specifically admitted on the other side that that is what this money would be used for, but they certainly do not seem to indicate that is a problem, using it for that purpose.

Mr. Chairman, we cannot have it both ways. We cannot come in here earlier in the day, or last week in a press conference, and say, ''Oh, we are great because we are going to provide so much more money for the Superfund Program, we are going to do even more than the Democrats want, and then later on say, oh, well that money might be used for a rebate program, or we have to do all these changes to the Superfund Program first before we are going to make the money available, and we are not exactly sure that the money is going to be used for.

That is the impression I am getting from the other side of the aisle. It scares me and makes it more crucial to have this amendment passed to make sure that the money will not be used, if it ever does become available, for this rebate program to polluters. Essentially, the debate this evening is on the Superfund Program.

All of a sudden now, the Republicans, or most of them on the other side, are suggesting that what they are really all about here is that they want to dramatically change the Superfund Program. I would contend that what they really want to do is abolish the Superfund Program, or at least make it ineffective.

The bottom line is that Superfund is working, contrary to the statements that my colleagues are making on the Republican side of the aisle. Sites are getting cleaned up. In my district, 7 of 9 sites are in some phase of cleanup. Nationally there are 1,284 sites on the national priority list, and in more than one quarter of them, or 346, construction has been completed, that means clean up. Construction has commenced at more than 470 other sites and final cleanup decisions have been made at about 150 other sites. So there are nearly 1,000 sites where construction has either been completed or begun, or a cleanup decision is made.

I would point out that this administration has also cleaned up more toxic waste sites than in the previous 10 years. All it takes is an administration that cares about a Superfund Program, rather than one that does not believe in the Superfund Program.

In the Committee on Commerce when we were marking up the Republican Superfund bill, there were many members who basically suggested we should not even have a Superfund at all and we should just let the States do their own thing with toxic waste clean up. I do not agree with that. I do agree with one statement that the gentleman from Ohio, the chairman of our subcommittee, made tonight when he said that this is a key vote. This is a key vote because basically this is the only amendment on the floor this year that will clearly define where people stand: Either you are for polluter pays, which is the basis for the Superfund Program, or you are for pay the polluter, which is what the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY have said. That is what this is all about. This appropriations bill will allow the Government to pay the polluter. I do not think that is right. I do not think that is the way the program should be set up.

I also want to make mention of another theme that I keep hearing from the other side of the aisle. That is that somehow the Democrats on this side do not want to see the reforms in the Superfund Program that would help small businesses or help municipalities. In fact, the gentleman from Massachusetts [Mr. MARKEY] and the rest of us have repeatedly said we would exempt small businesses, the little guys who do not have the financial means to contribute to the cause of cleanup.

We would exempt municipalities, residential homeowners, small nonprofits. We would exempt any person who contributed less than 110 gallons of liquid hazardous substance, 200 pounds. We would cap the liability. There is nothing in this amendment, there is nothing in this amendment that would preclude any of those changes in the Superfund Program from taking place.

The reason we are offering this amendment is because we do not want to see change the cornerstone of the Superfund Program, and that is that the polluter should pay to clean up the mess, if you will, that he left behind. Once you get rid of that, you will not have an effective Superfund Program anymore. That is why this amendment is so crucial, and I would urge its adoption.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Markey amendment. Every proposal that has been put forward on Superfund includes the proposal that rebates be paid. If the gentlemen say they are opposed to rebates, then they are opposed to every reform proposal that has been put forward. They are opposed to fundamental reform. They must want to see the lawyers continue to get the money, rather than the money going into actually cleaning up these Superfund sites.

In fact, I find it more curious and more curious that we have heard from several of the opposition that the Superfund is working. The President of the United States, Mr. Clinton, President Clinton, has said that it is not working. Carol Browner, the EPA administrator, says that the entire

Superfund law should be rewritten from start to finish. The EPA Inspector General said it is not working. But even though their President and their EPA and their Inspector General say it is not working, we have heard them say tonight that Superfund is working. The evidence is very clear. The statistics which have already been presented indicate that that is simply not the case.

The amendment before us is a funding limitation on the EPA spending bill that would preclude any reimbursement to persons who are potentially liable under the Superfund statute. All legislative proposals to reform Superfund, even the EPA's proposals, involve some element of reimbursement. Let me again emphasize that. The amendment before us ensures that none of these reforms can go forward.

The author has amended his amendment twice before bringing it to us, but it is still fatally flawed. It freezes the status quo and it protects the livelihood of all those wonderful Superfund lawyers. So if Members want to protect the lawyers, then they should support the amendment before us. But if Members want to reform Superfund, then oppose this amendment.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I am pleased to join the gentleman from Massachusetts and the gentleman from New Jersey in offering this amendment to keep Superfund from changing from a polluter pays program to one where the taxpayers pay the polluters. This amendment would prohibit use of the Superfund appropriation for payoffs to polluters, very simply. This amendment would maintain the principle that major corporate polluters should pay to clean up the dangerous toxic waste sites they have created.

Since the beginning of the 104th Congress, the majority has attempted to find a way to let these corporate polluters off the hook. Even though more than 80 percent of Superfund toxic waste sites are located near drinking water sources, they want to reduce standards for cleanup and use tax money to pay polluters for the limited remaining cleanup.

The majority has tried and tried again and then tried a third time to come up with a plan to help out corporate polluters. They could have been developing a plan to let small businesses and municipalities escape the Superfund liability web. They could have been developing a plan to help America's urban communities develop their brownfields sites that are so important for job creation. They could have been developing a plan that would implement a fair share allocation plan that would eliminate the high transaction costs resulting from the current liability requirements. Unfortunately, none of these things have been done.

Mr. Chairman, this bill contains only $1.3 billion for Superfund.

□ 2000

That money should be used for cleanups, not for corporate payoffs. With this amendment, corporate polluters would still be held responsible for cleaning up the toxic messes that they created.

Mr. Chairman, money from corporate polluters has funded most of the Superfund cleanups that have taken place. If that source of money is eliminated without being replaced, Superfund cleanups would have to be drastically reduced.

With the low level of funding in this bill, using any fund to pay corporate polluters would mean less cleanup, less protection of the environment, less protection of drinking water.

All of this leads to one question: Where is the Superfund reform? Everyone has agreed that Superfund reform is absolutely critical. But, we have been waiting for 18 months for the majority to move a bill to the full committee level. In the waning months of the 103d Congress, Administrator Browner put together a consensus bill that was backed by a remarkable coalition, business, State and local governments and environmental groups and Democrats and Republicans.

Incidentally, Mr. Chairman, under Administrator Browner there have been more cleanups in the first 3 years than in the previous 12 years of the Superfund program. Unfortunately, the bill that Administrator Browner crafted died at the end of the last Congress.

For the past year-and-a-half, the Republicans have ignored H.R. 228, the bill based on the Coalition agreement. Their substitute for the broad-based agreement is no Superfund reform at all. In three months of negotiation, all we got was a three-page outline asking us which of their previously rejected solutions we wanted to take.

I want to remind my Republican colleagues, they are in the majority. If they want to bring their bill to the floor, then do so. Until then, the Markey-Pallone-Borski amendment will prevent this special treatment for special interests. I urge support of this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise to strike the last word.

Mr. Chairman and my colleagues, I rise in strong opposition to the Markey amendment. Before I get into the meat of my argument, let me just make a couple of points.

This is sort of grand theater here tonight. We have witnessed that for the last 48 hours. What really disturbs the new minority is that they are not yet adjusted to the fact that they are in the minority, no longer in the majority, and that the majority is stepping up to the plate and addressing in a responsible way very important environmental issues.

For example, the new minority keeps saying the new majority wants to pay the polluters. That is unmitigated nonsense, plain and simple. We are talking about a so-called retroactive liability discount scheme that was floated about several months ago and we rejected it. It is off the table. No one agrees that we should have retroactive liability discount, because we do not want to pay the polluters. Everyone agrees to that.

Now, the concept of should those who pollute pay be embraced? You are darn right it should be. We should force those who pollute to pay, because we have an obligation to our children and future generations to leave them with a cleaner, safer, healthier environment, and we intend to do just that.

However, my friend, the gentleman from Massachusetts [Mr. MARKEY], the author of this amendment, suggests that the present program should be left intact; do not make any adjustments. Mr. Chairman, I would suggest that the gentleman from Massachusetts talk to his President and my President, the fellow who occupies 1600 Pennsylvania Avenue. He thinks there should be some changes and has provided some money in the budget for liability relief.

The Administrator of the Environmental Protection Agency, a woman for whom I have the greatest of respect and I work with on a partnership basis, Carol Browner, thinks there should be some liability relief, and I agree with her.

Here is who we should relieve. We should relieve those small business people, the innocent people who are victimized and caught up in this scheme. I am not just saying that, you are saying that, your administration is saying that, Carol Browner is saying that, President Clinton is saying that, we are all saying that. However, under Mr. MARKEY's amendment, oh, no, we do not want to provide any relief for anybody, we want to keep it as it is because we have just heard from another colleague that the system is working quite well.

I do not know many people in America that think Superfund reform is working as intended, and believe me, it was well intended, because we want to clean up toxic waste sites. That is very important to all of us. But the gentleman from Massachusetts [Mr. MARKEY] says things are all right and some of those people who are supporting his amendment seem to conclude that it is all right.

The gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the subcommittee I am privileged to chair, keeps coming up with the old saw that we are going to pay polluters. I would say to the gentleman that he knows we have no intention of doing so. The gentleman and I agree that that would be lousy policy, and, boy, we are not going to pay those polluters, nor should we.

And guess what, fellow Republicans? I know my colleagues have examined that idea and agree that we should not pay them, but should we pay some liability relief? You are darn right. Do

my colleagues want to know why? Because the American people are sick and tired of spending all of their time in the courts with their lawyers, everybody suing everybody and these toxic waste sites are not being cleaned up.

What about my kids? What about my grandchildren and future generations? We want to leave them with a cleaner, a healthier, a safer environment.

Mr. Chairman, let me tell my colleagues what is wrong with the Markey amendment. There is a lot wrong with it. First of all, let me increase your comfort, because we are going to eliminate any possibility whatsoever that we can pay polluters, because I am going to offer a substitute amendment pretty soon, and I am sure my colleagues will support that, because we are going to make it abundantly clear to one and all and to history that no way are we going to pay polluters. We are going to make sure that retroactive liability discount scheme never surfaces again, nor should it. That is good news.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Only if you will support that amendment.

Mr. MARKEY. Mr. Chairman, toward the goal of supporting that amendment, I would just like to clarify. If the gentleman would yield, would the gentleman's amendment prohibit any rebates to polluters who have already signed?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I am glad the gentleman brought that up. I am glad the gentleman brought that up, and reclaiming my time, because my good friend from Massachusetts brought me to my next point, here is the deal there, and it is very important to remember this.

We are opposing restrictions on liability relief, as is the administration. Let me point that out. The administration wants to have some liability relief. Because, guess what? Some people have stepped up to the plate, they have assumed their responsibility, they are going to fulfill their responsibility.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 3 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, let me get to these points and then I will be glad to yield to my friend because we are good friends and we work together on these things and usually on environmental issues we see eye to eye. I do not know how the gentleman got misguided in this instance.

We want to say to people who have stepped up to the plate and have accepted their responsibility, good for you, and if we pass legislation that provides some relief for small business, that is going to allow some assistance to these small businesses. That is very important, and we are going to say something else.

Mr. Chairman, this may never become law. My colleagues know how we deal in this institution. We may end up never having this measure law, and if we never have this measure law and we go on with a continuing resolution, the Markey language would prevail and never more could we provide any liability relief for small businesses and for municipalities, those communities across the country that are so hard-pressed to make ends meet.

And what would they have to do? They would have to go to their taxpayers, their property taxpayers. What a lousy way to raise money, increase their property taxes, all if this amendment as proposed passes. But I do not think it is going to pass, because I think people recognize that we have an obligation to go forward in a responsible way.

Now, to those who argue that we do not have a plan to deal with the subject, let me point out, a year ago I presented a plan, a very good plan that a lot of people embraced. Now, you know what the Administrator of the Environmental Protection Agency said in response to an examination of my plan? This is Carol Browner. I think she should be Secretary Browner, because I think EPA is very important, and I think it should be a Cabinet level agency. She said, Boehlert's proposal is something the Clinton administration would feel very, very comfortable with. It is a very attractive proposal. It goes a long way toward removing lawyers from the system, and I think it is a wise and informed position.

Now, let me make this one point, this one point. The point is, and this is why I say it is grand theater. It is disturbing to so many of my good friends on the other side of the aisle that Republicans are acting in a responsible manner dealing with an environmental issue, because guess what? My colleagues on the other side of the aisle feel they own that issue, and we are the bad guys, we are uncaring and insensitive and we do not want to address in a responsible way the environment, but that is wrong, we do, and we are proving it. Yesterday we proved it with safe drinking water legislation. Today we are proving it as we are urging with all of the compassion that we can find that we have meaningful Superfund reform, and I say to the gentleman from Massachusetts [Mr. MARKEY], his proposal would not allow that.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman. I know that the gentleman is not acting in a deliberate attempt to totally misrepresent what my amendment does; although he has, I know it is not deliberate. So I welcome the opportunity to clarify for the gentleman what it is that my amendment does.

Mr. BOEHLERT. Mr. Chairman, I am not going to reclaim my time, I am going to let the gentleman continue, because this is grand theater.

Mr. MARKEY. Mr. Chairman, I thank the gentleman from New York so much, because this goes right to the heart of what we are talking about.

Just for the record so that everyone who is listening is not all confused, the Environmental Protection Agency wrote yesterday that they support the Markey amendment.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

(On request of Mr. MARKEY, and by unanimous consent, Mr. BOEHLERT was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Mr. Chairman, I would ask the gentleman if he would continue to yield.

Mr. BOEHLERT. Mr. Chairman, I will continue to yield for 30 seconds, because I want half of that time. This is fairness.

Mr. MARKEY. Mr. Chairman, the Department of Justice as well also supports the Markey amendment.

Now, I know that the gentleman has some general language there from Carol Browner speaking about him as an individual, and let me say this, the halo over his head could not be shinier after the last year and a half of missionary work.

Mr. BOEHLERT. Mr. Chairman, this is a good time to reclaim my time since we are talking about the halo over my head. I will reclaim my time, because that is a good note on which to close, referring to a halo over someone's head. Administrator Browner was not talking about me, and I would appreciate any kind words she would care to share about me, but she was talking about the Boehlert proposal.

That is very important. We want meaningful Superfund reform. We want a cleaner, safer, healthier environment for our kids and grand kids, and I think we can get it if we deal in a responsible manner by voting for what I will soon offer as a responsible substitute to the Markey amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must speak on this bill, and I echo the words of the chairman of the subcommittee, the gentleman from Ohio [Mr. OXLEY]. If you are on a train ride and year after year you go on and you keep riding on this train ride and it does not get to where you want; what do you do? You stop the train or you get off. This is where we are tonight. And what we have here is a responsible bill that takes us off the train heading in the wrong direction.

Superfund was hastily enacted in 1980 following national publicity over a few chemical waste sites. Originally, EPA got $1.6 billion in funding to clean up over 1,000 nationwide sites. As my colleagues can see from this chart, after nearly 15 years and an estimated $20 billion in State and Federal and private funds spent on the Superfund Program, less than 10 percent, less than 10

percent of the 1,300 sites that the EPA has place on the Superfund national priority list have been completely cleaned up.

Now, I do not think the taxpayers would be happy with that if we spent $20 billion and only 10 percent of the sties were cleaned up, and that is what this chart shows. Is that progress? Is that a train that is going in the right direction? Lord knows not.

The EPA originally estimated it would take $7 million and 5 to 8 years to clean up an average site. Today the studies indicate an average of 11 years and $25 to $40 million in cost per site; estimates of the entire national cleanup effort range from $300 billion to $1 trillion. They are estimating it is going to cost $1 trillion when Federal facilities are included in the cleanup.

What this means is simple. The existing Superfund Program must be replaced with a new program in which the benefits justify its costs, which is equitable, cost effective, and limited in size and scope when feasible. It should be targeted to address real, current, and significant risks to human health and environments posed by the past disposal of hazardous substances. Retroactive liability, a joint and several liability must be remedied. We must change and work on that, and the size and scope of the Federal national priority list should be kept. States should be given the opportunity to delegate implementation of the reforms of the Federal Superfund Program at the sites, as well as provided with incentives to implement their own reform programs in a fair and cost-effective manner.

Now, Mr. Chairman, this is what this bil does, and what the gentleman from Massachusetts [Mr. MARKEY] does is return us to the status quo, to the train that continues to go in the wrong direction after all of these years since 1980. So there is no use continuing to throw money into this program without reform.

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Mr. Chairman, this is why we need term limits around here. This is why we need to change Congress and not have one party dominate Congress for 40 years, because they are on the same train going in the wrong direction. There are no new ideas.

But, lo and behold, the Republican majority comes in, we have Chairman OXLEY with new ideas and a new program. And once and for all we start to say this train is going in the wrong direction, and we are going to move forward, stop this train and move it in the right direction. That is what this program does. So term limits is good for Members and term limits is good for the majority after 40 years of the Superfund Program.

Mr. Chairman, I rise in strong opposition to the Markey amendment. I might point out that this program can be improved vastly, and I call for the defeat of the Markey amendment and passage of the Republican plan.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to rise in opposition to the Markey amendment here tonight. I did take special interest, though, when the gentleman from New Jersey, Mr. PALLONE, spoke, when I noticed and it first came to my attention that the gentleman from Massachusetts, Mr. MARKEY, had 32 sites in his own district, of which only 2 had been cleaned up, and then when I noticed the district of Mr. PALLONE, the 6th District of New Jersey has 9 Superfund sites, zero have been completely cleaned up, 7 of those sites came in 1983.

Really, I find it very fascinating that Members would want to defend the status quo when in fact so many Superfund sites have been on the books for so long. If our commitment is to a healthier and safer environment, what are we doing? Time out. What in fact are we doing?

The purpose of Superfund is to protect public health from the dangerous release of materials in a cost effective manner. Sixteen years after the law was enacted, lawyers, not the environment, have become the big winners. What I have here is a scroll. On this scroll is a list of thousands and thousands of lawyers who have been retained at over 1,300 of the Superfund sites. Let me just continue on, and I will speak as this goes on, and I will move slowly and everybody in America can read this list of lawyers.

Each year on average, only 5 sites are removed from the national priority list, and each year citizens pay $4.5 billion on the cleanup costs. That is because 47 percent of the total Superfund costs are spent on lawyers and legal expenses.

It is difficult right now for the Democrat Party here because they have to face a choice. The choice is between a constituency that supports them on the environmental issues, that gives a lot of money to their congressional campaigns, and trial lawyers who fund their campaigns with a lot of money. What we have here are all these trial lawyers, so I guess I have to assume that they are siding with the lawyers here tonight.

The liability aspect is so measured that even local governments are being sued millions of dollars on Superfund simply because they picked up the garbage. In Indiana alone, 32 Superfund sites are awaiting action. In my district, we have Continental Steel in Kokomo, IN. It has been on the national priority list for 10 years. The Federal Government has already spent nearly $13 million on contamination removal, yet it is still considered worst on the Indiana list.

I applaud Chairman MIKE OXLEY for having come to Indiana to actually look at the Continental Steel site. I imagine the gentleman from Ohio [Mr. OXLEY] can recall looking at the spent pickle liquor that was right next to Wildcat Creek. That spent pickle liquor still has the risk of contamination into the water because money is going to all these lawyers. It is all the lawyers.

I applaud the gentleman from Ohio because he chooses the environment. He wants to side with the millions of people who live next to these Superfund sites. But what I find here today is the Democrats are siding with the scroll and all the lawyers.

Everyone must agree that Superfund is broken and will require additional funding to fix it. We need to reform Superfund, the joint and several liability, in order to immediately clean up the Superfund sites by using Superfund business taxes to clean up these sites rather than litigating and negotiating.

This amendment would prevent significant reform of the current Superfund liability system by preventing these funds from being used to clean up the sites. Instead, this amendment will keep the status quo of taking money from taxpayers and lining the pockets of all of these lawyers.

The list keeps going and going and growing as environmental law continues to grow. Forty-seven percent of all of the money has gone to all these lawyers instead of cleaning up all the sites.

One could say, ''This is a little bit about theater here tonight.'' It is Mr. Chairman. This is a little bit about theater. But the reality and the fact fo the matter is that money that should be going to make our enviroment healthier and safer is going to line the pockets of trial lawyers, who will in turn send that money into many campaigns because the Democrats want the majority back. I think that is shameless, that they would choose that over the environment.

I will stand with the environment, and I applaud the gentleman from Ohio [Mr. OXLEY] here tonight. God bless you. Vote down the Markey amendment.

Mr. ORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my colleague from New Jersey, Mr. PALLONE, out of courtesy inasmuch as he was referred to by the last speaker.

Mr. PALLONE. I appreciate the gentleman's yielding to me.

Mr. Chairman, I just wanted to say, first of all, it is very easy to come on the floor and start disparaging the lawyers. There are a lot of lawyers involved in a lot of things in this place including on the floor of this House.

What did Voltaire say: the first thing we do is kill all the lawyers. Maybe that is what the gentleman wants to do, but I do not think that is the issue here tonight.

The issue here tonight is whether or not the corporations and the individuals who polluted these sites and created the mess are going to be responsible for cleaning them up. If we eliminate that as a basic tenet of the Superfund Program, it will no longer be a viable program. The taxpayers will

be basically paying for things that will not happen because there will not be enough money to do the cleanup.

The gentleman mentioned my district specifically. Of the nine sites in my district, seven of them I mentioned are in various phases of cleanup but most of them are in very advanced stages where they are actually doing just monitoring now of the overall program. One site has actually been deleted from the list. Again the gentleman talks about our side of the aisle. This administration, as I said before, has done more cleanups in the last few years than have done in the whole 10 years prior to that of the Superfund Program. It has also deleted more sites from the NPL list than any previous administration. So we are talking here about a Democratic administration that cares about the program, that believes in the program, that wants to make certain changes in the program that are beneficial but still keep the program intact.

What you want to do tonight, and I am amazed when I listen to the debate on the floor, is destroy and get rid of the program.

I just wanted to make one additional comment again based on my friend from New York and what he said about this codisposal option, because that upsets me a great deal. One of the sites that I have is in advanced stages of cleanup in Edison, NJ. It is called the Kin-Buc site, one of the most hazardous sites, the most toxic sites in this country. If any of you went there today to see what has been done at that site, it is amazing how much cleanup, what has actually been done. It not only looks beautiful, it is working. The Superfund Program works. But if what the gentleman from New York [Mr. BOEHLERT] described for codisposal were to come in play and become the law, that site would never be cleanup up today. Because under his proposal, if there is any municipal waste or a substantial amount of municipal waste that goes to a landfill, which is what the Kin-Buc site is, then there is no longer any liability on the part of the polluters to clean up the site. If they have already spent money to spent money to clean up, which they have done at Kin-Buc, then they get reimbursed, which is what this is all about, rebates to the polluters. If on the other hand they have not cleanup it up yet, then the responsibility is turned over to the taxpayers to pay the cost of the cleanup. That means that cleanup does not occur.

The bottom line here, and I think everyone has to understand this, you eliminate the polluter pays principle. You make these changes that they have to do the cleanup and you will not see progress on Superfund sites. You can talk here all you want about all the lawyers and about the various stages of cleanup and how you think the program is not working. The bottom line is the program is working. What you are proposing will make the cleanups stop. That is what the other side is all about.

I have heard it said over and over again, we do not need a Superfund Program. Let the States do the job. The job cannot be done by the States. If we do not pass this amendment tonight, and we do not get away from this notion that we are going to pay rebates to the polluters, we are not going to see the Superfund Program as a viable program anymore. That is the bottom line.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from New York.

Mr. BOEHLERT. I would like to respond to the gentleman from New Jersey [Mr. PALLONE]. The proposal I advanced last July which was spoken so highly of by the Administrator of EPA would eliminate retroactive liability for 250 codisposal sites across the country, the idea being to get small businesses out from any liability and to get communities out from any liability, have the trust fund pay for the cleanup, because I want cleanup just as much as the gentleman does and this is a faster way to get the cleanup.

Mr. PALLONE. If the gentleman will yield further, I understand what the gentleman is about, but the gentleman's proposal is not necessary and is counterproductive. We can have exemptions for small businesses, we can have exemptions for municipalities.

The gentleman from Massachusetts [Mr. MARKEY] has indicated and I have indicated and all of us have indicated that we do not have a problem with that and this amendment does not preclude that. But if you go along with this codisposal site that basically says because municipal, household waste, whatever, goes into a landfill or a site and that means that there is no longer liability for the people, the generators of most of the hazardous waste, then in effect what you are doing is eliminating liability for the corporations in the case of Kin-Buc, in my own district, that had to do the cleanup, and there is not going to be the taxpayer money to do that cleanup. It will not happen.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. MARKEY: Page 95, after line 21, insert the following:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading ''Hazardous Substance Superfund'' may be used to implement any retroactive liability discount reimbursement described in the amendment made by section 201 of H.R. 2500, as introduced on October 18, 1995.

Mr. BOEHLERT [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I will not take the entire 5 minutes because I know the chairman and the ranking member of the committee have been working very hard and we have all been here for a long time on this very subject. It is an important subject, so we should discuss it in detail. But all that needs to be said has been said pretty much.

I would like to add just a couple of thoughts. The Boehlert amendment makes it absolutely clear once and for all that the retroactive liability discount is dead. Please, no more stories about paying polluters. It is all over. Finished. I never supported it in the first place, and it is behind us. It has been for 5 months. The negotiations have gone forward on Superfund reform without any discussion of retroactive liability discounts.

Second, the Boehlert amendment preserves the right of Congress, that is a very precious right, to develop bipartisan Superfund legislation that will provide needed relief, liability relief to thousands of small businesses and small communities across the country. We want to get them out of the courts, we want to get them out of the law offices, and we want to get the emphasis on cleaning up toxic waste sites. I think the Markey amendment would actually undermine the most important administrative Superfund reforms being sought by the Environmental Protection Agency. I think we should move forward. This is a responsible pro-environment, pro-small business, pro-small community substitute amendment, and I urge its adoption.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us just clear away, if we could, a lot of the statements that have been made this evening about the nature of this amendment. The gentleman from New York [Mr. BOEHLERT] is not speaking about H.R. 2500 when he talks about anything that Carol Browner has said. Any personal remarks that Carol Browner may have made about the gentleman from New York [Mr. BOEHLERT] are deserved by him. But H.R. 2500 was in fact a bill which Administrator Browner recommended a veto on. A veto.

If the gentleman from New York [Mr. BOEHLERT] wants to associate himself with that bill, because that is what my amendment refers to, H.R. 2500. It refers to provisions in H.R. 2500 that allow for rebates to be given to polluters. If the gentleman from New York [Mr. BOEHLERT] wants to associate himself with that portion which somehow or other he has up on his board over here with the gold star from Carol Browner, that is fine. Take credit for that. But we are not debating that this

evening, and we are not debating liability for municipalities. We are not debating the whole long laundry list of issues that all of these Republicans keep getting up and speaking about. We are only debating one issue, the issue of whether or not tax dollars that we need to balance the budget, that we need to pay for Medicare, that we need to pay for Medicaid, that we need to pay for inoculations of children are going to be spent to give money to polluters in cases where they have accepted liability in curt to clean up a site for which they are responsible.

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That, Mr. Chairman, is what this whole debate is about.

Now, the Boehlert amendment deals with H.R. 2500's provision which allows for the payment of money for polluters. What my amendment does out here on the floor, that he is seeking to amend, would prohibit any scheme ever to pay polluters. Now, there is a big difference between taking the Contract With America provision and Mr. BOELHERT saying, well, I do not support that, and taking any other provision which could be constructed which would accomplish the very same goal.

That is why the Markey amendment has to pass, or else the Boehlert amendment has just given a very temporary 60- or 90- or 120-day inoculation to the Republican Party, pending Bob Dole' election as President, they hope, and then the bill can pass with only 51 percent of the vote. So we need the Markey amendment to prohibit it, to make it part of the law, not just H.R. 2500, this concoction of wish lists by the polluters of America, fulfillment of the Contract With America, but any scheme which is constructed.

So I give the gentleman from New York his due, and he deserves it, and the Republican Party deserves credit for using the gentleman as a guard-all shield against their support for all of the polluter-written legislation that has been presented out on this floor over this past year and a half. But even the gentleman, in all of his sacrifice for the Republican Party, cannot protect them against H.R. 2500, even as the gentleman brings out his good report card from Carol Browner on the things that he does support.

H.R. 2500 the gentleman opposes, I hope, because Carol Browner said that it should be vetoed, and if you did not, then fine, there is an area of agreement that you have with the Republican Party, but not with the environmentalists of our country, not with the EPA, and not with anyone that wants to see the sites in this country that have been polluted by chemical companies, by oil companies, cleaned up.

Mr. Chairman, I hope that this amendment is not allowed to in any way interfere with our ability to also ensure that the Markey amendment is included as part of this law.

Mr. GILLMOR. Mr. Chairman, I move to strike the last word.

(Mr.. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. Mr. Chairman, I rise in opposition to the Markey amendment. The Markey amendment continues to support a failed program when there are better alternatives available. This amendment ignores some simple and widely accepted facts about Superfund, and unapologetically defends the failed status quo.

The Markey amendment preserves the current retroactive liability system—a system that has proven to be successful at enriching lawyers, but not in cleaning up the environment.

When Superfund was originally passed in 1980, and when it was reauthorized in 1986, it was a program with great hope. The hope was that the billions of dollars raised by the corporate taxes in this program would go for cleaning up some of the Nation's most dangerous hazardous waste sites. Regrettably, the promise was not met.

Superfund turned out to be an all-too-typical Federal Government program. First, it failed in its purpose. After 16 years and a cost of $15 billion, only 91 sites have been cleaned up. Second, it was an all-too-typical Government program because in the process of failing, it consumed billions and billions of dollars. Third, much of the money that was spent did not go for helping the environment. It went to enrich attorneys and it went for regulatory and bureaucratic costs. This program must be reformed and we have a vehicle pending before this Congress to reform it in the Commerce Committee.

The appropriations legislation offered here to fund the U.S. Environmental Protection Agency [EPA] in fiscal year 1997 places a priority on Superfund spending for actual cleanup, limiting the resources used for redundant administrative and support services. I could not agree more with this strategy. I offered in the Commerce Committee, and the committee accepted, these same provisions to the House reauthorization and reform of the Superfund program. I am glad the Appropriations Committee has decided to accept this idea in the report language to this bill.

EPA says it is spending roughly about 65 percent of their Superfund budget on remedial actions, the rest going to administrative, research, and oversight activities. However, only about 40 percent goes to actual cleanup. So, 60 percent winds up going to other activities. Environmental protection, especially when it comes to Superfund, should not be just spending money, but in spending money wisely for environmental cleanup.

A vote for the Markey amendment is a vote against reform of Superfund. The major problems with Superfund are its liability determination, retroactive liability, and a failed method of remedy selection. If you really care about the environment, you want the limited resources we have spent for dealing with real environmental needs, and not wasted. The money ought to go to pay the people who move dirt, and clean up the actual sites, and not go to the consultants and lawyers. A "no" vote on this amendment coupled with the passage of real reform in Superfund will be good for the environment, and especially it will be good for the people who live near these sites.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use more than a minute or so. I wanted to point out, I am amazed. I appreciate the fact that the gentleman from New York [Mr. BOEHLERT] is basically getting this half right, I guess is the way to phrase it. But essentially what he is doing here is eliminating the liability or allowing rebates, if you will, for those who have entered into consent orders and admitted liability.

So if a polluter said, "Look, I did this," and enters into the consent decree, then they can still get a rebate check. For the life of me, I do not understand why we should allow that if someone has admitted guilt, so to speak, and said that they contributed to the mess.

I think it is commendable that the gentleman is going halfway and agreeing with the rest of the Markey amendment, but I totally oppose the idea that just because there is a consent order outstanding that someone has entered into, that somehow that person should continue to be able to get a rebate. It goes against the grain in terms again of what the Superfund program is all about, and the idea is that those who polluted should pay.

Mr. DINGELL. Mr. Chairman I move to strike the requisite number of words.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I have in my hands the two amendments which we are discussing. The first is the amendment offered by the gentleman from Massachusetts [Mr. MARKEY]. It is an excellent amendment. What it does is it says that there can be no money paid to a fellow who has polluted for cleaning up; he has to clean up after himself.

This reminds me of a wonderful sign that I once saw on the wall. It said, "Your mother does not live here, so you will have to clean up after yourself."

What the gentleman from New York [Mr. BOEHLERT] wants to do and what my Republican colleagues want to do is to modify that slightly. Mr. MARKEY says that if you pollute, you cannot get paid for cleaning up. The gentleman from New York says that. Now, the gentleman from New York has then established that he is half right, and for that we should salute him because it is quite a rarity in a Republican Congress for a Republican to be half right.

Having said that, we come to the second part, however, which the gentleman from New York has stuck in there. I always thought the gentleman from New York was a very smart fellow, and I still do, but something happened here tonight that I cannot explain and perhaps he can. What he says is, but if you have made a settlement, then the Government is going to pay you to clean up and give you a rebate for cleaning up after you have made a mess and after you have been forced into a settlement.

I do not understand why we should pay a wrongdoer who has made a mess and not settled, and I do not understand why a fellow who has made a mess and then settled should be paid. It just does not follow and it does not make good sense.

Now, I have enormous respect for the gentleman from New York [Mr. BOEHLERT]. He is a very wise and very good Member of this body, and I salute him for the good work that he has done over the years. But tonight he has things a little wrong. What we really need to address is to understand that there are two situations where a polluter could profit under this legislation. The first is where he has gone out and made a dirty mess, risked the lives of the people, contaminated the water, polluted the air, dirtied up a major area, threatened the life and well-being of the people, and under the Republican idea we will then pay them for cleaning that up and having put large numbers of people at risk. This will look very good on their balance sheets, and I am sure my Republican colleagues like that.

Having said that, Mr. Chairman, it must be observed, however, that the gentleman from New York [Mr. BOEHLERT] would address that, and for that we should salute him. But it is so that he does not address the other equally important situation which arises under the bill. That is, that a polluter who has cut a deal and has agreed that he has done something wrong and has agreed freely that he, along with other polluters, will then clean up, is going to get a rebate. Now, that may be a splendid idea if you are a polluter, but from the standpoint of the taxpaying public and from the standpoint of people who have to pay the taxes for the cleanup, it does not make good sense, because what it does is it diverts moneys from an already short Superfund into the paying off of wrongdoes. That is wrong.

Now, if we need to address the question of Superfund, we ought to be addressing it in the committee. My Republican colleagues have run the committee now for almost a year and a half. There is no Superfund bill. My good friend from New York, the gentleman from New York [Mr. BOEHLERT], got up and castigated the Democrats because we have not gotten a bill. Now, it may be that he does not know that the Republicans control this Congress, but believe me, and I will tell him now, they do. As a matter of fact, I understand the distinguished gentleman from New York is a subcommittee chairman on the Committee on Transportation and Infrastructure.

Mr. Chairman, I yield to the gentleman from New York for purposes of explaining what he is doing tonight, I will be very happy to do so because I notice he is standing and I do have great respect for him.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to point out that what I am proposing would permit continued consent decrees to be entered into with the hope that some relief will be provided in the near future, because the Democrats and the Republicans are very actively seeking Superfund reform legislation this year.

What the Markey amendment will do is provide a disincentive for anyone to settle and to begin to clean up, because they are going to hold out hope that some day in the future this will happen. I want to get in with Superfund cleanup so that we can have a cleaner, healthier, safer environment for our kids and our grandkids.

Mr. DINGELL. Reclaiming my time, I thank the gentleman, but what the gentleman from New York would do is to give forgiveness and absolution retroactively.

It isn't what we are going to do prospectively that my good friend from New York would address, it is that which has already been done. He is going to catch a bunch of rascals and scoundrels who polluted and go out and make them whole for what they have already agreed to clean up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] as amended.

The amendment, as amended, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 456, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT], and the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 45, noes 372, not voting 16, as follows:

[Roll No. 277]

AYES—45

Baker (CA)
Barton
Brownback
Bunning
Campbell
Chabot
Coburn
Cox
Crane
Dreier
Duncan
Graham
Gutknecht
Hamilton
Herger
Hoekstra
Hostettler
Inglis
Istook
Johnson, Sam
Kasich
Klug
Largent
McIntosh
Metcalf
Meyers
Minge
Myrick
Neumann
Petri
Pombo
Portman
Radanovich
Ramstad
Roemer
Rohrabacher
Roth
Royce
Sanford
Sensenbrenner
Shadegg
Smith (MI)
Souder
Tiahrt
Upton

NOES—372

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara

Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Rose
Roukema
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Becerra
Bevill
Boehner
Browder
Christensen
Coleman
Fields (TX)
Flake
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Yates

□ 2100

Messrs. LAHOOD, DELLUMS, PETERSON of Minnesota, VISCLOSKY, CHRYSLER, and COOLEY of Oregon, and Mrs. CHENOWETH changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 170, not voting 18, as follows:

[Roll No. 278]

AYES—245

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McHale
McHugh
McInnis
McKeon
Metcalf
Meyers
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (FL)
Zeliff
Zimmer

NOES—170

Abercrombie
Ackerman
Baesler
Beilenson
Berman
Bishop
Blumenauer
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gephardt
Gonzalez
Gordon
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCrery
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Regula
Rogers
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skeen
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—18

Becerra
Bevill
Browder
Christensen
Coleman
Farr
Fields (TX)
Flake
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
McIntosh
Mica
Peterson (FL)
Roybal-Allard
Yates

□ 2107

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Chairman, I was inadvertently detained during rollcall vote No. 278. Had I been present I would have voted "no."

Mr. COOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to express my sincere reservations about the bill before us today, the fiscal year 1997 VA, HUD and independent agencies appropriations bill.

This bill provides desperately needed funding to help our Nation's veterans deal with their health needs, assist them in housing costs, and allow them to meet their educational goals. These measures are not only worthwhile, but necessary because they live up to our Government's obligation to those who gave valiantly in the defense of this great Nation. Unfortunately, this bill does much more than meet these worthwhile objectives.

The bill before us also provides funds for dozens of other bloated, unrelated agencies which serve as a black hole for our citizen's hard-earned tax dollars. These agencies include the Office of Science and Technology, Community Development Financial Institutions, the Council on Environmental Quality, and the National Science Foundation.

Perhaps the most difficult task for me is to justify the inclusion of the Environmental Protection Agency and AmeriCorps into this omnibus bill. I have serious concerns about these two agencies, their ability to spend the public's money wisely, and the choices they make in carrying out their mission. Unfortunately, I have to vote for them as part of this bill.

Although it will be difficult, my dedication to honoring this country's promise to its veterans supersedes my concerns about these misguided agencies. However, I would like to state for the record that I am voting for veterans, not bureaucrats at the EPA and AmeriCorps.

By forcing the representatives of the people to vote for this voluminous bill, we are denied an opportunity to more closely scrutinize the way the people's money is being spent, and ordered to vote in favor of a bill which sets our deeply held beliefs in conflict. In the future, I hope that we can revisit the appropriations process in order to create more cohesive, and carefully scrutinized, bills.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise really to discuss the remaining business, briefly, to give Members a sense for the time that we may have left. If you would like to discuss the time that we have left, I would be glad to try.

Before we get to that point, the gentleman from Ohio [Mr. STOKES] and I have talked a lot about this new environment between both sides on this appropriations bill, of which we are very appreciative. I must say that there is one more item that has added greatly to the work that we have done and facilitated the process as much as possible in this environment. I hope the Members will express their appreciation for a very, very fine job of chairing this committee during this very difficult process by the gentleman from Texas.

At this point, we are aware of just five more amendments. We understand the sponsors will agree to a time agreement as follows: One amendment each for the gentleman from Georgia [Mr. KINGSTON] and the gentleman from Indiana [Mr. ROEMER], the gentleman from Illinois [Mr. WELLER], the gentleman from Utah [Mr. ORTON], and the gentlewoman from Texas [Ms. JACKSON-LEE], and each amendment will be considered for 10 minutes equally divided, 5 minutes on each side for each amendment, and we could take less than that, by the way.

Mr. OBEY. Mr. Chairman, let me suggest, I know that Mr. STOKES and everyone else on this side of the aisle would like to be cooperative in working this out. I want to see the gentleman's request approved.

I think there is an impediment to that right now. If the gentleman could withhold that for a few moments and if we could get a unanimous consent for the next amendment only, while it is worked out, I think we might save a lot of time.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that debate on the Weller amendment and all amendments thereto be limited to 10 minutes, the time to be equally divided and controlled.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr.WELLER].

□ 2115

AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELLER:

SEC. . FHA MORTGAGE INSURANCE PREMIUMS.—Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by inserting after the first sentence the following new sentence: ''In the case of mortgage for which the mortgagor is a first time homebuyer who completes a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary, the premium payment under this subparagraph shall not exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage.''.

Mr. VENTO. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Minnesota [Mr. VENTO].

The Chair recognizes the gentleman from Illinois [Mr. WELLER] for 5 minutes.

Mr. WELLER. Mr. Chairman I yield myself such time as I may consume.

Before I begin discussing my amendment I do want to take a moment and commend the chairman of the subcommittee, the gentleman from California [Mr. LEWIS] and also the ranking member, the gentleman from Ohio [Mr. STOKES], for their leadership and their management of this particular bill. I think they have gone out of their way, Mr. Chairman, to work towards bipartisanship.

Mr. Chairman, I offer an amendment that helps working families by working towards expanding homeownership opportunities for first-time home buyers by working to lower the up-front costs for FHA loans. This amendment, which has bipartisan support, I would like to point out, Mr. Chairman, would lower the FHA mortgage insurance premium for first-time home buyers to get ownership counseling. Currently the maximum rate is 2¼ percent of the loan value. This amendment would reduce that to 2 percent, saving the average FHA homeowner about $200 a year and $200 towards their up front closing costs, and of course counseling, working with these aspiring homeowners, would help reduce the default rate.

Some in Washington would call $200 probably chump change, saying that is not very much, but for real working families back in Illinois and throughout this country who are struggling to make ends meet, $200 is a lot of money each year.

This amendment is needed to promote home ownership, helping American families pursue the American dream because we all recognize that strengthening home ownership strengthens families, and when someone owns a home in a community, that strengthens their communities.

This amendment is needed like many undisturbed that we see a decline in home ownership, particularly among the young. Statistics show that home ownership rates among heads of households under 35 years of age is three-fourths of what it was in 1979. In fact, in 1979, 45 percent of heads of households under 35 were homeowners. Today, in 1995, this past year, 39 percent of heads of households under 35 were homeowners. We have seen a 9-percent drop.

Over the past 6 months as interest rates have gone up, we have seen about a 1½ percent rate increase on home mortgage rates. That averages out to about a $1,000 a year increase in home ownership costs for the average family and the average home loan. Unfortunately, we did not reach a balanced budget agreement this year which would have brought down interest rates, but we are still working on that, and this effort will help reduce those costs.

As I pointed out, interest rates, mortgage rates have gone up 1 to 1½ percent, driving up the average cost a thousand dollars a year, or about $85 a month for the average home mortgage.

This amendment restores opportunity, my colleagues. Let us help aspiring potential home buyers afford a new home. Let us help reduce their costs and give them a $200 break on their closing costs as well as a $200 break in their annual costs of FHA insurance. As we know, increased home ownership strengthens communities.

I do want to point out this amendment has bipartisan support, is basically identical to what the President endorsed a few weeks ago in his initiatives. I ask for bipartisan support. Let us help working families afford a home. Let us strengthen communities, strengthen home ownership. Let us make home ownership more affordable.

Mr. Chairman, I ask for bipartisan support and I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am reserving my point of order.

I would point out that this obviously goes beyond the scope of appropriating and into policy areas, much of which the committee, the principal committee on which I serve and many others in this body, has not dealt with.

Mr. Chairman, under that reservation I would just point out that this change, a good change, and I might say

that Mr. WELLER has been an ally in support of the FHA program, and I and other Members have noted that and appreciate it, and this does follow, as he had mentioned, a policy administration action by President Clinton 3 weeks ago to in fact reduce the up-front costs in terms of FHA.

So normally important that program to affordable housing in this country, and although this is out of scope, I understand that there has been agreement. I do not want to stand in the way of the agreement; I want to be part of the home ownership, increasing national home ownership opportunities.

Last week Secretary Cisneros visited my district and outlined just such a program and other programs that have achieved that. In fact, the Clinton administration has had great success since initiating this, with 1.4 million families since 1995 achieving or obtaining home ownership because of the positive interest rates and other factors in the economy.

So I join the gentleman and want to commend him, but I would hope that the committee of jurisdiction would deal with the comprehensive FHA formula. We sent a bill over there 2 years ago that substantially raised the average loan, raised the ceilings, did a variety of things that would have accorded opportunity for home ownership, and the problem with these sort of bits and pieces of amendments that are coming to the floor today, I know good in their own vein, they simply frustrate the overall modernization of the FHA program, which I might say is healthy, is vital, is serving people in this country and is something that they need.

So if my colleagues care about home ownership in this country, we ought to be supporting a strong revitalized FHA program. It is healthy. It deserves that support.

With that said, Mr. Chairman, I withdraw my reservation of a point order.

The CHAIRMAN. The Chair grants the gentleman from Minnesota [Mr. VENTO], in order to make his statement, the 5 minutes in opposition to the amendment.

The gentleman may reserve the balance of that time if he so wishes.

Mr. VENTO. Mr. Chairman, I reserve the balance of the time.

Mr. WELLER. Mr. Chairman how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] has 2 minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Illinois for yielding this time to me.

Mr. Chairman, we do not need a whole minute to say this. We just need to reiterate this one key point: $200 is a lot of money to hard-working families in the United States of America, and for people to have the opportunity to buy a home for the first time this amendment would empower those people.

That is why I am proud to stand with my good friend from Illinois and Members on both sides of the aisle in support of the Weller amendment.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out to my colleagues that the history of this began in the early 1980's with an up-front premium payment to FHA. Now, they in fact took the entire premium and pulled it into the mortgage, thereby creating a negative net worth in terms of the loan-to-value ratio. That in essence, I think, added to some of the problems with FHA, although FHA was never in the red. It was always in the black. Studies came out with projections that cast a shadow on the FHA single family, the M–1 fund.

Mr. Chairman, in the early 1980's, I think in the name of making symbolic deficit reduction, the policy was changed to collect an up-front premium on FHA. We changed that policy, on a bipartisan basis, myself and the Member, the Governor now of Pennsylvania, Tom Ridge, in a conference committee led by the gentleman from Texas [Mr. GONZALEZ] and others, and I think that it is noteworthy that we can now reduce further the up-front premium. I hope that some day we can eliminate it completely, reducing that as a necessary cash and liability problem, and convert this back to what it was on a pay-as-you-go basis in terms of the insurance premiums for FHA.

And as I voiced earlier, the fervent desire to modernize this program so it can begin to serve families across this country; in my State, because of the value of homes, it serves about 40 to 50 percent of the market. In most of our States and jurisdictions it does not because home costs are higher, and so the average middle-income American that is desirous of a home loan is not able to achieve the benefits of FHA with this low down payment and the insured nature that it carries.

It has been a marvelously successful program. It has in fact been the most successful program in the history of this Nation in terms of providing home ownership.

Again, I commend the gentleman from Illinois [Mr. WELLER] for his pursuit not just of this amendment this evening but his general support for FHA.

Mr. ORTON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Utah.

Mr. ORTON. Mr. Chairman, I will be very brief just in stating my support for the amendment. Indeed the President has, as indicated, indicated that he would do this administratively. I believe it is good to put it in statutory language. I support the amendment by the gentleman.

Mr. WELLER. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, in closing let me just be very brief. Let us get to the bottom line here.

Today it is a real struggle for many families to be able to afford a home. We are seeing that as taxes are too high, interest rates are too high and working families' incomes are being squeezed. Many cash-strapped young working families are struggling, trying to obtain a home and pursue the American dream.

Last year, thanks to FHA, we saw 850,000 families had the opportunity to purchase a home thanks to FHA, and 250,000 of them would not have had the opportunity to own a home unless we had the FHA single-family 100 percent loan guarantee program. It is an important mission, and if we want to help young families, young working families, young cash-strapped working families afford the American dream, we need to help them out. At this time when interest rates are going up, let us give them a break, help reduce their closing costs by $200.

I ask bipartisan support for his amendment. I appreciate the bipartisan support we have received.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. WELLER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ORTON:

Page 95, after line 21, insert the following new section:

SEC. 422. (a) AUTHORITY TO USE AMOUNTS BORROWED FROM FAMILY MEMBERS FOR DOWNPAYMENTS ON FHA-INSURED LOANS.—Section 203(b)(9) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by inserting before the period at the end the following: ": *Provided further,* That for purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, such lien shall be subordinate to the mortgage and the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage".

(b) DEFINITION OF FAMILY MEMBER.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsections:

"(e) The term 'family member' means, with respect to a mortgagor under such section, a child, parent, or grandparent of the mortgagor (or the mortgagor's spouse). In determining whether any of the relationships referred to in the preceding sentence exist, a legally adopted son or daughter of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), and a foster child of an individual, shall

be treated as a child of such individual by blood.

''(f) The term 'child' means, with respect to a mortgagor under such section, a son, stepson, daughter, or stepdaughter of such mortgagor.''.

Page 95, after line 21, insert the following new section:

SEC. 422. Sections 401 and 402 of the bill, H.R. 1708, 104th Congress, as introduced in the House of Representatives on May 24, 1995, are hereby enacted into law.

Mr. ORTON [during the reading]. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 2130

Mr. DELAY. Mr. Chairman, I reserve a point of order on the amendments.

Mr. ORTON. Mr. Chairman, I will explain my amendments. They are really very simple. There are three parts. The reason I am offering them at this point is, following the Weller amendment, which has just been adopted, which in fact does legislate on this appropriation bill, I acknowledge that mine does also, but I believe that it is important to do this, to make changes, to modernize and improve and update the FHA program.

Mr. Chairman, I ask unanimous consent, in light of the unanimous consent agreement that had been attempted to be reached, that all time on these amendments that I am offering be limited to 10 minutes, divided between the two sides.

The CHAIRMAN. Does the gentleman from Utah [Mr. ORTON] ask for 5 minutes each, including the time that the gentleman has consumed?

Mr. ORTON. Yes, Mr. Chairman.

The CHAIRMAN. And any amendments thereto?

Mr. ORTON. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. ORTON. Mr. Chairman, I yield myself such time as I may consume.

Very briefly, Mr. Chairman, my amendment does three things to modernize and improve FHA. First, it simplifies the downpayment requirement of FHA. It is a very complex two-part downpayment requirement. This simplifies it to a simple one-part calculation. It retains essentially the same downpayment requirements, but does so in a more simple manner. It will save costs and save time.

The second part would also change the provisions of issuing the mortgage insurance certificates. Right now, qualified lenders who make FHA loans have the right to authorize the loan. They make the determination who is eligible for the loan. But the actual FHA insurance certificate is issued by HUD.

My second portion of the amendment changes that and allows the paperwork to be issued by the authorizing lender. This will save time, costly delays, it will save administrative costs to the FHA.

My third part of the amendment would be to change the downpayment requirements. Right now there is a prohibition for downpayments made, including a loan from a parent. My amendment would allow parental loans to be included by the purchaser of the home. Right now, parental loans are prohibited. You cannot acquire a home under an FHA guaranteed loan if you have borrowed a parental loan for part of the downpayment.

I believe we should not be telling parents they cannot loan money to children. This would not in fact weaken the safety and soundness of those loans. You can borrow money now from a third party. Why can you not borrow money from a parent? It is more likely that the parent would step in and help if that loan became troubled, anyway.

HUD supports all three of these amendments. They are supported on a bipartisan basis. All three reduce costs, administrative bureaucracy, reduce time. These amendments all were included in the housing bill which was passed by this House in 1994 but stalled because it was not adopted by the other body.

Mr. Chairman, I would urge adoption of my en bloc amendment.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Texas.

Mr. BENSTEN. Mr. Chairman, I just want to speak to the second amendment the gentleman is offering. I offered a similar amendment to the USA Housing Act that we did, which does allow for these contributions for downpayment assistance for people who want to purchase public housing units. This is what State and local housing agencies are doing around the country. It makes eminent sense. I commend the gentleman for offering his amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I commend the gentleman. We have worked on these amendments for 2 years. Unfortunately, this year we have not had any hearings on FHA, but these are good amendments. They ought to be incorporated. I still am concerned about the modernization of the broader FHA program. It is desperately needed. But the gentleman has worked hard on these amendments, they are a simplification, and they actually facilitate home ownership. I commend him.

Mr. ORTON. I thank the gentleman from Minnesota for his statement. I, too, share the gentleman's concern. We do need to have an FHA modernization bill enacted through the committee and brought to this full floor of the House. I would encourage our committee to do so. Until that is done, I believe that the Weller amendment and the Orton amendment are good modernization. They improve the FHA, they expand home ownership, and I would urge adoption of the amendments.

The CHAIRMAN. Does the gentleman from Texas [Mr. DELAY] insist on his point of order?

Mr. DELAY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

The question is on the amendments offered by the gentleman from Utah [Mr. ORTON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer amendment No. 40.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. ROEMER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the National Aeronautics and Space Administration may be used to carry out, or pay the salaries of personnel who carry out, the Bion 11 and Bion 12 projects.

Mr. LEWIS of California. Mr. Chairman, if the gentleman from Indiana will yield, we have agreed upon a time limitation of 10 minutes for each of these items. I just want to make sure that is all right with the gentleman from Indiana.

Mr. ROEMER. I have not been privy to that time limitation, Mr. Chairman. I have been patiently waiting for the last 5 hours to offer the amendment, and sat through a very interesting and intriguing Superfund debate and FHA debate. I have a number of cosponsors who may want to speak, so I would object.

I may not use more than 10 or 11 minutes on my side.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, the gentleman will recall when the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY], was on the floor a little while ago, he made reference to the fact that we would not at this time be able to enter into a time agreement, indicating that, obviously, some work was going toward that end, but at the current time we just cannot agree.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] and I have had the discussion and the gentleman from Ohio [Mr. STOKES] and I have an understanding. I would suggest, short of that, that probably at this hour it would be deleterious to go too much longer.

Mr. ROEMER. I will try to limit debate as much as I can, Mr. Chairman.

Mr. Chairman, I offer this amendment in the spirit of bipartisanship on

behalf of the gentleman from Iowa [Mr. GANSKE], the gentleman from Minnesota [Mr. MINGE], and the gentleman from Wisconsin [Mr. NEUMANN]. This is a bipartisan amendment to try to save the administration some money.

Many of our constituents across the country, in California, are just getting home from a hard day's work and may be watching C–SPAN right now. People on the second shift in Indiana, working in the afternoon in a factory, might be just tuning in to C–SPAN right now. I encourage them to turn their TV up and listen to this debate.

My amendment, the amendment offered by the gentleman from Iowa [Mr. GANSKE], this bipartisan amendment simply says that NASA can no longer spend $15 million to send to Russia to send to Russia to send monkeys up into space.

Many people sitting in their living rooms might be turning their volume up right now and saying, we do what? We send hard-earned taxpayers' dollars from NASA to Russia, when they should be using rubles to send monkeys up into space?

Mr. Chairman, I do not think we should be doing that as we work toward a balanced budget, as we make tough spending cuts here in America. This Bion program, as it is called, sends monkeys up into space of 14 days at a time. One mission is due to go up in August 1996. Another is due to go up in July 1998. We send these monkeys up in space for 14 days. We have had human beings up in space for 439 days now, but we want to study the gravitational effects, or the Russians want to study the gravitational effects, of 14 days lost in space on monkeys.

Back in the 1960's, Mr. Chairman, with Alan Shepherd going into space in May of 1961, and we did not know too much, we did not have Mir, we did not have shuttles, we did not have the ability to study this, maybe doing some joint ventures with the Russians in the cold war and maybe studying monkeys in space made some scientific sense. In 1996, when we have sent up 162 people into space, for us to be now spending $15 million on monkeys going from the former Soviet Union into space, I would think the American people would be outraged by that.

Mr. Chairman, I hear from NASA that they are looking at a study. They want to study this and see if this is the appropriate thing to do. It is one mistake to make the $15 million go to NASA and then go to the Russians to put monkeys in space. We do not need to further complicate this and have a study done to see whether or not this is the right thing to do. Let us, as Members of Congress, end this program now. We cannot afford $15 million for monkeys to be sent up into space from Russia. We have joint ventures with the Russians, with Chernobyl, with the Space Station that I disagree with, with dismantling nuclear weapons, and $15 million to send monkeys up into space does not make any common sense.

Mr. Chairman, let us stop the monkey business at NASA. Let us get this 400-pound gorilla off the taxpayers' backs, and let us do the right thing. Let the Russians spend their rubles on a barrel of monkeys, and let us move forward and balance the budget for hardworking taxpayers.

Mr. Chairman, I yield to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in support of the Roemer-Ganske amendment. Let us be clear about one thing, Bion 11 and 12 are really not about science, they are about subsidizing the Russian space program. NASA plans to spend $35 million to launch two Russian-owned rhesus monkeys on a Russian spacecraft. Does NASA really expect to learn something new about the effects of extended weightlessness on humans by studying monkeys for 2 weeks? Twenty-three years ago this type of research may have made sense. Since then, humans have stayed in space more than a year, as my colleague has mentioned. Even members of the science community have expressed doubts about this project. Earlier this year, the President's science adviser wrote to the NASA administrator.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

Mr. GANSKE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will be brief. The President's science adviser wrote to the NASA administrator and said, ''I sympathize with your concern that the era of primate research is now behind us and that it may be time to retire those animals.''

Mr. Chairman, as we struggle to balance the budget and set priorities, we owe it to the American people not to continue spending money on unnecessary research like this project. Let us stop this wasteful handout to the Russian space industry and save $15.5 million. Think of those poor little monkeys. Think of those little monkeys with the probes drilled into their heads, floating around weightless up there. Just say no to this monkey business.

Mr. ENSIGN. Mr. Chairman, will the gentleman yield?

Mr. GANSKE. I yield to the gentleman from Nevada.

Mr. ENSIGN. Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. As one of the two veterinarians in the House of Representatives, many of us who went through either veterinary school or medical school learned a lot about using animals for medical research. There are animals used in medical research all the time. Dr. GANSKE and myself are strong supporters of using animals for medical research when it is indicated, and only when it is indicated, and obviously to do it in a humane way when we do that.

I think one of the reasons for the animal rights movement over the years is simply because people do unnecessary experiments. That is exactly the purpose of the Roemer-Ganske amendment, is to eliminate an unnecessary, cruel animal experiment when it is not going to benefit mankind in the future. That is the reason we need the Roemer-Ganske amendment. I appreciate the gentleman yielding to me.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I would like to first start out by indicating the very high regard I have for the gentleman from Indiana [Mr. ROEMER]. He has been more diligent, I think, than any Member that I know of in seeking to find and to curtail unnecessary or undesirable expenditures, and I have very high respect for him for that. He has also brought into question those programs which, in his eyes, deserve to be reviewed as perhaps being of lesser priority than other programs. This, too, is a very important exercise for any Member of Congress. He does this in a way which exemplifies the very best in congressional conduct. He is a true gentleman, and I respect him for that.

Unfortunately, Mr. Chairman, I cannot agree with all of the decisions that he comes to with regard to the goals which he is seeking. For example, he announced that in this amendment, he was seeking to save money for the American taxpayers. His amendment saves no money whatsoever for the American taxpayers. It does prohibit $15 million from being spent on the Bion 11 and 12 projects, but that merely means that NASA can use that same amount of money for whatever else it wishes to.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his kind words. I hold the former chairman of the committee in even higher esteem than he knows.

□ 2145

But in clarifying what the gentleman has just outlined, what my amendment does is that it says that NASA cannot send $15 million to Russia to send up monkeys into space, but they might be able to keep it within the NASA account to spend on shuttle safety or on science projects. That is the intention of my amendment, to keep it in NASA, but not to send it to the former Soviet Union.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, the gentleman's statement that it would save money is, in effect, not exactly apt.

Mr. ROEMER. Mr. Chairman, if the gentleman would continue to yield, my statement would be that the American taxpayers work very hard for the money they send here, and they probably would like to see it spent on shuttle safety or on science like the Galileo

program, but not on Russian monkeys going up into space.

Mr. BROWN of California. Mr. Chairman, again reclaiming my time, I will accept the gentleman's restatement of the value of his amendment, namely that it will allow the money to be spent on higher projects. I disagree very strongly with that also.

On the other hand, we have had two gentlemen here who speak to the problem of the treatment of the animals. I would like to indicate that I have spent most of my legislative life, the last 35 years, in trying to project the treatment of animals. I am the author of the Humane Treatment of Laboratory Animals Act, which is currently on the books. With Senator Dole, I offered the Humane Slaughter Act quite a few years ago. In the State legislature of California I offered similar legislation with regard to the treatment of animals, and I have tried to remain extremely sensitive to all of those groups who are concerned about the safety, treatment, and care of animals. I have devoted quite a bit of effort to that.

So whether we want to approach this from the standpoint of how the animals are treated or the value of the science, I am willing to address it in either of these directions. But going back to the matter of the value of the research, this is probably the longest standing research program in NASA's agenda. It goes back to 1973. It is a program in which the Russians are partners and the French are partners, and they are both deeply concerned about the question of biological reactions in space.

It involves more than monkeys, incidentally. It involves other forms of animals and includes plant life, for example, because we still do not understand the reaction of living organisms to the environment of space. Despite the fact that we have sent 152 people into space, we cannot treat humans as animals. They are instrumented, and the instrumentation is for their own safety and protection. They are monitored for pulse, respiration, heartbeat, all of these things in order that observers on the ground can determine if there is any problem with their condition in space.

We have sent some of our finest doctors into space to study the astronauts, but you cannot use them as laboratory animals, you cannot instrument them to determine a large number of reactions that you can observe in instrumented animals.

In addition to that, the astronauts themselves cannot be subject to anesthesia or other treatment; in fact, they are given drugs that inhibit some of the effects of space in order that they may perform their other missions.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN was allowed to proceed for 3 additional minutes.)

Mr. BROWN of California. Mr. Chairman, we cannot say that the fact that we have had human beings in space is a substitute for animal research. That is just not the situation.

Now, I would point out that amongst all of the areas of research in space, that which every person thinks is the most important is the research on human beings and on those materials which might be of benefit to human beings which can only be achieved in space.

Mr. Chairman, we are not going to achieve the value of this biological research unless we are able to use experimental animals. I have observed the treatment of experimental animals in every kind of condition. As a part of the legislation that I enacted, there is a requirement that there be a veterinarian, for example, in every research establishment which uses animals. I have visited these and consulted with the veterinarians who monitor this research. I have seen dogs, I have seen monkeys which have been incised and sensors put into their stomachs and into their lungs and in other places to observe the conditions that exist for the benefit of human beings. Most of this is done at research hospitals frequently associated with our veterans health program. It is there that we are learning some excellent things about the reaction of human beings to a number of conditions based upon the results we get with animals.

Mr. Chairman, we are getting exactly the same kind of research in space. We are treating the animals exactly the same. They are under the supervision of skilled veterinarians. They are subject to review by science peer review panels to determine if all of the protocols are being met.

There is no program in the last 25 years that has been more thoroughly explored, been more thoroughly monitored and checked and peer reviewed to determine both the conditions of the animals and the results of the research.

On the basis of all of these things, there is a practically unanimous agreement that we cannot stop this international health research program without doing great damage to the goals that we seek to achieve in space.

For these reasons, Mr. Chairman, I earnestly solicit opposition to this amendment, which, despite my high regard for its author, has absolutely no redeeming features.

Mr. Chairman, I yield back the balance of my time.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to indicate that I have joined with the gentleman from Indiana [Mr. ROEMER] in sponsoring this amendment. Over the last many years we have seen former Senator Proxmire talk about the Golden Fleece Award. I think that we have a responsibility in Congress to make sure that funds are spent in the most frugal and responsible of fashions. If we are trying to balance the budget, we must have the confidence of the American people that we have made the tough decisions here in Congress in that regard.

For that reason, I urge the support of this amendment so that we no longer have Federal programs which are held in ridicule in the popular media, and we spend a tremendous amount of time trying to rationalize and justify programs but, instead, cut back to the very essence of what the space program is about.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding and for his help in cosponsoring this amendment.

What the gentleman from California outlined to us, I do not disagree too much with what he said. But within NASA there are probably only 100 higher priorities than this sending monkeys into space for the Russians. There are only probably one million higher priorities within our own budget with $15 million, and certainly there are three or four higher priorities for joint United States-Russian cooperation from the Nunn-Lugar language to dismantle nuclear weapons, from the research we are doing on Chernobyl, from the different and important things that we do in energy cooperation.

I think that this is one of the lowest priorities that we can possibly have in expenditures of taxpayers' money. I would encourage my colleagues to vote to get the monkey off of NASA's back and get the 400-pound gorilla off the taxpayers' backs.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman and my colleagues, I listened to my colleague who presents this amendment with great care. I know that one of his very serious priorities is that of addressing the question of NASA's work in space. I must express my appreciation to him this year for not presenting his amendment to eliminate the space station, which has been kind of a consistent pattern. Monkeys in space is probably a better subject, but I would urge my colleagues to focus just for a moment upon the very fine words of my colleague, the gentleman from California [Mr. BROWN], the former chairman of the Committee on Science.

We all know that with the time that men have spent in space up to this point, there are a number of serious difficulties and questions we have relative to their potential impact upon the health of those men and women who will spend lots of time in space in the future.

That is what the space station is about. It is a significant piece of our commitment to NASA's work; it is a very important part of our leadership in the future.

The fact that we are involved in this kind of work with Russia and other of our allies relates very much to that partnership that itself interrelates to

space station. So one more time, I appreciate the gentleman not presenting an amendment that would eliminate space station. But the more we can undermine our effectiveness in dealing with human space flight, the better, I would suppose.

In this case we are talking about first a very short-term experiment that did send monkeys into space with measuring devices. After gathering that data along with a lot of other data, we have a process whereby there is a panel of experts who will review all of that data and suggest where we can go with the next step to make certain that we are taking every precaution that saves human lives as they participate in our work in space.

It is simple to laugh at something like this, especially if you do not care about the program. It is easy to joke about Russia, I suppose, if you do not care about those international partnerships. But indeed this is not a laughing matter. We are talking about one of America's very, very future programs dealing with our future horizon. We should lay the foundation to make certain that we are doing everything to protect those men and women who will participate on behalf of American interests. I believe in the most sincere and strongest terms that I would urge Members to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Indiana [Mr. ROEMER] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. KINGSTON: page 95, after line 21, insert the following new section:

SEC. 422. None of the funds made available in this Act may be used by any officer or employee of the Environmental Protection agency to organize, plan, or disseminate information regarding any activity if it is made known to such officer or employee that such activity is not directly related to governmental functions that such officer or employee is authorized or directed to perform.

Mr. KINGSTON. Mr. Chairman, I am going to go very quickly. What this amendment does is it limits EPA employees and funds going to EPA for business purposes only, EPA purposes. It has come to my attention that EPA is involved with a lot of activities that are not related to protecting the environment, a lot of extracurricular activities. Some are social in nature, many are political in nature.

What I am trying to do with my amendment is limit EPA to its mission statement, and that is cleaning the environment and not getting involved in all other causes and problems of the world.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, first I want to thank the gentleman from Georgia [Mr. KINGSTON] for this amendment. It is an amendment that should pass overwhelmingly because EPA is off track.

Now, I am a Republican, I have children and I support the mission of EPA. That mission is to clean up our environment, to clean up our land and our water, to clean up our air. But somehow that mission has gone astray. Let me give a couple of good examples.

□ 2200

Mr. Chairman, I want to point out how EPA spends some of its money. Let me cite what EPA did to me, for example, with some of these funds. They sent an invitation around the Hill and they sent invitations to my office inviting us to attend an event. The only problem is that they sent it to me with the names of my two past opponents as staff assistants.

So EPA was keeping a list of political opponents, sending an invitation to me with the name of two people, one who was going to run against me, did not file, and another one who filed and ran against me. Is this the right use of taxpayer money?

Let me give another example. Here is EPA Watch, which watches over EPA and reports on their activities. EPA signed a contract with PTA—and I am a past card-carrying member of PTA, I have children, I have belonged to the association—but they signed a grant, and basically the purpose of the grant was to get PTA to organize lobby against any of the proposals that we made for changes in the operations of EPA. Is that the right thing to do with the money?

Listen to this. This is what EPA Watch says:

Congressional sources close to the illegal lobbying issue expressed amazement that EPA, after all the scrutiny it has undergone, would dare to fund a newsletter with such an obvious political mission.

I am for cleaning up the environment. I am for clean air, for clean water. I want my children to inherit a better land. But what are they doing with taxpayers' hard-earned money? We just heard an amendment about sending monkeys into space.

I submit, Mr. Chairman, that this is monkey business in EPA that should stop, that in fact we should pass the Kingston amendment, that we should bring some sense, some purpose, some direction. If the office of compliance can spend their money on going after things of this sort and not requiring compliance with cleaning up the environment and the air, there is something wrong in the system.

I support the effort of the gentleman from Georgia [Mr. KINGSTON]. Other efforts have been made to try to get that agency which is off course, on course. It is our responsibility to direct that agency in the way it expands our taxpayers' hard-earned dollars. I support that agency, I will do anything I can to help our environment but this agency has to have direction.

Finally, there are almost 18,000 people in EPA. Twelve years ago there were about 6,000. There are 6,000 now in Washington, DC. These people have to find something to do. Eighteen thousand people on the payroll and they are not in your States. They are in regional offices and they are right here, 6,000 of them, within 50 miles of where I am speaking.

They need direction. This Congress' responsibility is to give them direction. They should not be doing the things they are doing. They should be cleaning up the environment. I support the Kingston amendment and urge its adoption.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

(By unanimous consent, Mr. KINGSTON was allowed to proceed for 1 additional minute.)

Mr. KINGSTON. Mr. Chairman, what we are talking about is use of Government telephones, copying machines, fax machines, E-mail, internal mail distribution systems, electronic bulletins and so forth, all funded with taxpayer dollars and yet being used not for their intended purposes of cleaning up the environment.

I am very concerned about this. At a time when EPA is saying they do not have enough money to clean up toxic waste and so forth, they should not be engaged in extracurricular activity such as political activities and social agendas.

But realizing that the scope of EPA's involvement in nonenvironmental activities is so extensive, I do not know that my amendment adequately addresses it. It is a very big problem, Mr. Chairman. I think that this Congress should revisit it and do it extensively, but at this time I think that I am going to withdraw my amendment and maybe take another route at another date.

Mr. FOGLIETTA. Mr. Chairman, I rise to speak against the amendment offered by Mr. KINGSTON.

I am afraid that some of us are allowing the politics of division and intolerance to blind us from common sense.

What happened here was very simple. An E-mail went over the computers of the EPA merely informing workers that it was Gay Pride Month.

This effort attempts to strike out at this trivia with an amendment that is overbroad and heavy handed.

Let's think about what it could stop EPA staffers from doing. They can no longer join together on blood drives, charitable events, going-away parties for employees, Black History Month, Earth Day, staff sports clubs, and so much more.

Do we really want to do this?

There are benefits in employees bonding together on community events. And as long as it does not get in the way of work—disseminate information about such events in a noncostly way. This is valuable, just as there is value in communities gathering together to express pride in themselves.

We have so many things to do in this House. This is a waste of our time. Vote against the Kingston amendment.

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 95, after line 21, insert the following new section:

SEC. 422. None of the funds made available in this Act may be used to provide assistance under section 8 of the United States Housing Act of 1937 when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the assistance will be used for tenant-based assistance in connection with the revitalization of severely distressed public housing; and

(2) the public housing agency to which such funds are to be provided—

(A) has a waiting list for public housing of not less than 6,000 families;

(B) has a jurisdiction for which the Secretary of Housing and Urban Development has determined (pursuant to section 203(e)(2)(A) of the Housing and Community Development Amendments of 1978 or otherwise) that there is not an adequate supply of habitable, affordable housing for low-income families using tenant-based assistance; and

(C) does not include, under its plan for revitalization of severely distressed public housing, replacement of a substantial portion of the public housing dwelling units demolished with new units.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first emphasize and make it perfectly clear that the amendment that I offer is not a return to one-for-one replacement. My amendment is simply giving hope to the homeless and the housing underserved in this country.

We recognize that our country has a very diverse housing stock. Miami differs from New York, Houston differs from Detroit, Los Angeles differs from Atlanta. The need of our citizens who are in need of public housing differ, as well.

This amendment simply provides opportunity for our local housing authorities to include amongst the resolution to their housing problems replacement of those units that they would demolish with new units. It does not preclude the use of Section 8 certificates. It simply adds to the usage of replacing units by new units. It particularly applies to those communities with a shortage of decent and affordable housing for low-income families and a waiting list of at least 6,000 families for public housing.

Let me share briefly the story of Houston, TX, a city of 1.6 million citizens in a country of some 3 million citizens, with a public housing stock in Houston of only 3,125 units. Presently there are 12,000 individuals and families on the waiting list for public housing. The list was closed in 1994. If the list were still open, that number would have doubled by now.

This amendment is a fair and reasonable response to saying to our localities with waiting lists that they must include in their policy the opportunity for the replacement of housing units.

I am not against section 8 vouchers. I think they have been effective. But in our community and many others, the waiting list for section 8 vouchers is enormous, as well. Section 8 vouchers now in Houston are 15,335.

But the real question becomes the flexibility of individuals to live in harmony and where they would like to live. I think we are all well aware of a situation that occurred in Pennsylvania recently. That had to do with an African-American woman named Bridget Ward who was forced to leave her home in a predominately white neighborhood becasue the neighborhood residents were opposed to any individuals living in their neighborhood who received section 8 assistance.

It does not mean we pull back from section 8 assistance. It simply means that there is some validity to replacing some of those demolished units in our communities with new units.

I would ask my colleagues in their revie of this amendment to be assured that it has the flexibility to provide HUD with all of the flexibility that they need. That is, of course, to determine, one, that there is a waiting list of 6,000 or more; that there is no habitable housing in that particular area; and to be able to suggest that if that is the cae, then we should have replacment hosing as well as the utilization of Section 8.

That is different now because in most of the communities that I have heard from, there is a belief that there should be no replacement housing, and there is a chilling effect on new units. Many communities that are not the urban centers of our Northwestern States, some of the Midwestern communities, some of the Southern cities are still in need of building public housing.

I would hope my colleagues would join me in viewing this as a reasonable response to balancing section 8 certificates with the building of replacement units for public housing units.

Mr. BENTSEN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BENTSEN. I thank the gentlewoman for yielding.

Mr. Chairman, let me just say, there are a couple of important points that she made. This does not bring back one-for-one replacement. It does bring back substantial replacement. This is similar to what HUD is doing in the city of Houston, as it relates to Allen Park Village which was torn down, which has been a problem in Houston, but HUD has agreed to come back and build 500 units. It is also commensurate with what we have done in the USA Housing Act with severely distressed housing. I think this amendment is important to the city of Houston and other cities that have like situations. I commend my colleague from Houston for offering the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

I just want to make a few favorable comments on the Jackson-Lee amendment from her long experience in working with residents of public housing and with municipalities. I think that the general concept is good on both sides. I think the housing bill which is before this committee, is a good bill, but I think my colleague,SHEILA JACKSON-LEE, has hit on a need here, particularly in smaller southern municipalities, that this certainly is overlooking.

Her amendment brings into consideration the fact that we have an incoming flux of new citizens coming into some of the southern cities and many of them are of various ethnicities, and certainly in terms of financial stability, many of them are below the poverty level.

So, I think what Ms. SHEILA JACKSON-LEE sees, that this will take a certain trend and there will not be any replacement of these homes. I can understand exactly what he is talking about when I go through my city. I see a lot of them boarded up and many of them are really too good to be destroyed. It seems to me that private entrepreneurs are taking advantage of these places that the Government has spent so much money for all of these years. They are replaceable and they are good for revitalization. I think my colleague is saying, let us take the policy so that it can include some other people, because we have a differentiated type of population. It is not standard. People still need public housing.

We understand that this flies in the face of a policy that was passed, which I did not agree with from the beginning, that we should cut out all of the public housing.

I think that the committee should look at this. The amendment is not a harsh amendment, as I see it. It does not ask for a lot, except that we keep

that little window open so that we could replace some of these.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentlewoman's explanation. Might I say in a statement partly made by HUD, it indicated that HUD agrees that in tight housing markets with long public housing waiting lists, it generally makes sense to replace severely distressed public housing with a mix of tenant-based assistance and hard units.

Might I say that HUD seems to think that that practice goes on today. But I think the gentlewoman's example of in some communities there is a chilling effect because they believe that there is no one-for-one replacement and, therefore, are not inclined to provide some of the hard units.

This amendment again is not a return to one-for-one. It simply says to our communities that we can balance section 8, a very useful tool, section 8, with the utilization of the replacement of some units. It does not give you one-for-one, it simply says some units, so that this can be balanced.

I think the gentlewoman's explanation on that is extremely important, so that it is not presented to our colleagues that we are returning to one-for-one. Not at all. We are simply saying that you can balance that utilization.

Mrs. MEEK of Florida. If I may reclaim my time, first of all it is so important that we understand in housing, one size does not fit all. No matter what the housing policy is, you will find that there is certainly a difference in housing needs in certain areas of this country. Of course I know how the HUD people feel. This has really become a real, real bad situation for them and they cannot handle it. So rather than meet all of the needs like the Jackson-Lee amendment would do, they just say, ''Well, we'll step back from all of this replacement of public housing, it's been an eyesore, we've been sued, everything has been done to us.''

□ 2215

So this is an easy way out. I think the amendment of the gentlewoman from Texas [Ms. JACKSON-LEE] sort of touches the heart of this matter; that is, it is all right to stick within the housing policy, but please leave some room for these people who do not fit that particular mold.

Mr. Chairman, I thank the gentlewoman for introducing this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise very reluctantly to suggest to the gentlewoman that while I oppose this amendment, I do so with great sensitivity to not only the problem that she is concerned about but the difficulty we have relative to some of our most important housing programs that need to be taken care of by way of the authorizing process.

There is little question that we have difficulty with public housing across the country that has been long neglected, where buildings are boarded up, and on the other hand we have a shortage of housing availability for people who have stopped becoming part of lists because the list are too long, as you have suggested.

I am very empathetic to that problem, but I am afraid your amendment, as I can best interpret it, might very well find ourselves moving back in the direction of the one-to-one replacement policy position that we just moved aside or tried to set aside or get rid of. One-to-one replacement in the past simply said that if we were to eliminate or tear down a dilapidated public housing unit that we had to replace it with another unit. What really happened, because there was no funding available, is that led to a scourge across the country with public housing having a blight placed upon it as people looked at boarded-up facilities and wondered what are these people doing? So we are attempting to move in a direction that makes some sense. My colleague, at the same time, is faced with a very real shortage problem in her community, as I am in my community. It is a problem that we have to deal with. It is a problem that potentially could lead to a lot of expenditure, and frankly, I think it has higher priority than some of our other expenditures.

But within this bill at this point in time, frankly we are not in a position to effectively implement that which my colleague is suggesting because of its policy implications. It needs to go before the policy committee, and while I know that the gentlewoman is going to withdraw her amendment, and I appreciate that, it is important for the gentlewoman to know that at this point in time, we need to work together with the policy and authorizing committee people as well.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me just say I, too, am concerned about the concerns expressed here by the gentlewoman from Texas. I know how concerned she is about her community and how she is concerned about trying to meet a specific problem relative to housing in her community. The gentlewoman discussed this matter with me several times as she has discussed it with the gentleman from California [Mr. LEWIS] and it is a matter in which I am sympathetic towards her concerns.

I have assured her that the gentleman from California and I, working together, perhaps in conference, can try and remedy the problem that she is attempting to address here. I would urge the gentlewoman, if she can withdraw her amendment, that the chairman and I would continue to try and work this problem out for the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the esteemed ranking member from Ohio for his words of concern. Recognizing, of course, that all of us come from communities that may be favorably impacted by recognizing the need of responding to waiting lists 6,000 and above, which is one element of this amendment, and as well recognizing that we should not have a singular policy that eliminates replacement offer puts replacement under section 8 or section 8 over replacement. I would hope and would appreciate then if we could have, one, a continued dialogue, but that we could work through conference to solve a problem that is not necessarily only relevant to my community or my State.

I find that throughout the country there are small communities, middle-sized cities that are losing housing units because there is a chilling effect because they believe there is a sole policy that says do not replace any of your public housing units. That is very, very bad for our families that are on the waiting lists, so much so that they are no longer even allowed to get on waiting lists because they are closed.

So I would ask the chairman for his commitment to work on this issue that is extremely important, I think, nationwide, and I want to thank the gentleman from Ohio [Mr. STOKES] for his leadership as well and his desire to work with me on this very important issue.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS was allowed to proceed for 1 additional minute.)

Mr. LEWIS of California. Mr. Chairman, the gentlewoman and I discussed this earlier, and she has been very, very sensitive about the time problem we have this evening. Absolutely I commit that we will continue this dialogue. It is very important that the gentlewoman and I and the gentleman from Ohio [Mr. STOKES], and the authorizers work together, for this ought to have a different priority in terms of funding that eventually works its way through appropriations bills and it has in the past. I very much appreciate the gentlewoman's bringing this to our attention.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I thank the gentleman very much, and I also thank the gentleman for his offer to visit my community to see the circumstances that I am speaking of.

Mr. Chairman, in light of our discussion, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know of no other amendments to the bill.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I have one additional amendment which I will be more than willing to accept the time limitation of 5 minutes on either side, and that would complete the business. I would very much appreciate the gentleman's consideration.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Massachusetts [Mr. MARKEY], even though I have been told by others that we were going to absolutely have to rise on this bill that we spent 2 days on if we did not finish by 10:30 p.m., I am nonetheless highly inclined to accede to the gentleman's request if we can keep this to 10 minutes, 5 minutes on each side.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 95, after line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading ''HAZARDOUS SUBSTANCE SUPERFUND'' may be used to provide any reimbursement (except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 10 minutes equally divided between the majority and minority.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what we have before us right now is the original Markey amendment on the Superfund rebate program to polluters, and what we have done is we have just taken the part of the amendment that the Members were deprived of being given the opportunity to vote upon earlier and taken that part of the bill and brought it out here to the floor so that we can make sure that in instances where companies that had accepted before courts the legal responsibility to clean up hazardous waste sites within communities, that they not be given rebates by the Federal taxpayer for the purposes of cleaning up those sites.

It is a very simple concept: The polluter pays. The polluter who has gone before a court, who has been adjudicated or accepted voluntarily the responsibility of cleaning up the site should not be given taxpayers' dollars to do so. It is a simple concept.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE] so that he may also speak to the merits of this issue.

Mr. PALLONE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think this is a simple up or down vote. The issue is whether or not Members want the polluter to pay or to pay the polluter. What the gentleman from Massachusetts [Mr. MARKEY], is saying is that in this case, particularly where there has been a consent order already entered into and the party who is the polluter has agreed that they are liable, there is no reason why they should be given a rebate from the Government and paid to pollute.

It is a simple up or down vote and I would certainly urge a ''yes'' vote.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. For all of those who are listening, this is going to be a very simple up-or-down vote. This just flat out will prohibit the ability for any polluter to receive Federal funds if they have accepted the legal responsibility to cleanup the site. Otherwise, we are going to take the monies which we should be using to clean up orphan sites, to help out municipalities and we will be expending monies upon the work which the polluters themselves should be doing.

Mr. Chairman, I again urge all Members very strongly who want to take 1 of the 10 most important environmental votes that will be cast in this Congress to vote ''aye'' on the Markey amendment and to make sure that the Superfund Program is not turned on its head and a very large percentage of the money just being handed over to polluters that should be used for the sites that need the help in communities with the neighborhood nightmares that otherwise would not be cleaned up at all.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment, and I yield such time as he may consume to my colleague the gentleman from Ohio [Mr. OXLEY] from the committee of original jurisdiction.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me be very brief. This Markey amendment basically sets the whole process on its head. Why would anybody want to enter into a consent decree if they could not get reimbursed for their cost? That does not really make a whole lot of sense in this process, and I would say to my friend from Massachusetts, if you really want to slow down this process even more than it already is, I would suggest that the Members vote for the Markey amendment.

This is very clear in its attempt to bring small businesses under this incredible yoke of the Superfund liability program.

Let me read from the inspector general of the EPA in his semiannual report to the Congress, findings on the Superfund program. He says, ''In general, lengthy remedial investigation feasibility study and enforcement negotiations delayed actual cleanup of sites.'' Actually delayed the cleanup of sites.

So I suggest to Members that the Markey amendment is the wrong way to go, and let me also point out that this is going to be an NFIB key vote. The National Federation of Independent Businesses that represents over 600,000 small businesses in all of our districts is opposed to the Markey amendment, will make this a key vote. I want to make that very clear to the Members.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would add we have already debated this issue and we passed by a voice vote my substitute amendment. Keep in mind, the Markey amendment is antienvironment because it would slow and in some instances actually halt cleanup. We do not want to do that.

It is antismall business, and we certainly do not want to be antismall business. Even the administration agrees that we should provide exemption for small business.

□ 2230

And it would be antilocal government. The level of government that is most financially strapped.

Why would anyone in their right mind voluntarily enter into a consent decree to clean up while we are deliberating endlessly on Superfund reform? They would hold out. We would have no cleanup. It does not make sense from an environmental standpoint, it does not make sense from a business standpoint, it does not make sense from local government standpoint. I urge a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the additional amendment in this series.

The vote was taken by electronic device, and there were—ayes 142, noes 274, not voting 17, as follows:

[Roll No. 279]

AYES—142

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Beilenson
Berman
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roukema
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Zimmer

NOES—274

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—17

Becerra
Bevill
Browder
Christensen
Coleman
Fields (TX)
Flake
Gephardt
Gibbons
Goodling
Hall (OH)
Hayes
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Yates

□ 2249

The Clerk announced the following pair:

On this vote:

Mr. Gephardt for, with Mr. Goodling against.

Mr. JOHNSON of South Dakota and Mr. FRANKS of Connecticut changed their vote from ''aye'' to ''no.''

Ms. MILLENDER-McDONALD and Mr. TEJEDA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. ROEMER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 171, not voting 18, as follows:

[Roll No. 280]

AYES—244

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (CA)
Barcia
Barr
Barrett (WI)
Barton
Bass
Blumenauer
Blute
Bonior
Bono
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clayton
Coble
Collins (GA)
Condit
Cooley
Costello
Coyne
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Durbin
Ehrlich
Engel
English
Ensign
Evans
Ewing
Fawell
Flanagan
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gejdenson
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Johnson (CT)
Johnson (SD)
Jones
Kelly
Kennelly
Kildee
Kingston
Kleczka
Klug
LaFalce
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McNulty
Meehan
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Moran
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Pelosi
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schroeder
Schumer
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Skelton
Slaughter
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant

Upton
Velazquez
Vento
Visclosky
Wamp
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOES—171

Archer
Armey
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Bartlett
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Callahan
Calvert
Campbell
Chapman
Clay
Clement
Clinger
Clyburn
Coburn
Collins (IL)
Collins (MI)
Combest
Conyers
Cox
Cramer
Crane
de la Garza
DeLay
Dicks
Dingell
Dixon
Dornan
Dreier
Edwards
Ehlers
Eshoo
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Foley
Ford
Frank (MA)
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Green (TX)
Hall (TX)
Hancock
Hansen
Hefner
Heineman
Hilliard
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kim
King
Klink
Knollenberg
Kolbe
LaHood
Laughlin
Lewis (CA)
Linder
Livingston
Lofgren
Martinez
McCrery
McDermott
McKeon
McKinney
Meek
Metcalf
Millender-McDonald
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Neal
Nussle
Olver
Ortiz
Orton
Packard
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Quillen
Radanovich
Regula
Richardson
Roberts
Rush
Sabo
Sawyer
Schaefer
Schiff
Scott
Sensenbrenner
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Stenholm
Stockman
Stokes
Studds
Stump
Tanner
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torres
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
White
Williams
Wise
Wolf
Young (FL)

NOT VOTING—18

Becerra
Bevill
Brewster
Browder
Christensen
Coleman
Fields (TX)
Flake
Gephardt
Gibbons
Hall (OH)
Hayes
Kasich
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Yates

□ 2300

Messrs. HILLIARD, TEJEDA, and WELDON of Florida changed their vote from ''aye'' to ''no.''

Messrs. ROYCE, DAVIS, BONO, DELLUMS, SCARBOROUGH, and BACHUS, Mrs. JOHNSON of Connecticut, and Messrs. WICKER, ENGEL, MILLER of California, TIAHRT, and McINNIS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agency Appropriations Act, 1997''.

Mr. HINCKEY. Mr. Chairman, I want to take a moment today to voice my support for NITA LOWEY's amendment on the watershed protection program. The Watershed Protection Program is one of the best examples we have of what we should all want government to do. It is a cooperative program, not a coercive one. It is a cost-effective program, not a grandiose one. It is a consensus program, not an adversarial one. Everyone benefits.

Everyone agrees that New York City needs a clean water supply that it can depend on. Upstaters like myself know that the relations between the city and the areas that provide its water haven's always been good. My district includes the places that were condemned and flooded over 80 years ago to provide water for New York City, and there is still quite a bit of resentment about it—as you would expect. This plan represents what we in New York have learned about working together, and we think it can serve as a model for the rest of the country, a model that could be helpful in resolving some of the most contentious issues of our day.

What does everyone get? New York City gets clean water—and saves the cost of an $8 billion filtration plant. The watershed areas get help in developing their economies, and help in improving the quality of their own drinking water. Farmers are learning new and more efficient management techniques. All parties benefit from a cleaner environment.

Although the plan can save money over time, it isn't free. That is why we like a commitment of Federal for demonstration projects and monitoring. We have an agreement that everyone will work together—but we still have to see how well the plan works in practice. Without modest support now, the plan could fall apart, and it could mean higher costs for everyone—including the Federal Government—at a later date.

The Federal Government protects or owns key watersheds for many cities around the country. Our constituents pay for your protection. We're not asking the Federal Government to do that for us—just to provide some modest, matched assistance. And we think this plan can offer the entire country something valuable in return.

Ms. JACKSON-LEE of Texas. Mr. Chairman, although I respect the gentleman from Indiana as a colleague and fellow Science Committee member, I realize and accept the fact that he does not believe the space station alpha to be a worthy endeavor. In pursuing this conviction, the Congressman has offered on many occasions, amendments to cancel the space station program. I respect the gentleman for adhering to his principles, and offering his amendments, but this particular one, which would cut $75 million from the program is worse than cancellation.

The $75 million is but a fraction of the total moneys appropriated for the space station this year, however I know that every penny has been planned and accounted for. the first element launch is quickly approaching and every day and every dollars becomes more and more important as November 1997 approaches. I have been told that a cut of this magnitude would cause significant disruptions to this complex and pioneering effort.

NASA has promised, and we expect the program to come in one time and on budget which is, I believe, a reasonable request. However, I do not believe that is fair to hold them to these expectations when we continually attack their attempts to reach this goal by cutting a little bit here, and a little bit there. By doing this, we will only increase the potential for problems and the resulting condemnation of the agency by this body.

While cutting a couple of million here or there doesn't seem harmful to us, as we sit here far removed from the people and programs we effect, it can wreck havoc with an extensively planned and financially slim program.

I do not know what the Member from Indiana wanted to accomplish wit his amendment, but I believe it to be an ill-considered and unwise action. This Nation is on the verge of creating a permanent human preserve in space and it would do no good to handicap these efforts, just when every last penny is needed to assure success. I urge a vote against this amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of H.R. 3666, the Veterans' Affairs, Housing and Urban Development, and independent agencies appropriations bill. Let me first commend the work of Chairman JERRY LEWIS, Congressman LOUIS STOKES, and my colleagues on the Veterans' Affairs/Housing and Urban Development Appropriations Subcommittee. They have certainly crafted a reasonable and sturdy bill under difficult circumstances and the product which they bring to the floor deserves the blessing of the House. I am especially happy that Messrs. LEWIS and STOKES have increased from last year's levels the funding for many of my top priorities such as the programs for our veterans, housing, and environmental protection. Also, I am pleased that there is an adequate level of funding for NASA's human space flight program in which our space station is being developed. Mr. Speaker, I am a firm believer that the people down here on planet Earth will reap the benefits of the many scientific breakthroughs that the space station is sure to provide.

Still, Mr. Chairman, this does not mean there is no room for improvement. While I realize that nothing is perfect, we should nevertheless strive to produce the best appropriations bill possible for the American people. Accordingly, I do intend to support those amendments which I feel will enhance the bill into a more embraceable legislative product.

First, I intend to support the amendment offered by my colleague from New York, Congressman RICK LAZIO. Mr. Chairman, as duly elected members of the House of Representative, we must never forget the importance of ensuring secure housing for the more vulnerable of our society such as our elderly and our disabled. The Lazio amendment addresses these concerns by adding $100 million for elderly housing assistance—thus increasing it to $695 million—and adding $40 million for disabled housing assistance—increasing that funding to $214 million. Mr. Speaker, the moneys provided by the Lazio amendment will help us to successfully continue the mission of providing needed housing to our Nation's seniors and handicapped.

I also will be supporting the amendment offered by my Connecticut colleague, CHRIS SHAYS. This amendment will increase the funds for the Housing Opportunities for Persons with AIDS program [HOPWA] by $15 million, increasing that funding for this program to $186 million. Mr. Speaker, since 1995, the

number of reported AIDS cases has risen by one-third and the number of States and metropolitan areas qualifying for HOPWA grants has increased by 23 percent. However, for the last 3 years, funding for HOPWA has remained at a flat level. Mr. Speaker, the Shays amendment provides the modest, but much-needed increase in HOPWA funding. Passage of this amendment will help the HOPWA program provide increased assistance to the 34 States which now receive HOPWA funds, of which Connecticut is one, and ensure that more people with HIV or AIDS have security when it comes to housing.

Mr. Chairman, I also rise in strong support the Stump-Montgomery-Solomon amendment to increase the Veterans Administration's medical care amount by $40 million from its current level of $17 billion and to increase the Veterans Administration's benefit administration general operating expenses by $17 million from its current level of $824 million. Mr. Speaker, this amendment, which is supported by our Nation's leading veterans service organizations, will help us maintain our duty to provide adequate medical care for our vets while allowing the Veteran's Administration to process more veterans claims.

Mr. Chairman, I once again voice my support for this piece of legislation and encourage my colleagues to do likewise.

Mr. WELDON of Florida. Mr. Chairman, I want to encourage my colleagues to support this important appropriations bill this evening. Not only does this bill fund important housing and veterans programs, it funds the critical scientific research and development efforts of our Nation.

Among those efforts funded are those of the National Aeronautics and Space Administration [NASA], the world's premier space agency. My district is home to one of NASA's key centers, the Kennedy Space Center [KSC], the launch site for all U.S. human space flights. KSC and other NASA centers are unique national assets, but their future is threatened by continued efforts to reduce and eliminate funding for critical human space flight programs, most notably the space station program.

Despite having expressed strong, bipartisan support for the International Space Station only a few weeks ago, the House is once again being asked to vote on funding for the Space Station.

These perpetually unsuccessful efforts to cripple the space station only create uncertainty for NASA and our international partners and unnecessarily tie up the House.

You will hear many of the same arguments from opponents that you heard last month. But nothing has changed since then. The program is still on schedule and within budget. The scientific value of the space station has not diminished since last month. The Space Station still represents the forward-looking, future vision of our country.

Don't be fooled by these so-called savings. In fact, any reduction in funding now would cause cost growth equivalent to double the so-called ''savings'' due to schedule delays in the production of space station components.

We should keep our commitment to NASA and the American people by fully funding the space station.

You should also recognize that any attempts to reduce or transfer funding for the space station are only thinly-veiled efforts to fatally cripple the program. These cuts would devastate a program that has succeeded in staying on schedule and within budget. In fact, over 100,000 pounds of hardware have been produced so far, and we are only 17 months away from the first launch to begin construction.

It's time once and for all to show our support for the program and let NASA and our international partners do their jobs. I urge you to support the space station and to strongly oppose any efforts to terminate or reduce funding for this important program.

Further, I want to point out that that there are several amendments to the bill tonight that would result in ''across-the-board'' cuts in the VA/HUD funding measure. While some of these cuts may fund worthwhile programs, these cuts also severely impact critical programs like the space shuttle and space station. I strongly urge my colleagues to suppose any such cuts so we can avoid weakening our Nation's human space flight effort.

NASA has already done a significant amount of voluntary downsizing, and it can truly serve as a model for other parts of the Federal Government as we reduce the size and scope of government. However, NASA can take no further cuts in this year's budget. It is imperative that NASA receive the funding level proposed by the Appropriations Committee.

Our children and grandchildren will thank you for supporting NASA and supporting their future.

Mr. KANJORSKI. Mr. Chairman, today is an important day for veterans living in northeastern Pennsylvania. In this appropriations bill, Congress will finally commit the resources needed to modernize the Wilkes-Barre, PA VA Medical Center. Included is a $42.7 million plan to renovate and substantially upgrade the facility.

I greatly appreciate the strong leadership of both VA Secretary Jesse Brown in securing funds for the project in President Clinton's budget request and VA-HUD Subcommittee Chairman JERRY LEWIS for including the request in this bill. I also must thank ranking member LOUIS STOKES for his tireless efforts on behalf of veterans and his gracious help on this and other projects important to the citizens of my region. Of course, Congressman JOE MCDADE deserves much praise for his hard work in support of this project, as does Congressman TIM HOLDEN and Congressman PAUL MCHALE.

Mr. Chairman, in my May testimony before the subcommittee in support of this project, and many times since coming to Congress more than 11 years ago, I have tried to explain to the membership of this body how desperate the situation is at this 50-year old medical center. Space shortages are severe, equipment and facilities are outdated, and employee morale is sinking rapidly. Simple put, we must upgrade this facility immediately.

The medical center is wholly insufficient to meet the current and future needs of my region's veteran population. Over 99 percent of all patient rooms are not equipped with either private or semiprivate bathrooms, including rooms for female veterans. Ambulatory care has only 44 percent of needed space. Medical and surgical intensive care units have only 54 percent of needed space, and patient privacy is nonexistent in the hospital's 16-bed wards. Serious environmental deficiencies, such as very poor ventilation, have increased the risk of spreading infection among patients and workers.

I could go on and on about the past and current problems arising from the bad condition of the medical center, but what we must decide today is how we intend to address the future of veterans' medical care in the region. Should we permit the continued, rapid deterioration of the medical center and, in effect, give up hope on providing quality medical services to these veterans or fulfilling our obligation to the taxpayers to provide such services in an effective, cost-efficient manner? I believe we must fulfill our obligations to the brave men and women who risked their lives and health so that we could remain free. Fortunately, the President and the members of the appropriations committee made the right choice in support of full funding for the project. This long overdue project will enable the Wilkes-Barre VA Medical Center to provide the quality medical services veterans deserve and taxpayers expect. I would strongly urge the full House, as well as the other body, to concur.

Without a doubt, this funding will help transform the medical center into a first-class medical care facility. Under the plan, two new bed towers will create much-needed space to correct patient privacy problems, as well as serious ventilation, heating, and air conditioning deficiencies. An ambulatory care addition will enable the expansion of numerous medical units, and help prepare the medical center for the greater focus of the VA on outpatient medical care overall.

Some Members of this Congress believe that we should no longer make substantial investments in VA medical facilities. I disagree. We made a commitment long ago to care for needy veterans and meet their special medical needs through a separate health system. I believe we must continue to do so in the future, as well. To meet this commitment, VA facilities must be appropriately maintained. While new hospitals have been built and old facilities renovated over the years, the Wilkes-Barre VA Medical Center has been virtually forgotten. As the third largest VA facility in the fifth largest State in the Nation, and after nearly five decades of service, this medical center is long overdue for major repairs and modernization.

Mr. Chairman, the 250,000 veterans spread across 19 counties in northeastern and central Pennsylvania, as well as the medical center's dedicated employees, need and deserve this important project. I therefore urge swift approval of this appropriation by the House.

Mr. DINGELL. Mr. Chairman, I rise to thank the chairman, ranking member, and other members of the Subcommittee on VA–HUD–Independent Agencies for their recognition of the continuing importance of the Rouge River National Wet Weather Demonstration Project. In particular, my colleague from Michigan, Mr. KNOLLENBERG, deserves credit for proposing and steering an important provision of this legislation which will provide $20 million in fiscal year 1997 for the Rouge Project.

This project was begun in 1990 following the completion of the Rouge River Remedial Action Plan [RAP] in 1989 which found that the most densely populated and urbanized river in Michigan was contributing significantly to the quality of the fresh surface water of the Great Lakes—which contains 20 percent of the world's fresh surface water. A report of the General Accounting Office [GAO] 2 years prior to completion of the RAP found that the cost

of restoring the Rouge watershed would be massive. In fact, the most recent cost estimates show that the clean up will cost nearly $1.4 billion by 2002.

That is why I joined a group of my colleagues from the metropolitan Detroit area to see if we could muster the resources to meet a tremendous challenge: comprehensive watershed-wide clean up, while developing a technological, managerial, and financial model that could be replicated nationwide as other communities come to grips with the costs and other problems associated with cleaning our waters and keeping them clean. As it so happens, southeast Michigan had many local and regional resources in place to implement such a model, but were in need of Federal partnership. Congress accepted that challenge, and with passage of this measure tonight, the Federal Government will have contributed almost 25 percent of the cost. The remainder is being paid by ratepayers in each watershed community in seven congressional districts, in combination with clean water revolving loans administered by the State of Michigan. It is important to note that, despite this help, our citizens are still being asked to pay higher water bills, and our cities are being asked to stretch resources which already are stretched to their limits.

Mr. Chairman, I am pleased to report to my colleagues tonight that, although such a massive undertaking is never easy, the citizens and community leaders of metropolitan Detroit, on a bipartisan basis, are working together to solve a common problem using innovate approaches to save a precious resource. With the first phase of the project due to be completed soon, project administrator Wayne County is already transferring the knowledge it has gained to other communities across the nation. Again, I would like to commend my colleague from Bloomfield Hills for his leadership this year, so that the state that led in the industrialization of America can lead in the clean up of its natural resources.

Ms. McCARTHY. Mr. Chairman, I rise to express my support of one of our Nation's greatest success stories for our youth, the AmeriCorps program, and to express my opposition to amendments offered today which would eliminate or drastically reduce funding for the Corporation for National and Community Service.

The mission of AmeriCorps is sensible: provide educational opportunities for young people who serve their community in ways that make a real difference in the lives of others.

In my district, AmeriCorps members have partnered with professionals and nonprofit agencies to help immunize children, revitalize and clean up inner city neighborhoods, install smoke alarms in the homes of the elderly, and weatherize homes in low income areas. On Earth Day this year, I assisted AmeriCorps members with planting a community garden in a vacant lot once strewn with debris. The lot now is a source of neighborhood pride.

AmeriCorps members continually champion the cause of community service by their collective and individual efforts. In my community, members have worked with community police officers to initiate neighborhoods watch programs and shut down drug houses. The energy of these young people has inspired many families to get more involved to preserve and protect their neighborhood. As a result, Kansas City is cleaner, safer and more livable in places because AmeriCorps has made its mark.

As we work to balance the Federal budget, I believe we must set smart priorities. Certainly providing opportunities which afford young people access to job training and education ought to be among our national goals.

I urge my colleagues to support the modest level of funding for the Corporation for National and Community Service included in this appropriations bill.

Mr. OWENS. Mr. Chairman, I rise in opposition to many of the provisions in the VA–HUD-Independent Agencies Appropriations Act for Fiscal Year 1997—H.R. 3666. While this bill is a major improvement over last year's VA–HUD appropriations debacle, H.R. 3666 still lacks adequate Federal provisions to address the housing emergency in this country, especially within the inner cities. The passage of various amendments that will be offered by many of my Democratic colleagues today may make this legislation more palatable. However, the basic right of our most vulnerable citizens to sleep comfortably at night must not be compromised.

H.R. 3666 would continue a devastating trend which began in 1995—not funding any new section 8 incremental vouchers. These vouchers could be used to house additional families—many of whom are homeless—who are in dire need of housing assistance. Currently, over 70 percent of the families who quality for low-income housing assistance are not receiving it. These 20 million families are simply forced to deal with substandard housing conditions with serious building code violations such as dangerous electrical wiring and inadequate plumbing; exorbitant rent; and even homelessness. These families, who could qualify for housing assistance, are simply placed on waiting lists. H.R. 3666 would not enable HUD to provide for these families.

This bill completely ignores the Department of Housing and Urban Development's [HUD] recently released ''Worst Case Rental Housing Needs'' report. The report disclosed that the number of households with unmet worst-case housing needs reached an all-time high of 5.3 million in 1993. Of this number, more than 1 million were households headed by an elderly person, and more than 1 million were working-poor families, including many with children. In my State of New York, there were more than 350,000 households with worst-case unmet housing needs. More than 144,400 of these households were families with children. Ironically, Congress responds to this crisis by ending its 20-year record of funding annual increases in the number of renter households assisted through HUD programs.

Furthermore, H.R. 3666 would slash elderly and disabled housing by 29 percent—a $319 million cut. H.R. 3666 would appropriate only $769 million in a new account to fund the section 202 Elderly Housing and section 811 Disabled Housing programs. There is no justification for decreasing housing opportunities for senior citizens and persons with disabilities. We must recorder our priorities and halt the rollbacks of crucial Federal protections.

H.R. 3666 would continue the assault on the successful Americorp program by cutting the program's funding by $36 million—compared to fiscal year 1996. And there are a host of amendments that will be offered to terminate the program. After four independent evaluations have validated the benefits of Americorp, and after thousands of volunteers have attested to its success, Republicans have refused to accept Americorp as a cost-efficient, public-private, community investment that deserves our support.

Finally, H.R. 3666 would underfund another highly regarded program—youthbuild. The youthbuild program educates and trains our youth, renovates our housing, and improves our community by giving young adults the opportunity to construct and rehabilitate housing for homeless or low-income people while simultaneously developing their own academic and vocational skills. Since fiscal year 1995, this program has had to sustain a 50 percent cut. H.R. 3666 would continue this unwise trend and freeze funding at the fiscal year 1995 level.

No, this year's VA–HUD appropriations bill does not contain those ridiculous legislative environmental riders. However, H.R. 3666 would apply a freeze philosophy and fund most programs at or near their fiscal year 1996 appropriation level. At a time when the number of households with worst-case unmet housing needs has reached an all-time high of 5.3 million, at a time when more than 7 million children and adults are homeless, and at a time when a baby is born into poverty in this country every 32 seconds, additional Federal resources are necessary—not a freeze. Unsurprisingly, this freeze philosophy was not applied to the National Defense Authorization Act—H.R. 3230—which authorized $12 billion more than the administration requested and $2.4 billion more than fiscal year 1996 funding to defense programs. The Federal Government can and must do much better in ensuring that its people, even those who are the least fortunate and least economically stable, have safe, decent and affordable housing.

Mr. SMITH of New Jersey. Mr. Chairman, I would like to first thank Chairman JERRY LEWIS for his yeoman's work on this issue of childhood cancer in Toms River, NJ. As I testified before his appropriations subcommittee on May 8, the Agency for Toxic Substances and Disease Registry [ATSDR] is currently working to assist New Jersey in its search for answers to a disturbing, potential cancer cluster among young children.

I rise in strong support of the amendment to H.R. 3666 offered by Chairman LEWIS of California. Childhood cancer is a tragedy that is of national concern, and with the funding provided in this amendment, ATSDR will be given the resources to examine any possible environmental link between toxic substances and childhood cancer.

As some of you know, the Toms River area has two superfund sites—Ciba Geigy and Reich Farm—that many residents fear could be responsible for abnormally high cancer rates in the area.

In August of 1995, the New Jersey Department of Health, responding to anecdotal evidence of increased incidence of cancers among young children, analyzed data in the New Jersey State Cancer Registry and came up with alarming results: a five fold increase in cancer rates for brain and central nervous system cancers among children under age 5.

Something is causing these cancers, Mr. Speaker, and with the funds provided in this amendment, the anxious parents of these kids may at last begin to get some answers. And I would note to my colleagues that if ATSDR does find an environmental link, it will have

implications far beyond the State of New Jersey.

Mr. Speaker, I have repeatedly indicated to my colleagues that ATSDR's work on environmental health is vitally important, especially because no other agency has environmental health as its chief mission. ATSDR provides critical work in filling the serious data gaps in scientific understanding about the human health effects of hazardous substances released from Superfund sites. It also assists States through cooperative agreements, in conducting Public Health Consultations.

With this amendment, ATSDR will have the resources needed to include New Jersey in a seven State national study of brain cancer incidence near national priorities list [NPL] sites. It provides Federal resources through comparative geographic data analysis, providing medical and scientific expertise and education, as well as environmental and biomedical monitoring to examine potential exposure pathways.

Cancer is always tragic, Mr. Speaker, but it is especially heartbreaking when it strikes down innocent children. And that is why it is important to keep a careful count of each of the little victims of cancer, so that researchers can have complete and accurate information to work with. As part of its public health response plan, which this amendment will fund, ATSDR will conduct interviews with area families to make sure people do not fall through the cracks.

In conclusion, with this amendment, the Republican Congress is sending a clear and powerful message to the American people, as well as to the residents of Ocean County: we care about environmental health. We are committed to finding answers; why are so many of our precious children coming down with cancer? But most importantly, we are willing to back up our commitment with Federal dollars.

Mr. THOMAS. Mr. Chairman, I rise today to express my disappointment that language dealing with the Section 8 Housing Program in sections 204 and 205 of H.R. 3666, the Veterans Affairs, Housing and Urban Development and Independent Agencies appropriations bill, was removed from the bill. We have been working to reform this program since 1993 when my local newspaper in Bakersfield, CA, described the rents subsidized by the Section 8 Program. According to the article, some building owners were receiving rents $200 and $300 above comparable market rents for similar size units in the area. While I understand that there may be some additional costs associated with managing section 8 units, I do not believe that an additional $200 or $300 per month is justified.

I believe he Department of Housing and Urban Development must be given the authority to simply reduce rents to those projects which are blatantly out of line with rents paid for comparable units in the area. In taking such a step, I understand that other factors beyond a simple comparison of other area rents must be taken into account. That is why I have introduced legislation to provide the HUD Secretary this authority and why I am disappointed, therefore, that the section 8 language, which would have allowed HUD to bring in a third party arbitrator upon the expiration of section 8 contracts to negotiate new rents based upon comparable market rents was deleted from the VA/HUD appropriations bill. The intent of my legislation is not to bankrupt these projects or violate a contract, nor throw anyone out of their apartments. The intent is to eliminate the windfall that a few project owners may be unjustly receiving at taxpayer expense.

I hope that the Housing and Community Opportunity Subcommittee of the Banking and Financial Services Committee moves quickly this summer to bring legislation to the floor that addresses this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to raise my strong opposition to Mr. HOSTETTLER'S amendment to eliminate AmeriCorps.

This amendment to H.R. 3666 will eliminate the entire program and thus deny the opportunity for many deserving young people to attend college. The program is simple, but it has had a significant impact on the lives of people living in my Houston, TX, district.

In the city of Houston, David Lopez, an AmeriCorps volunteer, has worked to provide the inner city kids of working parents with supervised activity and play. This keeps them from being left to their own devices or worse to the design of street predators who would lead these young lives in the wrong direction.

For a year of volunteer service with Communities In Schools, David has earned a $4,725 scholarship toward college.

AmeriCorps is the one and only chance for many of its participants to obtain a college education. It has been under attack from the early days of the 104th Congress for being inefficient. The truth is that among the numerous independent studies this year, including the one by the conservative Chicago School economists, the studies confirmed that investments in national service programs are sound, yielding from $1.54 to $3.90 for every $1 invested. In fact, a 1995 GAO report concluded that AmeriCorps almost tripled the amount of $31 million that Congress directed them to raise by raising some $91 million.

AmeriCorps has played a vital role in communities all over America. The 23,641 students taught, and the 49,632 youth helped through violence prevention programs is a testament to the critical role this program plays in the lives of people in need.

I strongly oppose any effort to end this program.

Mr. FAZIO of California. Mr. Chairman, I rise to offer my support for the legislation before us today. H.R. 3666 provides $84.3 billion for veterans and housing programs, the Environmental Protection Agency, NASA, and the National Science Foundation. While this bill falls well short of the administration's request, overall funding is $1.8 billion higher than last year's level.

I am particularly pleased to note that the committee has decided to include funding for the replacement hospital at Travis Air Force Base in Fairfield, CA. Building a new, state-of-the-art facility at Travis will provide much-needed medical care for over 430,000 veterans in northern California. These veterans need a new full service veterans hospital.

I would like to recognize the steadfast support of Operation VA, and in particular, Carolyn Rennert and George Pettygrove, who have been unwavering in their support for the construction of this hospital. The entire Travis community, including many hard working veterans and citizens throughout Solano County deserve praise for their efforts. I would also like to thank the chairman of the VA–HUD Subcommittee, JERRY LEWIS, for his support for the hospital. His commitment to the hospital is a significant step in ensuring that the hospital at Travis becomes a reality.

I am also pleased that the bill includes funding for the Sacramento River Toxic Pollutant Control Program [SRTPCP] within the EPA's Environmental Programs and Management Account. This is a cooperative program conducted by the Sacramento Regional County Sanitation District and the Central Valley Regional Water Quality Control Board.

The Sacramento River is the largest and most important river in California. It supplies water for agricultural, municipal and industrial uses as well as providing important recreational benefits. Unfortunately, this key environmental and economic asset is threatened by pollutant loadings that jeopardize these beneficial uses. The river exceeds State and EPA-recommended water quality criteria developed in the early 1990's for a number of toxic pollutants, particularly metals such as copper, mercury and lead.

The SRTPCP, which is in its third year, was created to bring the Sacramento River into compliance with water quality standards. The program is based on watershed management concepts including the development of site-specific water quality standards and technically feasible, cost-effective programs to achieve water quality standards throughout the river and its tributaries.

Regrettably, I do have one concern and that is that this proposal fails to adequately protect the environment. It simply goes too far and will hurt the ability of communities to protect their residents from toxic exposure. I support the Durbin amendment to restore the community's right-to-know what chemicals are being emitted from local industries.

It is important to encourage growth and development and that can best be achieved if companies work to earn the trust of the community and the two work closely together. Along those lines, I also urge my House and Senate counterparts to do the same and work out a reasonable solution to this issue.

I urge my colleagues to support the fiscal year 1997 VA–HUD appropriations bill.

Mr. HOYER. Mr. Chairman, I rise to express my very serious concerns about the funding levels for Superfund, section 8 housing vouchers, and space sciences in this bill. Once again, the appropriations priorities of this majority are shortchanging America's communities by underfunding efforts to clean up our environment, provide safe housing for our seniors and poor children, and make our neighborhoods better places to live.

I am particularly concerned by the cuts to Mission to Planet Earth, a critical NASA program which has great potential for helping predict weather and climate. The ability to better predict natural disasters will save both money and lives. Moreover, our capability to forecast up to a year in advance will yield tremendous benefits for agricultural and natural resources productivity.

The subcommittee's mark includes $1.149 billion for Mission to Planet Earth. Regrettably, this is a reduction of $220 million from the President's budget request. If the allocation for this appropriations measure was not so constrained, I would offer an amendment to add that $220 million to the bill before us. NASA, through internal efforts, has already greatly reduced the Mission to Planet Earth budget.

Further reductions could cause serious delays in the weather measurements and the Earth observing system. Cuts could also affect NASA's agreements with the United Kingdom, Japan, Brazil, and France—all partners in the EOS system.

Goddard Space Flight Center is NASA's lead center for these efforts and has an extraordinary reputation for Earth science studies. I have had the chance to visit with the scientists working on this program and I can tell you that their work is outstanding. Our understanding of the Earth as an integrated system is far from complete. Mission to Planet Earth and EOS will produce both practical benefits and long-term understanding of the environment.

Mr. Chairman, I strongly believe that it is in the best interests of our country and, indeed, of mankind, to fully fund Mission to Planet Earth and I urge the committee to work to accomplish that objective as this bill moves through the legislative process.

Mr. GEJDENSON. Mr. Chairman, I rise to express my strong concern that the bill before us eliminates the U.S. Office of Consumer Affairs. As many members of this body know, the Office of Consumer Affairs is the only entity on the Federal level which serves as an advocate for consumers on virtually any issue. I believe we should be devoting significantly more, rather than fewer, resources to protecting the interests of American consumers.

The Office of Consumer Affairs traces its origin to the President's Committee on Consumer Interest established by President John Kennedy in 1962. President Johnson transformed the committee into the Office of Consumer Service in 1968. President Richard Nixon was responsible for establishing the Office of Consumer Affairs within the White House and redefined its mission to include information distribution and consumer education. In fact, Elizabeth Dole was Deputy Director of the Office during the Nixon years and played an important role in developing voluntary agreements between manufacturers and consumers. President Nixon was also responsible for transferring the Office to the Department of Health and Human Services and expanding its mission again to include consumer advocacy throughout the Federal Government. Presidents Ford, Carter, Reagan, and Bush all continued the Office and utilized it to ensure consumers' interests were protected at the national level.

As I mentioned above, the Office acts as a consumer advocate. Other entities in the Federal Government address consumer issues by regulating products or services. The Office's mission is to serve as a central point of contact—a one-stop-shop—where consumers can obtain a wide range of information and assistance in addressing their problems with Government agencies as well as the private sector. The Office distributes information through a variety of sources, the most popular of which is the *Consumer's Resource Handbook.* Every member of this body is familiar with these valuable publications which are arguably the most thorough source of consumer-related information issued in America. The handbook provides tips on how to get the most for one's money, prevent fraud and protect personal privacy. In addition, it contains more than 100 pages listing national consumer groups, State and local consumer affairs offices, better business bureaus, corporate consumer centers and a wide range of other helpful information. As the result of aggressive distribution efforts, headquartered in Pueblo, CO, more than 1 million copies are currently in circulation.

The Office of Consumer Affairs responds quickly, and efficiently, to consumer complaints through the toll-free National Consumer HELPLINE. I want to stress to my colleagues that the HELPLINE is staffed by a portion of the Office's 13 trained, professional employees and is not contracted out to another office or to private operators. The HELPLINE can quickly direct consumers to appropriate government agencies helping them negotiate an often complicated system of shared and overlapping jurisdiction. Staff also refer callers to consumer affairs offices in the private sector. Between June, 1995, when the HELPLINE commenced operation, and the end of February, 1996, more than 80,000 people—about 10,000 per month—have been served. It is important to note the Office has assisted this volume of callers while operating the HELPLINE only 4 hours daily. I believe the number of calls would increase significantly if the Office had sufficient resources to operate the HELPLINE during normal business hours.

In addition, through the HELPLINE, letters and other sources the Office performs its central function as an advocate—helping consumers solve their problems. Office staff research consumers' problems and then work with manufacturers and Government agencies to develop voluntary solutions. The Office has a unique problem-solving role because it is nonregulatory. It can contact a private company and work to achieve a compromise relating to how a particular product is sold or produced or how a service is delivered. Most regulatory agencies can not take similar action without being confronted with conflict of interest charges or allegations they are being ''soft'' on entities under their jurisdiction. In a February, 1996 letter to President Clinton, several major U.S. corporations and trade organizations, including MasterCard, MCI, Ford, and the American Gas Association, were among 41 groups urging the President's continued support for the Office. The Office of Consumer Affairs is the only Federal agency which can bring consumers and businesses together in an nonadversarial setting and produce agreements which benefit all parties.

Mr. Chairman, American consumers need a voice at the Federal level more than ever before. Rapid and complex changes in our economy, widespread reorganization of Federal programs, and a blizzard of new products and services associated with the information revolution are generating questions and concerns from a growing number of Americans. At the same time, States, which traditionally have offered the first line of defense for consumers, are reducing, and in some case eliminating, consumer affairs departments and units at an alarming rate.

A March, 1996 investigation by Money Magazine provides startling information about just how severe some of the reductions at the State level have been. As part of its investigation, Money surveyed 45 State attorneys general and 51 other State, county and city consumer affairs offices requesting information about historic and present budgets, contacts, number of cases investigated, and the amount of money returned to consumers as a result of such investigations. Based on the information provided, Money concluded that 44 of the 96 entities surveyed—nearly 50 percent of the total—''have seen their funding or staff levels slashed or eliminated during the past decade.''

The magazine determined consumer protection efforts have been improved in only 9 States. At the same time, 41 States and the District of Columbia have curtailed consumer protection efforts or merely held the line on service in spite of increasing demand. Alabama, Alaska, California, Connecticut, the District of Columbia, Florida, Hawaii, Iowa, Maryland, Massachusetts, New Hampshire, New York, South Carolina, Tennessee, Texas, Virginia, and Wisconsin were all rated by the magazine as ''losing ground'' in the battle to protect consumers' interests. For example, the Alabama attorney general's consumer affairs staff has been cut by 70 percent since the early 1980's while Maryland's has been pared by 28 percent since 1990. In Massachusetts, the executive office of consumer affairs was slated for closure and in New Jersey, Rhode Island, and South Carolina certain State-administered consumer advocacy organizations have been terminated. As the States continue to reduce consumer affairs units and curtail investigations, preserving a consumer advocate at the national level becomes even more important.

I recognize the Appropriations Committee has provided a minimal increase to the Consumer Information Center and transferred some of the Office's functions to the Center. The Center distributes the Consumer's Resource handbook, other consumer-related information and publications from various Government agencies. While the committee report makes vague references about transferring functions, the bill is silent on this issue. However, it is very important to note that the Center will not be taking over the Office's advocacy role. It will not operate the HELPLINE, it will not address consumer complaints and it will not represent consumers' interests in policy discussions within the Federal Government. The Center is, and I believe will remain, a warehousing and distribution entity and will not be transformed into a consumer advocate under the provisions of this bill.

Mr. Chairman, the Office of Consumer Affairs is a great value for the American people. In an article published in the Christian Science Monitor in January, 1996, two former Directors of the Office stated it provides services to the 97 million households in this country for about two cents per household. I challenge any member to find another program which offers similar service to the American people for less. I firmly believe the taxpayers are willing to spend less than $2 million dollars annually to ensure they have a consumer advocate at the Federal level. The American people are not blindly demanding spending cuts. They want this Congress to make cuts and policy changes which make sense. I believe the vast majority of Americans would agree that eliminating the Office of Consumer Affairs fails this important test.

Mr. FOGLIETTA. Mr. Chairman, I rise to speak in favor of this bipartisan amendment which would provide the funds needed to keep the HOPWA Program at pace with the growth of the need and the problem.

HOPWA needs the little bit of extra money that this amendment provides, because the number of communities served by it have expanded.

Why do we need a separate housing program for people with AIDS? That's what I hear

some people ask about this program. The reason is because the needs are so unique. So often, people with AIDS find themselves on the fringes of our communities: Isolated; frightened; stigmatized. Broken financially from the costs of drugs and doctors. Sometimes, homeless. The worst thing that someone needs in the latter stages of AIDS is to worry about where they will live and where they will die. Worry hastens death.

HOPWA is the caring and decent thing, but if that is not enough * * * consider the financial aspects of the issue. Without the hospices provided by HOPWA, a person with AIDS is likely to end up in a hospital, where Medicaid will be huge. Support this amendment because it's cost effective. Support this amendment because it's right.

Mr. REED. Mr. Chairman, I rise in strong opposition to the Hostettler amendment to eliminate the AmeriCorps Program.

AmeriCorps has provided an opportunity for more than 40,000 young people to earn their way through college by giving something back to their communities and our Nation. AmeriCorps members perform many vital functions, including tutoring children, helping seniors, housing the homeless, feeding the hungry, preventing crime, and protecting the environment.

This past Sunday, I attended the City Year Rhode Island Graduation, in which 55 individuals were honored for their year of service in Providence and Central Falls, RI. City Year participants make a difference in the lives of Rhode Islanders by tutoring children and cleaning up communities. Next year, City Year Rhode Island, which receives a majority of its funding from the Corporation for National Service, expects to provide service opportunities to additional participants who will serve throughout the State.

AmeriCorps is making a positive impact in our communities and in the lives of the participants. One recent City Year Rhode Island participant was a high school dropout working in jobs which gave her little chance of advancement. Her involvement in City Year provided an opportunity to assist others in need, which in turn renewed her belief in the value of hard work and inspired her to return to and finish high school. She is now attending Brown University where she is studying medicine, turning a nearly destroyed dream of becoming a doctor into a reality.

Today the critics of AmeriCorps will attempt to disparage AmeriCorps with claims of financial mismanagement and wasteful spending. In recent months, however, the Corporation for National Service has addressed these and other concerns by reducing costs, increasing private-sector support, improving financial management, and eliminating grants to other Federal agencies, in order to harness the full potential of national service. Furthermore, four independent studies have concluded that AmeriCorps is a cost-effective investment that yields more in benefits than the program costs.

As the Providence Journal-Bulletin recently noted, we should be increasing funding for this worthy program, not eliminating it. AmeriCorps enjoys widespread support among participants, governors, and businessmen and women in Rhode island, and across the Nation. I urge my colleagues to reject the Hostettler amendment and other anti-AmeriCorps amendments offered today.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Hostettler amendment to eliminate AmeriCorps funding.

AmeriCorps has been a very valuable resource for our great Nation. AmeriCorps is achieving results; AmeriCorps is cost effective; AmeriCorps has earned private-sector support; and AmeriCorps is cutting costs.

An evaluation of AmeriCorps programs by Aguirre International—headed by President Ford's Commission of Education found that just one-tenth of the AmeriCorps members: taught 23,641 students; tutored 23,867 individuals; mentored 14,878 youths; helped 2,551 homeless people find shelter; planted more than 210,000 trees; collected organized, and distributed 974,103 pounds of food and 5,000 pounds of clothes; developed and distributed 38,546 packets of information about drug abuse, street safety, health care, and other issues; ran violence prevention after-school programs for 49,632 youth; performed energy audits for more than 18 million square feet of buildings; and leveraged 669,369 hours of service by unstipended volunteers—each AmeriCorps member manages about 16 volunteers and generates 246 volunteer hours.

AmeriCorps is cost effective for our Nation. Numerous independent studies this year, including one by conservative Chicago School economists sponsored by three private foundations to test their investment in AmeriCorps, confirmed that investments in national service programs are sound, yielding from $1.54 to $3.90 for every dollar invested.

In fact, the 1995 GAO Report concluded that AmeriCorps almost tripled the amount it was required to raise from non-corporation sources in its first year: Congress directed AmeriCorps programs to raise $31 million; they raised $91 million. Of this total, $41 million—more than the amount required of all sources—came from the private sector alone. Such financial support proves that leaders at the local level across the country feel that AmeriCorps is an effective way to meet the needs of their communities.

The program is below budget. In fact AmeriCorps grantees have already reduced costs by 7 percent in real terms. The Corporation has already reduced its administrative budget by 12 percent in real terms. The Corporation has recently announced that it will lower its average budgeted cost per AmeriCorps member in its grants programs by $1,000 each year in program year 1999–2,000. And, the GAO reported the Corporation is spending less per AmeriCorps member than it had budgeted.

The Corporation has also announced that it will no longer make AmeriCorps program grants to other Federal agencies.

Additionally, Representative HOSTETTLER is focusing on just 2 of the over 1,200 AmeriCorps sites and 450 AmeriCorps programs over the last 2 years. In fact, in both these cases, the Corporation and the Governor's commissions found the problems and eliminated funding to the programs to eliminate the waste of taxpayer dollars. These are the exception that prove the rules work.

Recently, I visited two sites of an AmeriCorps program in Montgomery County, MD, called the Community Year. I saw first hand, at Karasik Child Care Center and Holy Cross Adult Day Care Center, that young adults are making a significant difference in the lives of people in need in Montgomery County through AmeriCorps.

Esther Kaleko-Kravitz is the director of Community Year, and Wendy Moen is the corpsmember development specialist. Under the auspices of these two able individuals, young adults provide direct services to the elderly, refugees, and the disabled population in the community, from preschool to adulthood. This national service experience promotes personal and professional growth among the corpsmembers and is a win-win situation for everyone.

All over America, there is a new spirit of community service. Meeting and talking with young people in my district, I see an idealism and an eagerness to help others.

The time has come to provide American students with a program which channels their energy and challenges them to discover the untapped resources within themselves.

We must encourage this spirit of service in our country by opposing this amendment. AmeriCorps members help to form a world where compassion and a willingness to help others will strengthen America and indeed make a difference.

Moreover Governors Weld, Wilson, Engler, Merrill, and Almond, religious groups like the Catholic Network of Volunteer service, the Episcopal Church, and Agudath Israel of America, volunteer sector leaders like Habitat for Humanity, Big Brothers/Big Sisters, the Red Cross, and the YMCA, support AmeriCorps strongly. I urge my colleagues to oppose the Hostettler amendment.

Mr. STUDDS. Mr. Chairman, I rise in support of the amendment, which would provide a $15 million increase for local HIV/AIDS housing assistance grants under the HOPWA Program. These funds will help thousands of people to live longer and stay healthier, while sparing States and localities the far greater costs associated with the hospital and emergency room care to which these individuals would otherwise be forced to turn.

Two years ago, I joined with Members on both sides of the aisle in an effort to prevent the HOPWA Program from being eliminated altogether. Fortunately, the program survived that crisis. But the Congress took away $15 million as part of the 1995 rescissions package, and the program has been level funded ever since—even though the number of reported AIDS cases has risen by one-third and the number of States and metropolitan areas qualifying for a piece of the pie has increased by 23 percent.

It is time to put that $15 million back. Without it, 34 States and cities in every region of the country will actually lose money this year as they struggle to bear the enormous and growing burden of this epidemic. Thousands of people will be forced to choose between paying their medical bills and paying the rent. Many will wind up in hospitals, at a cost 10 to 20 times that of housing and services in a HOPWA-funded residential facility. The rest could find themselves huddled in homeless shelters and sleeping on grates. Many could literally die in the streets this winter.

No civilized society can allow that to happen. I commend the gentleman for offering the amendment and urge its adoption.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would increase by $15 million the Housing Opportunities for People with AIDS Program [HOPWA].

At a time when both homelessness and the spread of AIDS have reached crisis proportion, funding for the HOPWA Program is crucial to the basic existence of many Americans.

AIDS is now the leading killer of Americans between the ages of 25 and 44. The growth of the number of people infected with AIDS has been dramatic, and it is often the case that people with AIDS need housing assistance. In fact, at any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. We have a responsibility, not only to respond to this very devastating public health crisis, but also to provide basic housing assistance to those who are suffering from AIDS.

The HOPWA Program is the only Federal housing program that specifically provides cities and States hardest hit by the AIDS epidemic with the resources to address the housing crisis facing people living with AIDS in communities throughout the Nation.

The HOPWA Program provides community-based, cost-effective housing for thousands of people living with AIDS and their families. This amendment would save funds that would, in the absence of the housing and services provided in a HOPWA-funded residential facility, result in higher expenditures for hospital or emergency room costs. For example, an acute-care bed for an AIDS patient costs on average $1,085 a day, whereas the housing and services provided in a HOPWA-funded residential facility costs between one-tenth and one-twentieth of that amount. In fact, it is estimated that HOPWA dollars reduce the use of emergency health care services by an estimated $47,000 per person per year.

Without this valuable program thousands of people suffering from AIDS would risk homelessness, and quite possibly, premature death due to exposure, poor nutrition, stress, and lack of medical care.

Mr. Chairman, this amendment is socially, morally, and fiscally responsible. I urge my colleagues to support it.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3666), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 456, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STOKES. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STOKES moves to recommit the bill H.R. 3666 to the Committee on Appropriations with instructions to report the bill back to the House forthwith with amendments as follows:

On page 61, line 14, after the first dollar amount, insert ''(increased by $350,000,000)'' and,

On page 61, line 15, strike ''September 1, 1997'' and insert ''September 30, 1997''.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes in support of his motion to recommit.

Mr. STOKES. Mr. Speaker, earlier in general debate I made reference to the fact that it was my intention to vote for this bill. I said at that time that the bill was not a perfect bill, but because of the fact that the chairman and I had truly worked in a real bipartisan manner to bring to the floor a bill on which he and I both agreed, there were certain parts of the bill that still needed improvement, we were both committed to working on that bill together both here and in conference, and that based upon that I had intended to vote for the bill.

Let me just remind the Members of what happened on this floor today that has changed that from my position.

Mr. Speaker, earlier today we had $122.4 million in additional cuts by amendments offered on the floor, and this is a bill that already in the area of HUD had been cut $2.3 billion in the bill as reported.

AmeriCorps; there was an amendment by the gentleman from Indiana [Mr. HOSTETTLER] which the House defeated where he proposed to take all of the money out of AmeriCorps. The House defeated that amendment by a vote of 240 to 183. Fifty Republicans voted with us to defeat that bill. Later on during the day the gentleman from Kansas [Mr. TIAHRT] had an amendment which again proposed to take all of the money out of AmeriCorps. That amendment was accepted without a vote by the chairman of the subcommittee and was accepted for reasons. I understood the reasons, but it took all the money back out of AmeriCorps again.

Mr. Speaker, we had provided $367 million in this bill, which was already below the President's request. I think by eliminating AmeriCorps from this bill what we are doing is inviting a veto of this bill. This is a pet of the President, and I think we can assure our colleagues it is going to be vetoed.

Additionally, today amendments took out $54 million in additional cuts to NASA. NASA had already been cut $1.1 billion in the bill as reported.

My motion to recommit puts the money, AmeriCorps money, back in, does not take it from any of the accounts. This is money that is lying there and is available. We put the money back in. It is deficit neutral. It is within the targets. It delays the money until September 30, 1997, so there is no immediate obligation.

I would urge all of the Members on both sides of the aisle, in the true bipartisan manner in which the gentleman from California [Mr. LEWIS] and I have worked on this bill, to support this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from California [Mr. LEWIS] seek recognition on the motion to recommit?

Mr. LEWIS of California. I do, Mr. Speaker.

Mr. Speaker, as all my colleagues know, as a result of these last couple of days this is a very important, a very interesting, a very complex bill. To say the least, it is a difficult bill with many a compromise, an attempt to balance and measure and weigh carefully that which makes good sense for all those who care about the subject areas of this legislation.

In the discussion that we had earlier regarding the AmeriCorps program, we did essentially come to an agreement within the House that involved an amendment that raided the Hostettler amendment. We left a minimum basic level for AmeriCorps in the bill as a result of that amendment, and indeed it was our understanding that we would work with that as we move towards the conference, and it relates to a lot of the rest of the bill.

Later an amendment came to us that was not one that we had talked about before or had any in-depth discussion, but it was an amendment heartfelt but also that put this program against veterans' programs, and my colleagues know we discussed what we do with those programs.

So we kind of reversed ourselves there, and this motion to recommit is essentially to take us back to the position that we were in earlier in terms of our general understanding about this and a lot of another items.

So, with that, I know some Members have reservations, but we are in the process of measuring this program carefully, and at this point in time I would strongly urge my colleagues to respond to my ranking member, the gentleman from Ohio [Mr. STOKES] who has cooperated in depth in this program, and I urge my colleagues to support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Mr. Speaker, if no Member has spoken against the motion to recommit, is there time available to speak against the motion?

The SPEAKER pro tempore. Five minutes in opposition to the motion was in order, and the gentleman from California [Mr. LEWIS] used the 5 minutes. There is no more time remaining.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 212, not voting 17, as follows:

[Roll No 281]

AYES—205

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gilman
Gonzalez
Gordon
Green (TX)
Gunderson
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—212

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Becerra
Bevill
Browder
Christensen
Coleman
Conyers
Fields (TX)
Flake
Gephardt
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Yates

□ 2326

Mr. CLINGER and Mr. HOUGHTON changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the years and nays are ordered.

The vote was taken by electronic device, and there were—yeas 269, nays 147, not voting 17, as follows:

[Roll No. 282]

YEAS—269

Allard
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—147

Abercrombie
Ackerman
Andrews
Baldacci
Barton
Beilenson
Berman
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Ford
Franks (NJ)
Furse
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hamilton
Hancock
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Pickett
Pomeroy
Rangel
Reed
Roemer
Rose
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Stark
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn

NOT VOTING—17

Bachus
Becerra
Bevill
Browder
Christensen
Coleman
Fields (TX)
Flake
Gephardt
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Yates

□ 2342

Mr. BARRETT of Wisconsin changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF HOUSE AND SENATE FOR INDEPENDENCE DAY WORK PERIOD

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–640) on the resolution (H. Res. 465) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period, which was referred to the House Calendar and ordered to be printed.

POSSIBLE VOTE ON HOUSE RESOLUTION 463, DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I would say to my good friend, the ranking member of the Rules Committee, that we are about to take up the rule on the motion to disapprove most-favored-nation treatment for China. We do not expect to call for a vote over here even though all of our time will probably be used.

Mr. Speaker, I would just ask the gentleman if he expects anybody on his side of the aisle to call for a vote on this rule this evening.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, we have requests for time, we do not have any requests for votes, and I am not going to call for a vote.

Mr. SOLOMON. Therefore, we would not anticipate a vote on the rule although there is not any guarantee.

Mr. MOAKLEY. The gentleman is exactly right.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR LEGISLATIVE BRANCH APPROPRIATONS BILL

Mr. SOLOMON. Mr. Speaker, the Rules Committee is planning to meet on Tuesday, July 9, to grant a rule which may limit the amendments offered to the legislative branch appropriations bill.

Members who wish to offer amendments to the bill should submit 55 copies of heir amendments, together with a brief explanation, to the Rules Committee office in H–312 of the Capitol, no later than noon on Monday, July 8.

Amendments should be drafted to the bill as ordered reported by the Appropriatons Committee. Copies of the text will be available for examination by Members and staff in the offices of the Appropriatons Committee in H–218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Any off-set amendments should be scored by CBO to ensure compliance with clause 2(f) of rule 21, which requires that they not increase the overall levels of budget authority and outlays in the bill.

We appreciate the cooperation of all Members in submitting their amendments by the noon, July 8, deadline in properly drafted form.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 182, DISAPPROVING EXTENSIONS OF MOST-FAVORED-NATION STATUS TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA, AND HOUSE JOINT RESOLUTION 461, REGARDING THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 182) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China. All points of order against the joint resolution and against its consideration are waived. The joint resolution shall be debatable for two hours equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the One Hundred Fourth Congress.

SEC. 2. After disposition of House Joint Resolution 182 pursuant to the first section of this resolution, it shall be in order to consider in the House the resolution (H. Res. 461) regarding human rights abuses, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction to commence hearings and report appropriate legislation. The resolution shall be debatable for one hour equally divided and controlled by Representative Cox of California or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 463 is a rule providing for the consideration of two measures. The first measure is House Joint Resolution 182, a resolution disapproving the extension of most-favored-nation treatment to the products of the People's Republic of China. It was introduced by

the gentleman from California [Mr. ROHRABACHER] on June 13, and it was ordered reported adversely by the Committee on Ways and Means on June 18 by a vote of 31 to 6.

Although the Trade Act of 1974 already provides procedures for considering such disapproval resolutions without a special rule, there are two principal reasons why this rule is necessary.

First, the Trade Act provides for 20 hours of debate on such disapproval resolutions. This special rule narrows that down to 2 hours, equally divided between a proponent and the chairman of the Committee on Ways and Means, Mr. ARCHER, in opposition. The rule also provides for consideration in the House instead of the Committee of the Whole as it ordinarily would be.

Second, the Trade Act does not waive points of order against he disapproval resolutions. This rule waives all points of order against House Joint Resolution 182 and its consideration. We are aware of only one need for a waiver, and that is the 3-day availability requirement for the committee report.

Since the bill and report were only filed yesterday, Tuesday, by the Committee on Ways and Means, and today is only the first rather than the third day of its availability, this rule and waiver are necessary.

Under the Trade Act procedures, disapproval resolutions are not subject to amendment or to a motion to recommit. This rule does not alter either of those provisions of the statute. Neither does the rule alter the statutory division of debate time between proponents and opponents.

After the 2 hours of debate provided by the rule, the previous question is ordered to final passage without intervening motion, meaning there will be no amendments and no motion to recommit, consistent with the statutory provisions of the 1974 Trade Act. We live by the law.

In addition to the two reasons I have cited for why this rule is necessary, the rule provides for the consideration of a tandem piece of legislation following the disposition of the disapproval resolution. That measure is House Resolution 461, introduced by the gentleman from California [Mr. COX] just yesterday.

Under the terms of this rule, the Cox resolution will be debated in the House for 1 hour, equally divided between Mr. COX or his designee, and a Member opposed to the resolution.

As with the disapproval resolution, the rule orders the previous question on the Cox resolution to final adoption without intervening motion, meaning no amendments and no motion to recommit. In other words, on both resolutions this House will be given a straight up-or-down vote, and that is the fair way to do it.

The Cox resolution is a simple House resolution, meaning that it does not require Senate approval or Presidential signature for it to be effective. The resolution contains a number of findings in the preamble regarding human rights abuses, nuclear and chemical weapon proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army.

It then concludes with a single resolving clause that directs the various committees of jurisdiction, including the Committees on Ways and means, International Relations, and Banking and Financial Services, to hold hearings on the matters and concerns addressed in the preamble and, if appropriate, to report legislation addressing these matters to the House not later than September 30 of this year.

Mr. Speaker, those are the provisions of this rule. I think they will provide the House with ample opportunity over the next 4 hours to fully debate the critical problem of Communist China.

The Committee on Rules had a rather extensive debate on these issues last night before we reported this rule by a unanimous voice vote. I hope this rule will receive the same measure of bipartisan support we had in the Rules Committee.

On the resolutions themselves, I would urge support for both of them, for one simple reason, and let me say this loud and clear: The policy of engagement with Communist China has failed, failed, failed.

Despite what some proponents of business as usual will say today, all one needs to do is read the papers every single day to know that Communist China is a rogue dictatorship that is running amok and is absolutely contemptuous of our weak-kneed policy of appeasement. The examples of abhorrent and dangerous behaviors by this dictatorship are too numerous to even list. Here are just a few.

First, as we speak there is a vicious crackdown on dissent taking place in Tibet, and we all ought to keep this in mind as we deliberate this issue. It is pathetic, Mr. Speaker, It is so sad.

We must remember that we are talking about a Communist dictatorship that commits crimes against its own people every single day.

Mr. Speaker, we also must remember that Communist China represents a growing threat to the national security interests of this country, and that will be brought out during the next 4 hours of debate. Backed by its rapidly growing military power, Communist China has begun to throw its weight around in East Asia, bullying our democratic friends in Taiwan and acting very aggressively in the Spratly Islands.

Most of all, we should be very concerned about recent attempts by China to acquire SS–18 intercontinental nuclear missiles from Russia which could directly threaten the American people.

Now, Mr. Speaker, turning to proliferation matters, well, here the proponents of appeasement have really got some explaining to do. Hardly a day goes by when we do not read about things like Chinese nuclear ring magnet shipments to places like Pakistan, chemical weapons technology transfers to Iran, cruise missile shipments to Iran, uranium processing technology to Iran, plutonium processing technology to Pakistan, and the list goes on and on and on. I could stand here for 20 minutes and continue reading these kind of rogue activities by this government.

Mr. Speaker, the real issue here today, though, is jobs, jobs, jobs, issues that our China policy really hits home on. Once again, our trade deficit with Communist China has surged, and now stand at $34 billion. I wish every one of the men here in this body would take off their shirts and show me the label in the collar on their shirts. I bet them dollars to doughnuts there is not one made in the United States of America.

Mr. Speaker, Communist China does not grant fair access to our goods, period. Meanwhile, we continue to give China carte blanche in our markets with most-favored-nation trading status.

Mr. Speaker, this so-called relationship with Communist China that some people are obsessed with maintaining destroys American jobs, and this has got to stop. We have the power, especially the economic power, with 250 million Americans with the highest standard of living in the world and that buying power to bring pressure to bear on these tyrants, and we ought to use that, without firing a shot. We do it economically.

Terminating MFN is the 2 by 4 we need to get their attention. When the vast American market for Communist Chinese goods is shut off, even temporarily, these greedy dictators will start to show a little bit of flexibility. That is the only kind of language they understand.

So let us use it today by voting ''aye'' on the Rohrabacher resolution of disapproval of most-favored-nation trading status for Communist China. It does not have to be for a year, it does not have to be for 6 months. It can be for only 30 days. We would see them sit down at the table and start negotiating fair trading practices with America.

Mr. Speaker, after we pass the Cox resolution directing four committees of this House to hold hearings and report legislation on how to deal with this problem, those committees ought to report only substantive legislation which takes punitive measures against this outlaw regime which is in fact an enemy of the United States of America and certainly of every working American.

Mr. Speaker, at this point I include the following extraneous material for the RECORD:

[From the Weekly Standard, June 3, 1996]

MOST FAVORED NATION—OR MOST APPEASED?

(By Robert Kagen)

Bill Clinton's announcement last week that he will seek unconditional renewal of China's most-favored-nation status is the

latest evidence of a metamorphosis remarkable even for this president. Though he relentlessly attacked the Bush administration's China policy as bereft of human-rights concerns during his 1992 candidacy, in office Clinton has become the spiritual godson of Henry Kissinger. After a very brief flirtation with risky originality, Clinton has sought safety in the conventional wisdom of the bipartisan foreign policy and business elite, in which he stands shoulder to shoulder with his presidential rival, Bob Dole.

Incoherence on China is not unique to Bill Clinton's foreign policy. It has been a problem for politicians of both parties since the late 1980s. The collapse of the Soviet Union and its Communist empire swept away the original foundation on which the Sino-American rapprochement was built in the early 1970s. America's interests and priorities have shifted as policymakers must now grapple with how to manage a world in which the United States is the sole superpower. At the same time, China's place in the constellation of global powers has shifted; from its position as the weakest side of the Sino-Soviet-American triangle as recently as 10 years ago, China seems poised over the coming decade to become the principal challenger to American dominance of the world order.

The lack of clarity and resolve in American policy toward China today is due to the failure of policymakers to recognize these changes and reorient American strategy to deal with them. The result has been worse than incoherence. American policies these days are starting to look a lot like the kind of appeasement that eventually leads to disaster.

Twenty-five years ago, the logic of the U.S.-China relationship was clear. At a time when American power seemed in Vietnam-saturated decline, Richard Nixon and Henry Kissinger were searching for quick and easy ways of redressing the increasingly unfavorable U.S.-Soviet balance while shoring up Nixon's political standing at home. Playing the ''China card'' looked like a brilliant strategic gambit, a simple matter, as Kissinger recalled in his memoirs, of ''align[ing] oneself with the weaker of two antagonistic partners, because this acted as a restraint on the stronger.'' Kissinger did not share the view of State Department Sinophiles that good relations with China were a worthy end in themselves; he considered them a means to the end of shaping Soviet behavior and inducing Soviet leaders to accept the outstretched hand of détente. Indeed, as former Kissinger aide Peter W. Rodman has noted, the real purpose of ''triangular diplomacy'' was not to forge a permanent strategic partnership with China against Russia but ''to secure better relations with both.''

The shift to a more enduring strategic partnership with China came during the Carter administration under the direction of national security adviser Zbigniew Brzezinski. Alarmed at the Soviet Union's increasing adventurousness in the Third World from Africa to Southeast Asia, Brzezdinski sought to involve the Chinese more directly on the U.S. side in the worldwide anti-Soviet struggle. Kissinger aimed at playing both Communist giants against each other, but Brzezinski in 1978 traveled to Beijing to tell Deng Xiaoping that the United States had ''made up its mind'' and had chosen China. The price the Carter administration willingly paid for this new strategic partnership was the completion of the process of normalization Nixon had begun, including the revocation of U.S. recognition of Taiwan. In American foreign policy circles, Brzezinski's actions firmly established the still-extant bipartisan consensus on the overriding strategic importance of U.S.-Chinese relations.

The world of the 1970s looked very different from today's, however. The West was suffering from a paralyzing loss of confidence in its institutions and its liberal values. Communism still seemed to many around the world, and even to some in the United States, a viable if not superior alternative to capitalism. The great, resurgent successes of liberal capitalism—the Reagan boom here, the rise of the economic ''tigers'' in East Asia—lay in the future. The policymakers of the 1970s could not even have begun to imagine the worldwide democratic revolution that began in the 1980s in Latin America and Asia and then spread to Central and Eastern Europe and Russia. Instead, the United States was surrounded by dictatorships in its own hemisphere and maintained supportive relations with them and many others around the world.

In such a world, the strategic value of American rapprochement and then partnership with a Communist China seemed to outweigh the sacrifice of American ideals such a relationship required. Churchill had been willing to ''sup with the devil'' in order to defeat Hitler; few questioned the logic of closer U.S.-Chinese ties in a world where democracy and capitalism seemed to be imperiled by an expanding Soviet empire. In a world filled with dictatorships of both the left- and right-wing varieties, moreover, few believed the United States could afford to be picky about how its allies governed themselves.

Which is not to say that everyone in the United States was enthusiastic about the new partnership with Communist China. Conservative Republicans, including the old ''China Lobby'' with its bitter memories of 1949 and the ''betrayal'' of Chiang Kaishek, opposed some elements of the new course—especially when it was conducted by the Democratic administration of Jimmy Carter. Thus Robert Dole, although a devoted supporter of Nixon, vigorously opposed Carter's normalization of relations with China at the end of 1978. After normal ties were established, as Jim Mann of the Los Angeles Times has recently noted, Dole called on the White House to invite the president of Taiwan to Washington. From the floor of the Senate in 1979, he insisted that the Taiwan Relations Act must not leave America's old ally undefended against aggression by America's new ally. And when Carter proposed extending most-favored-nation status to China in 1980, Dole led the opposition and introduced legislation denying it to any nation that, like China, had not yet signed the nuclear nonproliferation treaty.

Despite these efforts by its Republican allies, however, the authoritarian regime in Taiwan had a difficult time winning much support in the United States. The dominant view of American policymakers in both parties was that holding the prized China card was essential to America's strategic well-being and that other issues—like sentimental ties to Taiwan, like the sharp ideological differences between China and the United States—had to be set aside.

The resurgence of American power and will under Ronald Reagan ought to have changed this and many other calculations. And to some extent during the 1980s, it did. Reagan, who had achieved preeminence in the Republican party partly by leading a crusade against the Nixon-Kissinger foreign policy, did not share Kissinger's and Brzezinski's strong attachment to the China card. Reagan himself was a longtime supporter of Taiwan, and as Peter Rodman points out, in the Reagan administration ''even the younger officials making Asia policy . . . thought that the Nixon, Ford, and Carter administration had all gone overboard in their sentimentality about China.''

There was also strategic logic to the Reagan administration's de-emphasis of the relationships with China. At a time when Reagan was determined to challenge the Soviets directly on all fronts, both militarily and ideologically, a China policy born in a time of strategic weakness was less compelling. Reagan simply didn't believe he needed China as much as Nixon and Carter had.

The worldwide ideological offensive that Reagan launched at the start of his second year in office, moreover, could not fail to affect the nature of relations between the United States and China. By the mid-1980s, much of the world appeared to be moving steadily in the direction of liberal economics and liberal government. The dire circumstances that had given birth to the U.S.-China strategic partnership in the 1970s were rapidly giving way in the 1980s to a new international situation that required a recalculation of the value of close ties between the two global powers.

Finally, the beginning of the collapse of the Soviet empire in 1989 and the emergence of the United States as the world's dominant military, economic, cultural, and ideological power utterly shattered the original rationale for Sino-American partnership. In the post-Cold War era it was ludicrous to speak of playing the China card, as Kissinger had, to convince Moscow to embrace détente; or as Brzezinski had, to combat Soviet aggression in the Third World. It was no longer possible to describe U.S.-China relations as ''align[ing] oneself with the weaker of two antagonistic partners,'' given the Soviet Union's free fall and China's explosive economic growth.

China itself had appeared to be part of the global trend toward freedom throughout the 1980s. The ''Four Modernization,'' begun under the leadership of Deng Xiaoping in the late 1970s helped produce the Chinese economic miracle we know today. A Chinese ''democracy movement'' soon emerged, calling for a ''Fifth Modernization,'' free elections, and in some instances openly praising American-style democracy. Though it was subject to government harassment, the existence of the democracy movement suggested to many American observers that political reform in China was the inevitable next step after Doug's economic reforms.

The massacre at Tiananmen Square in 1989 and the subsequent suppression of dissidents, which continues to this day, dashed these hopes. It could hardly have been better timed to force the United States to reconsider the unpleasant bargain it had made with its conscience in the 1970s. At the same time the old strategic rationale for the U.S.-China partnership was vanishing, the Chinese government cast a bright light on the acute ideological differences between the two countries. Indeed, after Tianenmen, China emerged as the most powerful opponent of American liberal principles in the world.

In the ensuing years, China would significantly increase its military spending, even as both Soviet and American defense spending declined, and with the clear aim of using its growing military power to enhance its influence abroad. the fruits of these efforts have been apparent in recent years, as china, in the words of Sen. John McCain, has increasingly been ''displaying very aggressive behavior''—in the South China Sea, against a newly democratic Taiwan, and in a growing propensity to make arms sales to many of the world's rogue states.

Under these new circumstances, it would seem to make little sense to continue pursuing the old Cold War policies toward China. Yet remarkably, that is just what the Bush administration tried to do after 1989, and

what the purveyors of the bipartisan consensus, including most recently the Clinton administration, have been trying to do ever since. Even after the Cold War, the United States maintained ''overriding strategic interests in engaging China,'' former secretary of state James Baker declares in his memoirs, but nowhere does he explain exactly what those ''overriding strategic interests'' are.

In fact, the most common explanations of the strategic importance of the U.S.-China relationship today are fraught with contradictions. American business leaders, and their supporters in the administration and Congress, constantly point to China's potentially vast market for American goods. But it is striking how unimpressive the economic numbers really are. Last year, American merchandise exports to China amounted to $12 billion, about 2 percent of overall exports. By comparison, American exports to Taiwan, with a population one-sixtieth as large as the mainland's, were $19 billion. Meanwhile, China has amassed a $34 billion trade surplus with the United States, enough to send Patrick Buchanan into fits of protectionist hysteria. Well might the boosters of the U.S.-China trade relationship insist, like Rep. Toby Roth, that ''the key is not where China is today. What is important is where China is headed.'' But how impressive does the future look? Roth boasts that ''in just 15 years, China will be our 13th largest export market.'' Now there's a strategic imperative!

In the late 19th century, many American businessmen succumbed to what some historians now call ''the myth of the China market.'' The businessmen, the politicians, and the policymakers of the day could see only the unimaginable bounty that lay in the future of such a populous country—even though earnings in the near-term proved minuscule and businesses had to suffer losses in an effort to wheedle their way into the good graces of the Chinese powers that controlled foreign trade. A full century later, the bounty is still elusive, but the myth is just as potent.

And today's proponents of the China trade on strategic grounds have adopted another 19th-century nostrum as well: the conviction that increasing trade is the solvent for all the problems of mankind. Nations that trade with one another, the theory goes, will not let clashing strategic interests get in the way of making a buck. After all, Rep. Roth insists, ''Economic strength, not military might, determines the world's great powers today.'' In testimony before Congress recently, Clinton administration official Stuart Eizenstat defended the renewal of most-favored-nation status for China on the grounds that the ''commercial relationship provides one of the strongest foundations for our engagement.'' Argues undersecretary of state Peter Tarnoff: ''Our economic and commercial relations increase China's stake in cooperating with us and in complying with international norms.'' Robert Dole, once the mainland's foe, now agrees: In a May 9 speech, he argued that ''extension of most-favored-nation status [is] the best way to promote our long-term interests in China. . . . In China, continuing trade offers the prospect of continuing change.''

Is that true? Few Republicans and conservatives would say that trade will reform Castro's Cuba. Nor would they be likely to forget that during the Cold War, the Jackson-Vanik restrictions on trade with the Soviet Union did not prevent political liberalization. On the contrary, the denial of most-favored-nation status to the Soviets may have encouraged reform by forcing the Communist leaders in Moscow to undertake political liberalization as the prerequisite for economic growth.

The view that economics is paramount while military, strategic, and political issues are of declining importance—so-called Manchester liberalism—was rampant in the 19th and early 20th centuries, right up until the outbreak of World War I. It is as dangerous a misconception today as it was then. Nevertheless, this assumption now lies at the heart of American China policy. We need to engage so we can trade, say the businessmen; yes, say the China experts, and we need to trade so we can engage.

In their search for a new rationale for preserving a close relationship between the United States and China, the adherents of today's bipartisan consensus have had to employ such logic constantly. Indeed, the logic of the U.S.-China relationship today has turned in on itself. In the 1970s, the case for strategic partnership with China was that it was necessary to meet the threat posed by the Soviet Union. Today, it seems, strategic partnership with China is necessary to meet the threat posed by China. Secretary of State Warren Christopher put the case best in his speech on May 17. He noted the ''importance of China to our future security and well-being.'' And what, in addition to the lure of the market, is that importance? The answer is that ''China can tip the balance in Asia between stability and conflict.'' In other words, we need a good relationship with China because China is dangerous. Or as Eizenstat put it, ''It is when China's policies are the most difficult that engagement becomes the most essential.''

It's a nice racket the Chinese have going. By the current circular logic of American policy, the more trouble the Chinese make—whether in Taiwan, or on trade, or in the South China Sea, or in weapons sales to rogue states—the harder the United States has to work to ''engage.'' There is no dispute on this point now between the leading figures of both parties. Henry Kissinger, in an op-ed piece a few weeks ago, declared that ''after Chinese leaders had been pilloried and threatened with sanctions for years,'' what was needed now was ''a serious strategic and political dialogue, . . . a sustained effort to define a common assessment of the future of Asia.'' Christopher soon after announced his intention to ''develop a more regular dialogue between our two countries.'' The idea is that regular consolations will ''facilitate a candid exchange of views, provide a more effective means for managing specific problems, and allow us to approach individual issues within the broader strategic framework of our overall relationship.''

We may be forgiven for doubting whether such candid talks will make a big difference. After all, it's not as if efforts at assiduous diplomacy haven't been tried. After the massacre in Tiananmen Square in 1989, President Bush and his secretary of state saw their man task as protecting the important strategic relationship with China from American outrage at Beijing's massive abuse of individual rights. According to Baker, President Bush's first reaction upon hearing of the assault at Tiananmen was: ''It's going to be difficult to manage this problem.'' And indeed it was, as Baker's memoirs amply demonstrate. Baker employed precisely the negotiating style that the China experts insist is the only kind capable of producing results—quiet negotiations, no public threats, none of the ''spasmodic harassment'' Kissinger finds so detrimental, and constant attention to the fact that, as Baker writes, ''face is unusually important to [the Chinese], so an interlocutor must negotiate a delicate balance that nudges them toward a preferred course without embarrassing them in the process.'' Despite all this subtle diplomacy, the Chinese gave Baker absolutely nothing for his troubles. Chinese officials, Baker recalls, ''had no compunction about asking for American concessions while simultaneously ignoring my request for 'visible and positive Chinese steps' to make it easier to allay congressional and public anger with Beijing.'' Throughout the four years of the Bush administration, Baker acknowledges, ''the Chinese relationship essentially treaded water.''

Under present policies, in the years to come the United States will continue to tread water, or worse. The truth is, our posture today is, simply, plain old appeasement. One bit of proof is that we are not supposed even to use the word ''containment'' to describe our policy toward China lest we suggest to the Chinese that in some way we may consider them adversaries. The United States ''should not, and will not, adopt a policy of containment towards China,'' declares Undersecretary Tarnoff. Why not? Because ''we would gain nothing and risk much if China were to become isolated and unstable.'' In other words, even if it were necessary to contain China, it would be too dangerous to attempt the task. This is Kissinger's view, as well. Any attempt to pursue a policy of ''containment'' of China, Kissinger has argued, is ''reckless'' and a ''pipe dream.''

Such a skittish approach to another world power might be forgivable if our own nation were weak. But the same people who fear a policy of ''containment'' often boast that China needs the United States more than the United States needs China. In a trade war, for instance, Eizenstat argues that ''China has a lot more to lose than we do.'' Like that $34 billion trade surplus, for instance. According to Baker, the Chinese ''need our help to sustain their economic growth.'' And Baker, who got nowhere in four years if subtle diplomacy with Beijing, even believes that the Chinese understand toughness: ''Strength inevitably irritates the Chinese, but they understand it. And the absence of resolve in dealing with them can lead to serious miscalculation on their part.''

And yet ''the absence of resolve'' would seem to be the best characterization of the policy that the Bush administration and now the Clinton administration have chosen to pursue toward China. When Baker negotiated with the Chinese during the Bush years, he always went out of his way to make clear that the Bush administration was entirely ''committed to maintaining the relationship,'' that it was always ''seeking ways to reconcile our estrangement.'' Little wonder that, according to Baker, the Chinese ''seemed utterly oblivious to our concerns.'' It is axiomatic that if the United States enters all negotiations with China with the mutual understanding that ultimately American leaders will not allow an estrangement in the relationship, then the Chinese will win in most of the negotiations.

In every relationship between nations there is a horse and a rider, Bismarck once noted, and one should endeavor to be the rider. American policy toward China today almost guarantees that we will be the horse.

How can the United States restore the resolve that James Baker believes is so essential to effective dealings with China? This week Congress is debating and voting on the renewal of most-favored-nation status for China. It will surely pass, and perhaps it ought to. The fact of U.S.-China relations should not rest on this relatively narrow issue. The problem with our China policy goes deeper than simple trade rules. Dealing with an increasingly powerful and ambitious China over the coming years will require a strong and determined America willing either to engage or to contain China, depending on Chinese behavior.

Still, most-favored-nation status has become a symbol of China's whip hand over us.

Our unwillingness to pay what is still a relatively small economic price in terms of lost trade opportunities; our fear that any crisis in U.S.-Chinese relations that might result from denial of most-favored-nation status is too dangerous to risk; our concern that in any confrontation it is we, not they, who will be most likely to blink—these are all sizable cracks in our armor the Chinese can exploit, have exploited, and, indeed, are exploiting.

Thus one can only conclude that before we can conduct a successful strategy of compelling China to ''play by the rules of the international system,'' in the words of Bob Dole, we will have to break our addiction to the China-market myth. And that can only come about if policymakers, economists, and businessmen begin to look at the hard truth and stop allowing their dreams of a gold rush to outweight more vital concerns—not only America's strategic interests, but the basic liberties of more than a billion people living beneath the yoke.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from New York, Mr. SOLOMON, for yielding me the customary half hour and I yield myself such time as I may use.

Mr. Speaker, I want to make two things clear at the beginning of this debate.

First of all, the people's Republic of China has one of the worst human rights records in the world. The unconscionable mistreatment of the Chinese citizens is completely abhorrent. And we, the United States of America, need to do absolutely everything we can to change it.

Second, most-favored-nation status is not special treatment. Most-favored-nation trading status is the status this country accords to 181 countries, nearly every country in the world.

Only seven nations are not granted MFN trade status with the United States.

Since February 1, 1980, China has received MFN status under the 1974 Trade Act. The particulars of this law, the so-called Jackson-Vanik amendment, requires nonmarket economies—or communist countries—to have their trade status reconsidered each year.

Jackson-Vanik passed in 1974 and is based entirely on an outdated cold war strategy—that was put into effect 22 years ago, Mr. Speaker.

Today, Communism continues to crumble around the globe. Each time a country embraces democracy it is thanks entirely to our diplomatic efforts. And we shouldn't stop now.

Because, Mr. Speaker, one quarter of the world's population live in China—1.2 billion people. And very single one of them deserves their chance at freedom and democracy. Just as other people enjoy.

The choice is isolationism or direct engagement. And we accomplished very little with isolationism.

So unless we maintain normal trade relations with China—we lose the chance to show those 1.2 billion people how great democracy is. We lose the chance to end the unspeakable human rights abuse and the horrifying population control efforts that take place in China.

This is our chance to lift the iron curtain of oppression and show one quarter of our world what democracy is like.

And, Mr. Speaker, we've tried it the other way. We tried isolating China 20 years ago. It didn't work then and I don't think it will work today. In fact, I would argue that it actually made the oppression worse.

It's time to try something else. Because every day that these abuses take place; every day a baby girl is abandoned or worse; every day a student fighting for freedom is jailed—we share in some of the guilt. I for one believe we must do every thing we can to end these abuses and end them here and end them now.

If we do not take this chance we wash our hands of the lives of the Chinese people. We pass on the opportunity to negotiate with them on human rights. We pass on the chance to negotiate on nuclear weapons.

If we pass on the chance to talk to China, Mr. Speaker, we got no one to blame but ourselves when they don't listen.

MFN status will help the people of China by bringing businesses into the country, increasing wages, and putting increased pressure on the Chinese Government to improve their human rights record.

I think it's a good idea, It is a good rule, and I urge my colleagues to support it.

□ 2400

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON], who is an outstanding freshman Member of this body. He has spent a lot of time in China and Taiwan.

Mr. SALMON. Mr. Speaker, I thank the gentleman for giving me this opportunity. This is something that every one of us has struggled with. I know I have probably spent more time on this issue in the last 6 months than I have any other issue, because it really cuts to the core of our values.

Of course we decry the human rights abuses that have happened in China. They are terrible, they are vile. Of course we are very sick and saddened by the nonproliferation issues that continue to be violated in China. Of course we are saddened and we are upset by the fact that they are pirating our software and our music and we are losing billions of dollars because of that. Of course we are sickened and saddened, me especially; having served a mission for my church in Taiwan, nobody was angrier than I to see friends and loved ones over there that I worked so long with for the 2 years, that I was there being threatened by missiles in the Taiwan Strait when that occurred. When we look at all of these terrible, terrible atrocities that are being committed in China, I think the gut instinct is let us come down hard, let us show them that we mean business. Let us get back to what John Wayne would do and be tough with these guys and make them learn a lesson. But I fear that throwing the baby out with the bath water is the worst thing that we could possibly do.

Think about it. Has there ever been any relationship in your life that you have improved upon or imparted your values to by walking away from that relationship? Severing MFN with China would be tantamount to a declaration of war, I believe, and would lead, I think, ultimately to a cold war, because relationships would quickly deteriorate and ultimately most sides would end up not communicating.

We in our Western understanding of things believe that we know that the right thing to do is to be tough with these people, but let us look at the idea of saving face that is so important to the Chinese culture.

I believe that the freedoms that we enjoy, the values that we hold dearly, will only come to pass in China when the people in China rise up and make it so. A great philosopher once said, more powerful than any invading army or any tactic is an idea whose time has come. I believe the idea of freedom is an idea whose time has come in China, as it was in Taiwan about 20 years ago.

When I lived in Taiwan, it was an oppressive regime. You could not speak out against the government. Freedom of the press was nonexistent. But economic reform spurred political reform, and the same thing will happen in China. But we have got to be articulate in our values. I think the administration can do a better job, a much better job articulating our values, but we will not improve anything if we walk away from the table, and the very things that we care so deeply about will be harmed irreparably if we walk away from this relationship.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentlewoman from California [Ms. PELOSI].

Mr. PELOSI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time and rise in opposition to the rule, with all the greatest regard for the chairman of the Committee on Rules and our distinguished ranking member.

Mr. Speaker, I rise in opposition to the rule for the following reason. This issue before the House of Representatives this evening is a very important one to the American people. Nothing less is at stake than our economic future, our democratic principles, and our national security. That is why I oppose this rule, because this rule says that tomorrow, while Members are away during a funeral and votes are not going to happen until 3 o'clock, we will have our chance to debate the rule while Members are not here. Then, after Members return, we will be given 15 minutes to make our case against MFN for China. I cannot support the

curbing of debate that is happening in the House of Representatives under this rule.

I know the distinguished chairman of the Rules Committee did his best, but I think that this rule is an arrogant act on the part of the Republican leadership to stifle debate here on this issue. What are they afraid of? Are they afraid of the truth? Are the afraid of the American people weighing in? Are they afraid, as we had hoped, that this debate would take place when it always has in July? Are they afraid of 100,000 young people who gathered in Golden Gate Park to promote freedom of expression in Tibet, who heard from a monk who had been imprisoned by the Chinese for 33 years describe his torture by the Chinese, and who was freed only by international pressure led by the Italian government? Are they afraid of those people?

Why can we not have this debate while Members who here in Congress? Why can we not have the appropriate time, as we have always had, for the grassroots people to weigh in? They believe, and I hope they are always right, that their opinion makes a difference to their Member of Congress and that they should have the opportunity for public comment that the fast track of MFN allows, provides for, but that this leadership in this House of Representatives has decided to curtail. That is why I oppose the rule.

Let us talk about what is at stake. The previous speaker talked about economic reform leading to political reform. Well, let us quote directly from not my word but this administration's own country report on China, on the subject of repression in China. The State Department country report says, ''The experience of China in the past few years demonstrates that while economic growth, trade and social mobility create an improved standard of living, they cannot by themselves bring about greater respect for human rights in the absence of a willingness by political authorities to abide by the fundamental international norms.'' It went on further to say that by year's end, this is 1995, almost all public dissent against the public authorities was silenced.

Why is this important also in terms of proliferation? I said first about our democratic principles being at stake. We talk about democratic principles. We want to ban investment in Burma, no business going on there. But when it comes to China, we cannot even raise a tariff because some businesses might lose a profit on their bottom line, because it is certainly not about American jobs. This is a job loser for America.

We can see by this chart, Mr. Speaker, maybe you cannot, the trade balance with China, when we started this debate in 1989, was reported for 1988 to be $3,479 million. In that time, it has increased 1,000 percent. The trade deficit for last year as reported in this 7-year period is $34 billion. Yes, that gives us leverage. It is not about any country that has human rights abuses, dear ranking member. It is about a country that has a $34 billion trade deficit with the United States, which gives us leverage, which should give us leverage.

Certainly we are not going to revoke MFN for China; the President will not allow it. We should certainly use our voices and our leverage on that issue to send a strong message from this Congress at least that we will stand for human rights. It is not enough to say they have merit or that even they have priority but they are important enough for us to use our muscle on them, our economic muscle on them.

In addition to this trade deficit, we have the transfer of technology to China which businesses are doing. We are almost encouraging it so they can access the market. We have the ripping off of our intellectual property. That piracy is not even counted of the billions of dollars in the trade deficit. So it is a better economic future. Where are our jobs? If Boeing is transferring the production of the tail section of their planes to China to be produced by workers who make $50 a month, how can that be a job winner for us?

On the issue of proliferation, I said it undermined our democratic principles, our moral authority to talk about human rights any place if we cannot talk about it where some business is at stake.

Second, I talked about how this trade with China is robbing our economic future. You want to do business in China? You open up a factory there. You give your technology plans to the government, they open up factories with your technology plans and tell you to create an export plan for the products that you make in China.

This isn't about United States products made in China. Only 2 percent of our exports are allowed into the Chinese market. Over one-third of China's exports flood United States markets. Is this going to isolate China? Where are they going to take one-third of their exports? Let us be reasonable to the American worker.

The third issue is proliferation. I do not have too much time to go into all of that except to say that this administration and the administration before it has looked the other way on the proliferation of missile technology and nuclear technology to Pakistan, of missile technology, nuclear technology, biological technology and chemical technology to Iran, at the same time as we are having nice little resolutions about boycotting Iran and having a secondary boycott on companies that invest in petroleum in Iran until Iran stops its production of weapons of mass destruction. But we do not want to go to the source, the source of that technology to Iran, because some big businesses might lose a little bit of their access.

So this, I repeat, undermines our democratic principles, threatens our economic future, and threatens our national security.

Mr. Speaker, I urge our colleagues to vote no on the rule and no on MFN for China.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, first of all, I want to commend the Committee on Rules for coming up with the rule they have. Obviously the vote on the motion to disapprove will be allowed tomorrow and, of course, the other piece of legislation will also be discussed, which will mandate that the four committees of jurisdiction that have jurisdiction over the issues that we are concerned about with China will report back by September 30 after holding hearings and possible legislation. I think it is a good solution in terms of crafting the rule. I think we will be able to get to the nub of the issue with that particular rule.

China is the most important relationship that the United States will have over the next 25 years. China comprises 22 percent of the world population. We cannot isolate the Chinese. If we walk away from the Chinese, the Japanese, the Europeans, the Brazilians, every other country will go into China.

So we have to engage the Chinese. I think, as the gentleman from Arizona said, if we cut off MFN, that is tantamount to declaring war with China. China then will become a very belligerent power. Right now they are not expansionary, as we saw with the Soviet Union. But if China should become expansionary and build up their armaments, then the Japanese, then the South Koreans, then the Indonesians, then all of Asia will build up arms and we will have a tinderbox in Asia for the next 10 to 20 years and it will be a threat to world peace and a threat to our children and grandchildren. That is why this issue is important.

□ 0015

Now let me address for a moment the issue of the trade deficit. If we can stop spending 6 months a year on the issue of Most Favored Nation status with China, we can then get to the issues of opening up the Chinese market. And we can do it by exercising section 301, just as we saw last week on the issue of intellectual properties. What we did there, if my colleagues will recall, is tell the Chinese we will impose $2.3 billion worth of sanctions against them unless they come to an agreement with us on the piracy of our intellectual property. They have agreed with us.

Now, obviously, we are going to have to make sure that agreement is enforced. But the fact of the matter is that the only way we are going to be able to deal with the Chinese is by engaging them, not by trying to isolate them, because that will not work. And the key obviously is the fact that we must try to bring China into the civilized nations of the world over time.

So I would support this rule. I would obviously vote against the motion that the gentleman of the Committee on Rules will offer, and certainly support the gentleman's resolution that will require the four committees to look into this matter, hold hearings and obviously pass legislation should it become necessary.

Mr. Speaker, I urge adoption of this rule.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California, Mr. DUKE CUNNINGHAM, a member of the Committee on National Security.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I rise in favor of the rule and in opposition to MFN.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS], another valuable member of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY, and I rise in support of this eminently good and wise, noncontroversial rule, and I am asking to revise and extend my remarks in deference to my colleagues at this late hour, and I would suggest to the gentlewoman from California that the problem is scheduling, not rulemaking.

Mr. Speaker, I thank my friend from Glens Falls, the distinguished chairman of the Rules Committee, for yielding me time.

Mr. Speaker, I rise in support of this rule, a rule that will allow for the timely consideration of a bill to disapprove normalized trade relations with China. Or, in the archaic language of diplomacy, we are considering China's Most Favored Nation status, which the President has recently renewed. MFN for China has become a perennial issue—year after year we debate whether or not Congress should overrule the decision to renew normal trade relations—there are no special deals here—with China, the country with the largest population in the world. I welcome the debate, but I will again oppose raising additional trade barriers to one of the world's fastest growing economies. To do so would cost American jobs and ultimately diminish western democratic influence in this crucial region. I agree that China's leaders have acted in bad faith in areas of human rights, arms trades, and intellectual property. These problems must be addressed—and they will be —through the proper channels. We cannot ignore our leadership responsibilities in encouraging democratization and responsible actions in China, but this is exactly what we would be doing if we quit the field today. We must stay engaged in China in order to be a part of the—admittedly slow—process of reform, because many of the reforms in China that we have witnessed to this point have their roots in the free flow of commerce between that country and the United States. So, I urge my colleagues to support the rule, and oppose House Joint Resolution 182.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I think we have to examine what confronts us here. It is not simply what the Chinese do, it is the magnitude to which they can do it. If China was a country of 50, 60, 100 million, even 200 million people, operating with the kind of system that they operate under, we might be able to survive it; 50, 100 million people working in a totally controlled economy, working in prison, slave wages, slave manufacturing, we might be able to, through contact and through constant pressures, make some progress here.

This is a country with 1.2 billion people. Before they have an impact from our economic exchanges they will destroy the economic life of this country if we do not alter the trading practice.

In the last 20 years we have seen the workweek wage of an average factory worker in America drop by $60, not go up, but go down by $60 a week. Sixty percent of Americans have lost ground on their paycheck as a flood of Chinese goods have come into this country.

We talk about the French. The French would each have to buy $4,000 apiece in goods to replace America's demand to China. Forty-five billion dollars of sales in this country does but one thing, it puts American families at risk, it depresses American wages, and it goes on to do damage to our environment.

We can put scrubbers on our factories and clean up the rivers and the pollution that goes into the oceans. As China's economy grows, the pollution it puts into the air and the rivers will continue to devastate the environment of our globe: Missile technology, biotech weapons, chemical weapons proliferated by the Chinese to Iran and every other dangerous corner of the globe.

We were all saddened and frightened by the scene of American personnel barracks in Saudi Arabia being hit by a traditional bomb. What will happen when our Chinese trading partners ship to the Iranians nuclear chemical and biological weapons? What kind of challenges will confront us for the safety of American personnel and indeed the people in this country as well?

China, to be dealt with as a normal trading partner in this global community? Remember the Taiwanese elections a short time ago, as the Taiwanese citizens went to the polls to exercise their right to vote for a new congress and a new president? What did the Chinese government do? They brought their fire power to the straits of Taiwan and tried to intimidate the Taiwanese from a free election.

We have to defend the principles we believe in and the families we represent. The only way to do that is to vote down MFN.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time. I rise in opposition to the rule.

As the gentleman from New York, Chairman SOLOMON, pointed out, this MFN resolution should be given 20 hours of debate, guaranteed by statute. But in a phenomenal show of arrogance, the Republican leadership has said no.

This MFN debate reminds me a little bit of the Medicare debate; Republicans choking off debate, the Gingrich leadership team cutting back-room deals with powerful interest groups, consideration of the legislation in the middle of the night.

This bill will cost millions, will cost millions of American jobs. Our trade deficit with China, as my friend from California said, almost nonexistent only a few years ago, has climbed to $32 billion a year and rising. Within a couple of years it will surpass that of Japan.

MFN is an economic loser for America. We sell more to Belgium. As a Nation we export more to Belgium than we do to China. Conversely, 40 percent of all of Chinese exports are sold into the United States. Simply put, China needs us more than we need them.

How much more can China do to its people and how much more can China do to rest of the world? How many more times can they stick their thumbs in the eyes of their people and the rest of the world before we in this body finally say to MFN? Massacring students in Beijing, selling nuclear technology to rogue nations, slave labor camps, illegally smuggling 2,000 AK–47s into the United States, forced abortions and sterilizations, forcible seizure of Tibetan children, forcing 12-year-old Chinese children to make toys for 12-year-old American children.

It is time we say no to MFN. It is time we say no to the Chinese government. It is time we say no to those abuses. Vote no on the rule, vote no on MFN.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to say to the previous speaker that the way to be effective on the floor of this Congress is to be as less partisan as we can.

If the gentleman would notice, even the gentlewoman from California [Ms. PELOSI], the gentleman from Massachusetts [Mr. MOAKLEY], and myself and others have been critical of this administration and the previous administrations. We have been critical of both political parties. But when the gentleman stands up here and says the arrogance of the Republican Party by limiting this debate, which should have 20 hours of debate, to 4 hours, let me tell him it was done on a bipartisan basis and it was done, the same thing, under 15 consecutive Democrat leaderships. So let us be bipartisan about this and keep it on a high plane.

Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr.

WOLF]. On the highest plane I know, this man has been a leader and advocate of human rights throughout the entire world for his entire career here.

Mr. WOLF. Mr. Speaker, I do not even know what to say. I feel so bound up inside about what we are doing tonight. This is fundamentally an evil group of people. This is the evil empire of modern times.

They have Catholic priests and bishops in jail as we now speak who are being tortured. They are torturing Buddhist monks and raping Buddhist nuns. They have more slave labor gulag camps than they had when Solzhenitsyn wrote ''Gulag Archipelago.'' They were selling AK–47's and shoulder missiles that could take 747s out of the sky in Boston, in Chicago, or in L.A.

This is a fundamentally evil group of people, and I worry that 3 or 4 years from now we will have to deal with those people on a military basis. I wish we had a better piece of tandem legislation. The piece of tandem legislation does not do. MFN? If they get it, fine, but we should have abolished the People's Liberation Army and done all these things that are important.

The last thing is, having served here since 1980, no Member of Congress would have had the guts or the courage to come to this floor during the 1980s, when Scharansky was in Perm Camp 35 and Sakharov was under house arrest, no Member of Congress would have had the guts or the courage to stand up and say that we should have given the Soviet Union MFN. And now we are just clamoring to give it to a regime that is the evil empire number one of this world.

I oppose the rule, but the rule is important. I just oppose MFN. I think all of us have to ask ourselves, and the gentleman from New Jersey, CHRIS SMITH, said it better than anybody, what threshold do we have in our own conscience that will make us finally say enough is enough? If they continue to do next year what they have done this year, raping nuns and imprisoning bishops and priests, what will be enough is enough? Each person should ask their own conscience that because we will have to deal with this issue again.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me this time, and with all the admiration that I have, both in my head and in my heart, for the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI] who are two very strong advocates of human rights, it just shows even more strongly what a tough issue this is for everybody.

I am a strong advocate for MFN. I seem to disagree with Mr. WOLF and Ms. PELOSI on this particular issue, but it is not because I am not outraged about MFN, or that I am not upset with the Chinese Government for orphanages and abortion, or that I am not outraged at the Chinese for the kinds of things that they do in ring sales and foreign sales to the Pakistanis or into the Middles East. But I vote for MFN this year because I vote for the American principles of democracy and human rights, where we have as our pillar, in our foreign policy, that we stress human rights more than any other country in the world.

Now, if we walk away from China, do we have confidence that the Japanese are now going to begin to turn around China? I do not. Korea? No. Europe? No. The United States, with President Carter and President Bush and President Clinton, each one of those individuals can and should do a better job in terms of future Presidents and bilateral relations, stressing our human rights, but we must engage, we must argue, we must debate this issue with maybe the most important country for our citizens in the next 25 to 50 years: 1.3 billion people, the largest standing army.

So for our principles of human rights, I believe we should engage this country and not walk away.

Second, it is because MFN is in our best interests. We are not doing a favor for the Chinese. We create American jobs by doing this. Not right away, not enough with the trade deficit that we have, but let me give Members a quick example.

In Indiana we make brakes for Boeing and McDonnell Douglas commercial airliners. That market is not growing domestically. Our families that get $16 and $17 an hour making these brakes for these commercial airliners are not going to have these jobs if we just sell these airliners to Arizona and California and New Jersey.

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But if we sell these airliners to Russia, to China, to Korea, to Japan, we will continue to see wages go up for our workers. We will continue to see better security for our work force, and hopefully it will not just be airliners, it will be computers, it will be manufacturing equipment, it will be a host of things. But I have confidence, Mr. Speaker, that Americans will stand up for human rights and will stand up and try to create better jobs for American families.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Claremont, CA [Mr. DREIER], one of the outstanding free traders in this Congress for the last, I guess, 16 years, vice chairman of our Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I am happy to be on the same side of the issue with my chairman, the gentleman from New York [Mr. SOLOMON], in supporting this rule. I happen to believe that it is a very fair and balanced rule. It has come up in a very timely manner and, as Chairman SOLOMON said earlier, it is following the procedure that we have gone through in the past.

After 7 years of this debate, there is no question at all that the membership of this House, even if they have served here for only 18 months, has had the chance to look at the issue of MFN for China. Cutting off MFN would clearly hurt the United States. It seems to me that, as we look at this question, ending normal relations with China would be devastating. We have all acknowledged that we very much want to do what we can to assist those who have been victimized by reprehensible human rights violations that we have seen for the past several years. Weapons transfers, saber rattling with Taiwan, intellectual property rights violations, Tibet, all of these things are priority concerns of ours.

The fact of the matter is we need to recognize that over the past several years, while the situation was horrible on June 4, 1989, with the Tiananmen Square massacre and many other murders have taken place, we saw a video in our Republican conference yesterday showing that. But if we compare the Cultural Revolution that took place under Mao Tse Tung and the Great Leap Forward and the export of revolution as my friend, the gentleman from Virginia [Mr. WOLF], discussed that took place under Mao Tse Tung to the China of today, while it is not perfect, it is still horrible, it is better than it was. Why? Because today we are engaged.

We disengaged from China with Chiang Kai-shek in 1949, left for Taiwan, up until the last several years, when Richard Nixon began that opening in the 1970's. I will tell my colleagues that, as we look at this issue, are we going to take a step backward and go back to the policies where under Mao Tse Tung 60 million Chinese people were starved, a million people during the Cultural Revolution were killed by the government? The answer is a resounding ''no''. What we need to do is we need to recognize that the single most powerful force for change is the one that my party stands strongly for, and that is the free market. We believe very strongly in the free market and the power of it.

It is more powerful than any U.S. Government coercion that we could possibly apply. The fact of the matter is, we join together, very much wanting to address these concerns. This rule makes in order a resolution which will allow us to look at the concerns that we will allow us to look at the concerns that we all want to address. But to disengage would be preposterous. The United States of America is the third most populous Nation on the face of the Earth. Yet the People's Republic of China has almost five times the population of the United States.

The gentleman from California, BOB MATSUI, my very dear friend, said it perfectly. Over the next quarter century it is going to be the single most important relationship that we have. It

is very important that we maintain those ties. As I got on a plane, I was stuck in Pittsburgh the night before last. I happened to sit next to a Chinese American civil engineer from Iowa. He brought the issue up to me saying: I lived through the cultural revolution. It was very, very difficult. I saw friends who were victims of the human rights violations, and people were starving. Today when I talk to my family, things have improved. Let us not go back to those horrible times in the past. Let us address our concerns today and move forward.

Support this rule and defeat the resolution of disapproval.

The SPEAKER pro tempore. (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] has 12 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 9 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Miami, FL [Mr. DIAZ-BALART], another very valuable member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, last week I finished reading a biography of a Father Maximillian Kolbe, now Saint Maximillian Kolbe. He died at Auschwitz. Pope John Paul has called him the patron saint of our century. In that biography, I learned the name of the company that in August of 1942 was given the contract to build 4 vast crematoria with gas chambers at Auschwitz. The name of the company was Topf and Sohne.

The other company that I learned about, I.G. Farbenindustrie, shared in the profits with the Nazis from the slave labor in the concentration camps.

I wonder if Hitler had not invaded Poland, maybe even afterwards if we had been willing to sit down and reach a peace agreement with him, whether we would not be having tonight's discussion perhaps each year with regard to MFN with the so-called Third Reich. Could we have stopped the construction of the crematoriums had there been engagement? Coexistence with Hitler? Probably not. But would it have been better for an American company to construct the crematoriums than a German company or a French company or a Canadian company? I do not believe so, Mr. Speaker.

I recognize that each situation has its peculiarities in each nation that we deal with. I recognize that China is geographically distanced to the United States and economically very powerful. But I cannot and I will not vote to continue a normal economic relationship with that government that our colleague, Mr. WOLF, has so eloquently described, as well as Mr. SOLOMON, that government of opprobrium.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio [Ms. KAPTUR].

The SPEAKER pro tempore. The gentlewoman from Ohio, [Ms. KAPTURE] is recognized for 4 minutes and 30 seconds.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentlemen for yielding time to me.

I rise in strong opposition to this rule and certainly in strong opposition to MFN. This rule was concocted late last night in the wee hours, around midnight, when none of the Members were here except but a few of us who overheard that there might be a meeting up there in the third corner, none of the press was around.

What we have here is merely another attempt by Speaker GINGRICH AND MR. ARMEY to railroad debate in this House on a measure so vital to the American people as well as to the cause of liberty in China. Under normal circumstances, I guess it would be said, but I am so outraged that it is hard to be sad as we consider this here this evening. In Washington it is now nearly 1 a.m., and most of the membership has gone home. People here are bleary-eyed, and yet this is what we are subjected to.

Tomorrow when most of our membership is gone, we will try to attempt to take up the merits of this.What disrespect we show to Bill Emerson, our dear colleague, by the manner in which this is being conducted.

I also want to say to my good friend, the gentlewoman from California, Congresswoman PELOSI, and to the gentleman from Virginia, FRANK WOLF, this Chamber should treat you better. Everyone of our colleagues who is here and who is a party to this deplorable rule and the manner in which it is being considered, shame on you. Shame on you. Shame on you, Speaker GINGRICH, wherever you are. You were out here making noise a few minutes ago, and Mr. ARMEY, for not showing the courtesy to the Members who have worked so hard to represent the best values that we represent as a country.

But do you know what? I have been at this podium before. I have the benefit of 14 years of seniority in this people's House. I remember when they railroaded GATT through here. Boy, do I remember that. I remember standing in this well and saying, American people, remember this one. I remember some of the Members in here snickered. Do you know what? They do. And I remember the NAFTA vote. I remember we almost carried it, and then 63 deals were made. And do you know what? The American people, they remember that, too.

And now we have got China MFN. It is merely another battle in a war, but it is out there in the country because the country ultimately learns what happens here no matter how hard we try to muzzle debate. In this legislation, the United States becomes the most unfavored nation, the most unfavored nation.

Take a look here. Every single year that we have had most-favored-nation, what a misnomer that is, the United States has amassed growing trade deficits with China. Until this year, we are at a level of over $40 billion, which translates into an additional loss at home of 800,000 jobs in this country. By names of companies you know: Nike, we have got Members here who are going to sell out for tennis shoes. We have got members in this Chamber, why, by golly, they are going to sell out for Wal-Mart, 700 sweatshops over in China that make that junk that they send in over to our shores. Well, Bill Clinton gets a lot of money from Sam Walton's family. I feel sad about that. But I care more about freedom and the way people are treated.

We have got some Members here who are going to sell out for Barbie dolls when the vote comes up here tonight and tomorrow. How sad.

You have an accounting to do in a higher life for the votes you will cast on this issue. Commercialism, that is what has become the basis of our foreign policy in the post-cold war world in which we are living.

In fact, the words of democracy, the hope for democracy, respect for the rule of law, the dignity of working people, the promotion of a sustainable environment, those are all illusions as we stand here in this Chamber this evening.

We have no evidence that China has done anything to warrant this favored treatment which will give them a 2 percent tariff level of goods into our market while they maintain a 30 percent to 40 percent tariff against our goods. And they now have the second largest amount of dollars reserves in the world, $70 billion, which they use to buy weapons pointed at us and at their neighbors. So that is what China MFN creates.

What a shame. What a shame. Maintaining the status quo by voting for MFN is a disgrace.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, we have heard the arguments over and over: by engaging with China, we can influence the behavior of the Chinese Government with regards to fair trade, human and labor rights, and proliferation. Members on both sides of the aisle have repeatedly expressed skepticism about this approach, and events continue to prove us right.

Recently, a disturbing new rationale for denying MFN has come to light: China has become the major contributor to weapons proliferation and instability in Asia, with Pakistan being one of the major recipients of Chinese nuclear technology and delivery systems.

As has been reported in the media recently, there is undeniable evidence from our own intelligence agencies that Pakistan has deployed nuclear-capable Chinese M–11 missiles, obtained through a secretive transfers that both countries have tried to cover up. Yet, incredibly, despite the overwhelming evidence, the administration seems unwilling to impose the tough economic that both nations clearly deserve.

Unfortunately, this is not the first time that the dangerous, destabilizing transfers of advanced weapons and nuclear technology from China to Pakistan have gone unpunished. Earlier this year, we failed to punish China or Pakistan for the transfer of 5,000 ring magnets, devices used for the production of weapons-grade enriched uranium. We officially bought into the unbelievable Chinese Government explanation that they were unaware of the transfer. We also went ahead with the transfer of $368 million in United States conventional weapons to Pakistan.

Mr. Speaker, it's time to get tough with China, Pakistan and other nations contributing to the spread of nuclear weapons. Denying MFN to China is a good place to start, an effective way to show that we're serious about nonproliferation.

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Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROHRABACHER], one of the Members of this Congress I love to listen to because he speaks right from his heart. He is one of the leading advocates for human rights in this entire Congress.

Mr. ROHRABACKER. Mr. Speaker, I would like to share with Members of this body a notice that I just received in the mail. It seems that the Citizens for a Sound Economy are going to count my vote against most-favored-nation status against me when they are trying to calculate whether or not they will present to me next year's Jefferson Award.

How about that?

As far as I am concerned, the Citizens for a Sound Economy can take their award, and they can take it back, and what they can do is they can rename it the ''Mao Award'' or they can rename it the ''Lenin Prize'' or the ''Goebbels Award,'' or whatever award they want, but they are insulting the Members of this Congress by calling it a Jefferson Award and then counting it against us for voting not to give world's worst tyranny an advantageous trading relationship with this country.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. SOLOMON. If the gentleman would do me a favor, if he is sending his back, would he put mine in the same box?

Mr. ROHRABACHER. It is unbelievable.

We have heard today the charge that those of us who are opposed to most-favored-nation status for China are talking about isolating and walking away from China. That is not the case. China is not a country to be ignored, but right now it is being run by tyrants and despots, and they are not a group of people that we should be providing advantageous trade relations with our own people.

The question is whether or not Communist China should continue to enjoy the advantageous trade relationship that it has because it is enjoying the same trade relationship that we give to democratic countries. No one is talking about walking away, no one is talking about an embargo, no one is talking about isolating China, but does any one really believe we should give these dictators, these people who are bullying their own neighbors, who are stepping on the faces of their own people with their combat boots, we should give them advantageous trade relationship with our country?

Every year since 1989, when the Tiananmen Square democracy advocates were massacred, we have seen the situation in China to continue to decline. The theory is, if we engage them, if we trade with them, give them this most advantageous trade relationship with us, things will get better. That is nothing more than a theory, and it is being proven wrong in practice. To continue to have our policies based on a theory that is not working is totally insane, and we will pay a price. In fact, the American people are already paying the price for that insanity.

Granting most-favored-nation status to China while it is going in the wrong direction is exactly the wrong signal to send to these despots. What we are doing is encouraging those dictators to continue their repression, and we are demoralizing those elements in China that want a better world.

Whose side are we on as we celebrate our fourth of July? Are we on the side of our own working people, on the side of those people who struggle for democracy, or are we just on the side of corporate profits? I do not believe that is what this country was founded on.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process. I would like to point out that 60 percent of the legislation this session has been considered under a restrictive process.

Mr. Speaker, I include the following extraneous material for the record:

The material referred to is as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	.....
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	.....
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H. Con. Res. 131				
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A.
H.R. 3662	Interior Appropriations FY 1997	H. Res. 455	Open	N/A.
H.R. 3666	VA/HUD Appropriations	H. Res. 456	Open	N/A.
H.R. 3675	Transportation Appropriations FY 1997	H. Res. 460	Open	N/A.
H.J. Res. 182/H.Res 461	Disapproving MFN Status for the Peoples Republic of China	H. Res. 463	Closed	N/A.

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 60% restrictive; 40% open. **** All legislation 104th Congress, 56% restrictive; 44% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. Speaker, I yield the balance of the time to the outstanding gentleman from New York [Mr. RANGEL], the next chairman of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Now, that was a real introduction.

Mr. Speaker, I thought the name of this game was how to get economic growth. I now find that this foreign policy, this trade policy, that normally set by the President with bipartisan support, is now dependent on just how much we hate these bums that are running China, and If I had only known that, I would not even know why we are doing business with Japan. I mean I wan younger then, but it seemed to me that they were not very nice people then. And Germany; my God, the atrocities that were committed then. And Italy; they were not considered friends of ours. My God.

And when it comes to personal experience, those North Koreans, they were chasing me all around North Korea, and the Chinese shot me. And still we got sanctions against Cuba, and really they have not bothered me too much.

But the truth of the matter is, what are sanctions, and what is most-favored-nation treatment? It is not most favored nation. We are saying, if the United States does not get there first, then our so-called friends are going to get there. We also are saying if we get out of there, our great friends will be in there before we can pull out our equipment.

And so this is not a question about who you like and who you do not like, because I am certain that this is not going to be an anti-Communist type of thing with my friends supporting trade with North Vietnam, with my friends supporting trade with North Korea. My God, the Communists, all around us. They are just not shooting us, they are buying things from us, and they are creating jobs from us, and what choices do we have?

If we apply sanctions against them and it is a unilateral sanction, how do we hurt them? We do not have any friends in the United Nations that can depend on our credibility. We now have already told the United Nations, ''Elect who you want for a secretary general, we're vetoing ahead of time.''

We now told people that are doing trade with this little island in the Caribbean, ''You dare do trade with them,'' or, ''You do trade, have your companies any place where any Cuban says he has a piece of land, and we're going to take away your visas and have sanctions against you.''

Who believes us any more? Why cannot the United States have credibility? Why cannot we believe in something and say what the name of the game is? Do we want to find atrocities? Answer: ''You bet your life.'' And we are doing business in Africa with countries. We say we are going to have sanctions against Nigeria. Who is joining us with the sanctions? If we are going to hurt somebody, make certain that we win and stop teasing around throwing out sanctions or we are not going to trade with them when other people are going to trade.

I say, ''Don't hurt yourself just because you're dealing with a bunch of bums. You're dealing with 1.2 billion dollars' worth of good people led by a bunch of bums. Well, what's your option? You just going to say, 'I quit; I am not going to play the game; you didn't pass the personality test'?''

It is dollars and cents. It is hard bucks.

They already said we have to balance the budget, and of course my President now finds it very convenient to adopt most of these ideas. He says balance the budget. He already said we have to cut revenues, and my President says, makes some sense, too: We have got to have tax cuts. He already said that we have to shrink Government. Well, my God, Government is being shrunk. But a strange thing is happening in this country, and that is that the old people are living older, and since they believe the answer to every social ill that we have are penitentiaries, they are building more jails.

Oh, we are not going to spend on education; leave that to the local kids. Well, the local kids are failing, they are in the street, they are jobless, they are ignorant, they have no training, they end up with drugs, making kids, getting violent, going to jail.

Oh, how are we going to deal with that? Well, the only name that we have in town is expanding the economy, and the only way we can expand the economy is not consuming everything that we make but by selling it to somebody even if we do not like the people we are selling it to.

Mr. SOLOMON. Mr. Speaker, I am going to be yielding myself the balance of the time, but in doing so I will yield up to a minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my dear friend from Glens Falls for yielding to me, and I do so simply to respond to the statement that was made about the Citizens for a Sound Economy and by my very dear friend from California who reminds me that we agree over 90 percent of the time on issues, as I do with many of my friends on this side of the aisle who disagree with me on this question.

Citizens for a Sound Economy feels very strongly about the need to extend MFN because, if we were to cut off trade with China, we would clearly be hurting most the people we want to help here in the United States; the reason being, CSE opposes tax increases. They very much want to cut the tax burden on those working Americans who benefit from toys, shoes, and clothing, and what is necessary is for us to do everything that we can to maintain that. It would be a $600 million tax increase. CSE stands for free trade and lower taxes, and that is the reason they have taken the position that they have.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I was simply going to urge every Member of the House to come over here and vote for this rule. It is a fair rule. It is the kind of rule that we have had for 17 consecutive years when we continued to renew MFN for China all these years, so there is no reason for any of us to vote against it, and then I would urge my colleagues to vote for the resolution of disapproval for all of the reasons we have said before.

But I just have to respond a little bit because, as I look at this little note that is going around from the Citizens for a Sound Economy, and I look at

what it says, it says that, ''We may not give you this Jefferson Award again if you vote against giving MFN for China.''

As my colleagues know, to me that is intimidation at its worst. I wonder if they have PAC checks, and now they are not going to give JERRY SOLOMON a PAC check. Well, let me just tell them, ''If you have them, why don't you keep them? I don't want it; OK?'' And any other industry who does not want to give JERRY SOLOMON a PAC check because he is going to vote for this motion to disapprove MFN for China because he believes in human rights for decent people and American foreign policy through all Presidents, whether they be Republican or Democrat, has always been to promote democracies around the world and to encourage human rights for all people. That is what this is all about.

I really resent this, and I am going to send mine back along with the gentleman's, but having said that, let us get back to what I think we all ought to vote for, this rule, and then take the bill up tomorrow, and let us vote to disapprove MFN for China, and then let us pass the resolution that talks about all of the rogue activities of this dictatorship with arms sales and with all of the activities that they undertake.

Mr. BEILENSON. Mr. Speaker, I have serious concerns about this rule and about the bill it makes in order.

I am strongly opposed to the protection that the rule provides for the legislative provision that freezes fuel economy, or CAFE, standards for the second year in a row. This is unwarranted protection for a controversial and major provision which should not be in an appropriations bill.

This legislative rider is a blatant attack on the environment; support for the fuel economy standards freeze is, in fact, opposition to pollution reduction, national energy security, and consumer savings at the gasoline pump.

By reducing oil consumption, CAFE standards have been enormously successful in cutting pollution. By preventing the emission of millions of tons of carcinogenic hydrocarbon into the air we breathe, the standards have improved air quality, including that in heavily polluted cities like my own of Los Angeles. But we have a long way to go before we have clean air.

In addition, CAFE standards have proved to be successful in saving an estimated 3 million barrels of oil a day, thereby reducing U.S. dependence on imported oil. There is no doubt that, without these standards, we would be importing far more oil than we already do. Those imports account for 52 percent of U.S. oil consumption, while contributing $60 billion annually to our trade deficit.

And, of direct importance to consumers, CAFE standards result in savings when they purchase gasoline. Because fuel economy standards doubled between 1975 and the late 1980's, a new car purchaser saves an average of $3,300 at the gas pump over the lifetime of a car. CAFE standards mean over $40 billion in consumer savings annually.

By continuing this freeze, we are preventing full implementation of the law that was enacted in 1975. Specifically, the freeze is blocking improvements in the CAFE standards for light trucks. This means that our constituents who purchase the very popular minivans, sport utility vehicles, jeeps, and pickups are denied the benefits of existing fuel-saving technologies.

These vehicles have become the most prevalent example of the gas guzzlers we have sought to do away with—they now comprise over 40 percent of the new vehicle market, increasing the demand for oil and, so, increasing pollution as well.

Mr. Speaker, I am also disturbed by some of the other provisions of this important piece of legislation, which affects, in one way or another, all Americans.

Specifically, many of us regret that the bill makes such drastic reductions in Amtrak's funding. Amtrak's capital improvement would be nearly halved; the fund for improvements in the Northeast corridor would be eliminated entirely. This is, Mr. Speaker, bad transportation policy.

Instead of cutting in half this funding for Amtrak, we ought to be providing funds to improve and expand rail service in the United States. We are currently making an investment that is totally inadequate; our rail system is nowhere near so cost-effective or consumer oriented as it should be. But, instead of providing the funds to overcome those deficiencies, the action we are taking today represents a giant step backward.

An effective, efficient rail system is essential to the quality of life and economic vitality of our Nation, and improving rail service should be a top priority; instead it has been sadly neglected. Trains run infrequently; the most popular ones are overcrowded; and passengers have well-founded fears about safety and the lack of good, reliable service.

We should be trying to meet the demands of customers—and would-be customers—by improving our Nation's rail program. Rail service should not be relegated to the past, or to the bottom of our list of priorities; it should not be taking a back seat to the enormous amount of funding we continue to pour into our multibillion-dollar highway system.

As the respected columnist, Jessica Mathews, pointed out in her recent Washington Post article, Amtrak has suffered from chronic underfunding; what it needs most is a guaranteed source of capital, and more than 3 percent of transportation funds it receives. We have a transportation system that heavily subsidizes travel by road and air—but ignores rail—and by doing so, we have serious congestion both on the ground and in the air.

A great investment in Amtrak would help us solve those serious problems. I urge my colleagues to consider that as we debate this appropriations bill.

Mr. Speaker, I commend the article by Jessica Mathews to my colleagues for their attention, and I include it at this point in the RECORD.

[From the Washington Post, June 24, 1996]

TIME TO MAKE PLANS—AND TRACKS

(Jessica Mathews)

American visitors to Europe and Japan this summer will have an experience you cannot have anywhere in America.

They will fly to a major airport like Amsterdam, Paris or Osaka, collect their bags, push their cart through customs and a few steps farther, still inside the airport, be at the doorway of an intercity train.

What's special about this quick and easy connection that non-Americans take for granted? First, of course, is the existence of healthy, heavily capitalized rail service, seen as integral to a national transportation system. Trains keep air and highway traffic flowing, and nothing competes with rail in an overall package of speed, cost, comfort, convenience and use of energy and land for trips in the range of 100 to 500 miles.

Anyone who thinks that rail travel is a nostalgia trip should take a look at the investment plans of the booming, modernization-obsessed Asian economies. China, Taiwan, Malaysia, South Korea and others are all investing heavily in high-speed rail.

That's the second characteristic missing for Americans: existing and planned service is high-speed rail, not futuristic magnetic levitation technology, but conventional rails in the here-and-now. After decades of undercapitalization, ''high-speed'' in the United States means only 100 mph to 125 mph, whereas France's 200 mph TGV would make the Washington-New York trip, downtown to downtown, into a one-hour commute.

The third factor is more subtle. Money can't buy it, and technology is no substitute. It is the connection: Air connects to rail, rail to transit, transit to bicycle and pedestrian options, and all of them are laid out to fit with the road system. It sounds basic and it is, but such links are so rare in this country that they're given a fancy name—intermodal connections. The missing element in the United States is planning.

Central planning is, of course, a dirty word here, but when we are serious about doing something well on a national scale, we plan just like everyone else. You can drive on one good road from Maine to Florida because the interstate highway system was laid out as a national system. To overcome our aversion in the 1950s, we pretended that all this planning was in the service of national defense (to move missiles on the roads). In 1996, with tourism/recreation the world's largest industry (and the United States' second-largest employer) and trade an ever-rising share of the global economy, we can no longer afford the hangup.

Missed connections persist at the state and regional level, even when comprehensive planning is attempted, because separate transportation trust funds with separate sources of revenue pit the various modes of travel against each other. The air, rail, transit and highway industries see themselves as competitors, not colleagues serving a broader public interest.

''That half-penny [of the federal gas tax] belongs to transit,'' says transit's chief lobbyist. ''Why should we use our money [air ticket-tax funds] on rail?'' asks an airline spokesman. And so New York's once-great Kennedy Airport lies gasping out in the suburbs, strangled by clogged highways, for lack of rail service from downtown. It's not a New York problem. It is obscenely difficult everywhere in this country to spend transportation money according to self-evident, local need.

Two things need to change: the chronic underfunding of rail and the separate pots of money that stand in the way of sensible spending. Eventually, the airport and highway trust funds and other appropriations must be combined into a single source of money allocated by need rather than mode of service. That will take some time. Meanwhile, urgent action is needed to rebuild passenger rail.

What Amtrak needs most of all is a guaranteed source of capital to buy the rolling stock that will reduce heavy maintenance costs on the antiquated equipment it inherited, improve service and attract new passengers. A recent test vote in the Senate approved a plan to allocate a half-cent of gasoline taxes, about $500 million per year, for

that purpose. Last week, both Senate Majority Leader Trent Lott and Rep. Frank Wolf (R–Va.), in charge of transportation spending in the House, gave the idea a cautious blessing.

Approval is still far from certain, but it is essential. Congress and the administration have previously decided that Amtrak must operate free of public support by 2001—a status that has no precedent anywhere in the world and justification. All other modes of transport are subsidized, roads and highways especially heavily. Why should rail alone not be publicly supported?

Whatever its wisdom, the goal has been set, at least for the time being. If there is the slightest chance that it can be met, capital funding of at least $2.5 billion over five years is the bare minimum cost.

The evidence is all around us that a transportation system that pours money into roads and air travel and starves everything else doesn't work. Spending for airports and highways soared in the '80s, and now economic losses from congestion on the ground and in the air are setting records. In that same time, support for rail declined by a third. It now gets a bare 3 percent of federal transportation funds.

Undercapitalized businesses fail every day. That could happen to Amtrak. Or it could succeed with payoffs in quality of life and national competitiveness out of all proportion to the federal cost. It's up to Congress.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0100

PROVIDING FOR CONSIDERATION OF H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT 1997

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 460

Resolved, That at any time after the adoption of this resolution the Speaker, may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with the colon on page 10, line 25, through ''program'' on page 11, line 3. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto the final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole as follows:

Page 8, line 18, strike ''proceeds from the sale of''.

Page 8, line 20, strike ''credited as offsetting collections to this account so as to result'' and insert in lieu thereof ''disposed of in a manner resulting''.

Page 8, line 22, strike the comma after the figure and all that follows through ''Act'' on page 9, line 1.

Page 11, line 18, strike ''$2,742,602,000'' and insert in lieu thereof ''$1,642,500,000''.

Page 27, line 4, strike ''$400,000,000'' and insert in lieu thereof ''$460,000,000''.

Page 48, line 12, strike the colon and all that follows through ''funds'' on line 15.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Utah [Ms. GREENE] is recognized for 1 hour.

Ms. GREENE of Utah. For purposes of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 460 is an open rule providing for consideration of H.R. 3675, the fiscal year 1997 Transportation appropriations bill. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Appropriations Committee.

The rule contains a technical waiver of section 401(a) of the Budget Act, which prohibits consideration of legislation containing contract authority not previously subject to appropriations, and two waivers of rule XXI: clause 6, prohibiting reappropriations, and clause 2, prohibiting unauthorized and legislative provisions, with the exception, as requested by the authorizing committee, of a provision relating to funding for a boating safety grant program.

In keeping with our commitment to ensure that the appropriations bills comply with authorizations, the rule resolves certain concerns expressed by the authorizing committee by providing that an amendment printed in section 2 of the resolution is considered as adopted.

In order to better accommodate members' schedules, the rule allows the chairman to postpone votes and reduce voting time to 5 minutes. The rule also permits the majority leader to offer the privileged motion to rise and report the bill back to the House at any time after the final lines of the bill have been read. Finally, the rule provides for priority consideration of amendments that have been pre-printed in the CONGRESSIONAL RECORD, and provides for one motion to recommit, with or without instructions.

Mr. Speaker, I would like to point out that this is the seventh appropriations bill that we have considered this year, and that all seven appropriations bills have been considered under open rules. Under this open, deliberative process, we have given every member of the House an opportunity to offer an amendment on any issue they feel important.

Mr. Speaker, I would like to once again emphasize that this is an open rule, providing for fair consideration of the important issues contained in this bill. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleagues on the other side of the aisle for this open rule. The Rules Committee acted appropriately in exposing certain parts of this bill to points of order. In doing so, they followed the long-standing tradition in the House of honoring the authorizing committees' request to be able to raise points of order against legislative language in spending bills. This rule will give them that opportunity.

I also commend Mr. WOLF and Mr. COLEMAN for this bipartisan bill they've put together which I fully support.

This bill allocates $12.5 billion for transportation programs across the country which are very good investments in our country's infrastructure.

Most importantly, Mr. Speaker, this bill emphasizes safety. It allocates $4.9 billion for the Federal Aviation Administration to continue the good work they do making sure our skies are safe. Thanks to this bill, the FAA will be

able to hire 660 new employees entirely devoted to passenger safety.

Even though our planes are among the safest in the world, as last month's tragedy in Florida showed us, we are still not as safe as we should be.

Although I am disappointed that this bill doesn't provide any new funding for the Northeast corridor, the most traveled passenger rail route in the country, I understand that there is a balance from previous appropriations to fund the continued construction of this project.

I urge my colleagues to support this open rule and to support this bill.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I simply want to say I support this rule. It is far preferable than the rule that we just considered. I would simply observe that with respect to the previous rule, this country has walked away from our values in dealing with trade. There is absolutely no reason in my view for us to provide MFN treatment for a country that produces goods through slave labor. I think it is a preposterous joke that we should in any way give credence to the idea that a country with a controlled economy is a fitting participant in free- or fair-trade arrangements. By definition, they are not. I thank the gentleman for his time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. GREENE of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Resolution 460.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3675, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and that I may be permitted to submit tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 460 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 23675.

□ 0109

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. BEREUTER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] will each be recognized for 30 minutes.

The Chair recognize the gentleman from Virginia [Mr. WOLF].

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

In the interests of brevity, Mr. Chairman, and because everyone, including the staff, ought to be able to go home, I will include my remarks.

Mr. Chairman, today I am proud to present to the House H.R. 3675, the transportation appropriations bill for fiscal year 1997. I believe this is a very good bill which will improve aviation and highway safety, provide essential funding for highways and other infrastructure improvements across the country, and maintain the Federal Government's commitment to help localities and Amtrak with assistance in their operating budgets. This is a balanced bill, created in a bipartisan manner under difficult budget constraints.

Before I go any further, Mr. Chairman, I want to recognize the huge contributions of the gentleman from Texas [Mr. COLEMAN] in putting together this bill, and past bills, in a truly bipartisan fashion.

This will be the gentleman's last transportation appropriations bill, and I want to say how much I appreciate his diligence and hard work, and his true concern for transportation safety and infrastructure around this country. He will be sorely missed, and we all wish him well.

As all of us know, Mr. Chairman, the coming fiscal year will be very difficult, as we continue to tighten our belt on the way to a balanced budget. This is even more painful with each passing year, because the easiest budget reductions have already been made. Yet this body has shown its strong and unwavering commitment to eliminating the deficit by the year 2002, so some continued sacrifices will be needed.

Before I get into specifics of the bill, let me put the larger budget numbers in perspective. This year, our 602(b) allocation in new outlays is $11.4 billion, which is the same level as last year. This might not seem too difficult until you realize that just to fund things like the employee pay raise, normal inflation in employee medical insurance and other benefits, and general inflation in goods and services, the Department of Transportation would need $250 million more than it received in fiscal year 1996.

And if you use the President's budget as the baseline instead of the current level of funding, even greater reductions are required, because the budget proposed a large increase in new outlays. Combined with the money we need to pay off debts from past years, our budget allocation puts us $359 million in outlays below the administration's request. So very difficult choices had to be made below the level of their request.

This bill sets priorities with the limited resources we have available. What are those priorities?

Safety: Maintaining and improving safety is the number one priority in this bill, above everything else. The recent aviation accidents have convinced many of us that more needs to be done, and there are other troubling signs as well. Fraudulent and unapproved aircraft parts now get inside our commercial airliners all too often. And our aging air traffic control equipment raises concerns.

Last year, air traffic centers all over the country experienced breakdowns in important radar and communication systems. And air traffic controllers are getting stretched thin as air traffic increases without consistent growth in staffing.

To deal with these problems, the bill before the House today raises funding for air traffic control operations by about 6 percent, providing funds for 250 additional air traffic controllers and 373 new staff in aviation safety inspection and oversight. The bill also adds $139 million, not in the President's request, for new air traffic control equipment and systems to improve safety and airway capacity.

Because of the extremely serious questions surfacing now over aviation safety and the FAA's oversight, the bill appropriates $2.4 million for a blue-ribbon commission to perform a comprehensive review of aviation safety, financing, and acquisition. Over the past few weeks, we've seen FAA inspectors and the Transportation Inspector General testify before the House and Senate about safety problems. We read about internal FAA memos raising safety alarms which go ignored by management.

And we know how long it takes the FAA to procure and install new safety equipment. These problems must be addressed in a comprehensive, non-political and professional way.

This high level commission will be bipartisan, and will have adequate funding to analyze in-depth the aviation safety situation in the United States, the FAA's financing problems, and its organization. I intend to offer an amendment to the FAA authorization bill which provides the authorization for this commission when that bill is before the House later this summer. The chairman of the Transportation and Infrastructure Committee agrees with me on this approach. He supports this language, and I am pleased that the appropriations bill provides funds for this important activity.

And we must do more in other safety areas as well, or at least hold the line in the face of

oncoming budget cuts. The National Highway Traffic Safety Administration [NHTSA], for example, performs critical work in research and public education to make our highways safer.

Earlier advances in reducing highway fatalities in this country have slowed in recent years, and in some states, fatalities are going back up with repeal of the national speed limit a few months ago. So the Committee bill places priority on protecting NHTSA's budget, and the related motor carrier safety grants program in the Federal Highway Administration.

Similarly, the second highest number of transportation fatalities in this country occur on our Nation's waterways, and we have received strong appeals from the States to raise funding for boating safety. So the bill raises funds significantly for this program—a 50 percent increase—and requires the Coast Guard to take a more active posture in helping to reduce boating deaths around the country.

Current Operations: The bill also tries to maintain funds for the various operating budgets, and for operating grants, at close to last year's levels. We do not have the resources to start major new initiatives. But we have tried to maintain the current level of operations. Coast Guard operations is funded at approximately last year's level.

Transit operating assistance is at the 1996 level of $400 million, which was difficult since the budget resolution passed by this House assumes that we phase out these grants. And Amtrak operating is at the budget request level. To enhance safety, the bill provides a 6 percent increase in FAA operations, but to help finance the increase, we include $30 million in FAA user fees. These funding levels will maintain current levels of operations except at the FAA, which will be increased.

Investing in Infrastructure: The bill places a high priority on investing in the Nation's infrastructure. With great difficulty, we have found a way to finance the federal-aid highways program at the current level, which will provide funds for road construction in every State. Once again this year, we have included no highway demo projects in the bill, allowing us to put more resources into the hands of the States to decide themselves which projects have the highest need. Likewise, we are not earmarking funds for airport construction grants.

Regarding the Central Artery highway project in Boston, we considered placing a cap on the total cost of that project this year, due to the spiraling costs. However, we have recently received information and assurances from the Commonwealth of Massachusetts and the Department of Transportation that the program is now under control. So although we will continue to monitor this project, I am pleased with the progress made at this time, and the bill includes no provisions restricting funds for this project.

Mr. Chairman, we have tried hard to minimize reductions in capital programs, but that has not been possible in every program. The proposal includes $4 billion for transit grants, the same as the current level. It includes $1.8 billion for FAA facilities and equipment, essentially the same as the budget request. It includes approximately the same level of funding as last year for Coast Guard acquisition, although additional resources will be available to augment their appropriation through sales of Coast Guard airplanes and shore stations which are no longer needed.

Two capital programs have been hit harder than others in this bill, and they are very good programs. These are airport grants and Amtrak.

We provide $1.3 billion for airport grants, 4 percent below the administration's request and $150 million below the 1996 level.

Likewise, Amtrak capital programs are funded at $200 million, a large reduction from $345 million provided for 1996. In addition to this appropriated level, Amtrak has just under half a billion dollars in the bank that it can use during the next year to fund such high priority items as electrification and procurement of high speed trainsets. This level of funding does not prejudice Amtrak from receiving consideration for funding in future appropriations bills.

I know these reductions will cause some Members concern, and I agree that these are good and meritorious programs. If there is any way to raise the figures for Amtrak and airport grants as we go through the process without harming safety programs or other critical needs, I am open to those suggestions. We have to make the difficult cuts as well as the easy ones, and I know these are difficult.

Finally, the bill is very clean of extraneous legislative provisions, and we have tried to work with the legislative committees to ensure their support for the bill. To my knowledge, the rule just adopted addresses the remaining concerns of the legislative committees. There are no major controversial policy changes in the bill. Therefore, I believe the bill can move forward without delay, and without undue controversy.

Mr. Chairman, I believe this is an excellent and balanced bill that puts an emphasis on our highest responsibility—protecting and enhancing transportation safety. From a financial standpoint, it is the best we could do given the budgetary circumstances we are under. It was developed in a truly bipartisan fashion, and received little controversy or debate at either the subcommittee or full committee levels. I believe it deserves the support of this entire body, and I ask for its approval.

Mr. Chairman, I include for the RECORD the following material:

FY 1997 - TRANSPORTATION APPROPRIATIONS BILL (H.R. 3675)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	56,189,000	55,376,000	53,816,000	-2,373,000	-1,560,000
Office of civil rights	6,554,000	5,574,000	5,574,000	-980,000	
Transportation planning, research, and development	8,220,000	7,919,000	3,000,000	-5,220,000	-4,919,000
Transportation Administrative Service Center	(103,149,000)		(124,812,000)	(+21,663,000)	(+124,812,000)
Payments to air carriers (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(22,600,000)	(21,922,000)	(10,000,000)	(-12,600,000)	(-11,922,000)
(Limitation on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(-12,600,000)	(-11,922,000)
Rescission of contract authority	(-16,000,000)	(-16,678,000)	(-28,600,000)	(-12,600,000)	(-11,922,000)
Rescission	(-6,786,971)	(-1,133,373)	(-1,133,000)	(+5,653,971)	(+373)
Rental payments	135,200,000	137,581,000	127,447,000	-7,753,000	-10,134,000
Minority business resource center program	1,900,000	1,900,000	1,900,000		
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)		
Minority business outreach	2,900,000	2,900,000	2,900,000		
Total, Office of the Secretary	210,963,000	211,250,000	194,637,000	-16,326,000	-16,613,000
(Limitations on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(-12,600,000)	(-11,922,000)
Total budgetary resources	(233,563,000)	(233,172,000)	(204,637,000)	(-28,926,000)	(-28,535,000)
Coast Guard					
Operating expenses	2,278,991,000	2,519,350,000	2,609,100,000	+330,109,000	+89,750,000
Defense function (050)		118,500,000			-118,500,000
(Transfer from DOD)	(300,000,000)			(-300,000,000)	
Acquisition, construction, and improvements:					
Offsetting collections		-20,000,000	-20,000,000	-20,000,000	
Vessels	167,600,000	237,000,000	205,600,000	+38,000,000	-31,400,000
Aircraft	12,000,000	21,400,000	18,300,000	+6,300,000	-3,100,000
Other equipment	49,200,000	46,700,000	39,900,000	-9,300,000	-6,800,000
Shore facilities & aids to navigation facilities	88,875,000	59,500,000	47,950,000	-40,925,000	-11,550,000
Personnel and related support	44,700,000	47,000,000	46,250,000	+1,550,000	-750,000
Rescission, FY 1995			(-355,000)	(-355,000)	(-355,000)
Rescission, FY 1996			(-3,400,000)	(-3,400,000)	(-3,400,000)
Subtotal, A C & I	362,375,000	391,600,000	354,245,000	-28,130,000	-57,355,000
Environmental compliance and restoration	21,000,000	25,000,000	21,000,000		-4,000,000
Port Safety Development	15,000,000			-15,000,000	
Alteration of bridges	16,000,000	2,000,000	16,000,000		+14,000,000
Retired pay	582,022,000	608,084,000	608,084,000	+26,062,000	
Reserve training	62,000,000	65,890,000	65,890,000	+3,890,000	
Research, development, test, and evaluation	18,000,000	20,300,000	19,000,000	+1,000,000	-1,300,000
Boat safety (Aquatic Resources Trust Fund)	20,000,000		35,000,000	+15,000,000	+35,000,000
Total, Coast Guard	3,375,388,000	3,750,724,000	3,708,319,000	+332,931,000	-42,405,000
Federal Aviation Administration					
Operations	4,645,712,000	4,918,269,000	4,900,000,000	+254,288,000	-18,269,000
Offsetting Collections		-150,000,000	-30,000,000	-30,000,000	+120,000,000
Facilities & equipment (Airport & Airway Trust Fund)	1,934,883,000	1,788,700,000	1,800,000,000	-134,883,000	+11,300,000
Rescission	(-60,000,000)			(+60,000,000)	
Research, engineering, and development (Airport and Airway Trust Fund)	185,698,000	195,700,000	185,000,000	-698,000	-10,700,000
Grants-in-aid for airports (Airport & Airway Trust Fund):					
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)		
(Limitation on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(-150,000,000)	(-50,000,000)
Rescission of contract authority	(-664,000,000)			(+664,000,000)	
Aircraft purchase loan guarantee program (indefinite borrowing authority)	50,000			-50,000	
(Limitation on borrowing authority)	(1,600,000)			(-1,600,000)	
Total, Federal Aviation Administration	6,766,343,000	6,752,669,000	6,855,000,000	+88,657,000	+102,331,000
(Limitations on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(-150,000,000)	(-50,000,000)
Total budgetary resources	(8,216,343,000)	(8,102,669,000)	(8,155,000,000)	(-61,343,000)	(+52,331,000)
Federal Highway Administration					
Limitation on general operating expenses	(509,660,000)	(652,905,000)	(510,981,000)	(+1,321,000)	(-141,924,000)
Highway-related safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(11,000,000)	(2,049,000)	(2,049,000)	(-8,951,000)	
(Limitation on obligations)	(11,000,000)			(-11,000,000)	
Rescission of contract authority	(-9,000,000)			(+9,000,000)	
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(17,550,000,000)	(17,714,000,000)	(17,550,000,000)		(-164,000,000)
(Exempt obligations) (sec. 310)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(-276,507,000)	(+740,198,000)
(Liquidation of contract authorization)	(19,200,000,000)	(19,800,000,000)	(19,800,000,000)	(+600,000,000)	
Emergency appropriations	(300,000,000)			(-300,000,000)	

FY 1997 - TRANSPORTATION APPROPRIATIONS BILL (H.R. 3675)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(68,000,000)	(74,000,000)	(74,000,000)	(+6,000,000)	.....
(Limitation on obligations)	(77,225,000)	(85,000,000)	(77,425,000)	(+200,000)	(-7,575,000)
Rescission of contract authority	(-33,000,000)	.....	.....	(+33,000,000)	.....
Alameda corridor project loan program	.....	58,680,000	.....	.....	-58,680,000
Alameda corridor project loan limitation	.....	(400,000,000)	.....	.....	(-400,000,000)
State infrastructure banks (Highway Trust Fund)	.....	250,000,000	.....	.....	-250,000,000
Total, Federal Highway Administration	.....	308,680,000	.....	.....	-308,680,000
(Limitations on obligations)	(17,638,225,000)	(17,799,000,000)	(17,627,425,000)	(-10,800,000)	(-171,575,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(-276,507,000)	(+740,198,000)
Total budgetary resources	(19,969,732,000)	(19,422,482,000)	(19,682,425,000)	(-287,307,000)	(+259,943,000)
National Highway Traffic Safety Administration					
Operations and research	73,316,570	98,976,000	81,895,000	+8,578,430	-17,081,000
Operations and research (Highway Trust Fund)	51,884,430	59,537,000	50,377,000	-1,507,430	-9,160,000
Subtotal, Operations and research	125,201,000	158,513,000	132,272,000	+7,071,000	-26,241,000
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(155,100,000)	(191,000,000)	(167,100,000)	(+12,000,000)	(-23,900,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(127,700,000)	(151,200,000)	(127,700,000)	.....	(-23,500,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,400,000)	(2,400,000)	.....	.....
Highway safety grants (Sec. 1003(a)(7)) (limitaiton on obligations)	.....	(15,000,000)	(11,000,000)	(+11,000,000)	(-4,000,000)
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,000,000)	(25,000,000)	(26,000,000)	(+1,000,000)	(+1,000,000)
Rescission of contract authority	(-56,000,000)	.....	.....	(+56,000,000)	.....
Total, National Highway Traffic Safety Admin	125,201,000	158,513,000	132,272,000	+7,071,000	-26,241,000
(Limitations on obligations)	(155,100,000)	(193,600,000)	(167,100,000)	(+12,000,000)	(-26,500,000)
Total budgetary resources	(280,301,000)	(352,113,000)	(299,372,000)	(+19,071,000)	(-52,741,000)
Federal Railroad Administration					
Office of the Administrator	14,018,000	16,883,000	16,469,000	+2,451,000	-414,000
Railroad safety	49,919,000	51,864,000	51,407,000	+1,488,000	-457,000
Railroad research and development	24,550,000	24,565,000	20,341,000	-4,209,000	-4,224,000
Northeast corridor improvement program	115,000,000	200,000,000	.....	-115,000,000	-200,000,000
High-speed rail trainsets and facilities	.....	80,000,000	80,000,000	+80,000,000	.....
Next generation high speed rail	19,205,000	26,525,000	19,757,000	+552,000	-6,768,000
Trust fund share of next generation high-speed rail (Highway Trust Fund):					
(Liquidation of contract authorization)	(7,118,000)	(2,855,000)	(2,855,000)	(-4,263,000)	.....
(Limitation on obligations)	(5,000,000)	.....	.....	(-5,000,000)	.....
Alaska Railroad rehabilitation	10,000,000	.....	.....	-10,000,000	.....
Rhode Island Rail Development	1,000,000	10,000,000	4,000,000	+3,000,000	-6,000,000
Direct loan financing program	.....	.....	58,680,000	+58,680,000	+58,680,000
Direct loan financing program limitation	.....	.....	(400,000,000)	(+400,000,000)	(+400,000,000)
Grants to the National Railroad Passenger Corporation:					
Operations	305,000,000	342,000,000	342,000,000	+37,000,000	.....
Transition costs	100,000,000	.....	.....	-100,000,000	.....
Capital	230,000,000	296,500,000	120,000,000	-110,000,000	-176,500,000
Total, Grants to the National Railroad Passenger Corporation	635,000,000	638,500,000	462,000,000	-173,000,000	-176,500,000
Total, Federal Railroad Administration	868,692,000	1,048,337,000	712,654,000	-156,038,000	-335,683,000
(Limitations on obligations)	(5,000,000)	.....	.....	(-5,000,000)	.....
Total budgetary resources	(873,692,000)	(1,048,337,000)	(712,654,000)	(-161,038,000)	(-335,683,000)
Federal Transit Administration					
Administrative expenses	42,000,000	43,652,000	41,367,000	-633,000	-2,285,000
Formula grants	942,925,000	221,122,000	460,000,000	-482,925,000	+238,878,000
Formula grants (Highway Trust Fund) (limitation on obligations)	(1,110,000,000)	(1,930,850,000)	(1,592,925,000)	(+482,925,000)	(-337,925,000)
Operating assistance grants	(400,000,000)	(500,000,000)	(400,000,000)	.....	(-100,000,000)
Subtotal, Formula grants	(2,052,925,000)	(2,151,972,000)	(2,052,925,000)	.....	(-99,047,000)
University transportation centers	6,000,000	6,000,000	6,000,000	.....	.....
Transit planning and research	85,500,000	85,500,000	85,500,000	.....	.....
Metropolitan planning	(39,500,000)	(39,500,000)	(39,500,000)	.....	.....
Rural transit assistance	(4,500,000)	(4,500,000)	(4,500,000)	.....	.....
Transit cooperative research	(8,250,000)	(8,250,000)	(8,250,000)	.....	.....
National planning and research	(22,000,000)	(22,000,000)	(22,000,000)	.....	.....
State planning and research	(8,250,000)	(8,250,000)	(8,250,000)	.....	.....
National transit institute	(3,000,000)	(3,000,000)	(3,000,000)	.....	.....
Subtotal, Transit planning and research	(85,500,000)	(85,500,000)	(85,500,000)	.....	.....

FY 1997 - TRANSPORTATION APPROPRIATIONS BILL (H.R. 3675)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,120,850,000)	(1,920,000,000)	(1,920,000,000)	(+799,150,000)	.....
Discretionary grants (Highway Trust Fund) (limitation on obligations):					
Fixed guideway modernization	(666,000,000)	(725,000,000)	(666,000,000)	.....	(-59,000,000)
Bus and bus-related facilities	(333,000,000)	(274,000,000)	(333,000,000)	.....	(+59,000,000)
New starts	(666,000,000)	(800,000,000)	(666,000,000)	.....	(-134,000,000)
Subtotal, Discretionary grants	(1,665,000,000)	(1,799,000,000)	(1,665,000,000)	.....	(-134,000,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,375,000,000)	(2,000,000,000)	(2,000,000,000)	(-375,000,000)	.....
Washington Metropolitan Area Transit Authority	200,000,000	200,000,000	200,000,000	.....	.....
Violent crime reduction programs (Violent Crime Reduction Trust Fund)	.....	10,000,000	.....	.....	-10,000,000
Total, Federal Transit Administration	1,276,425,000	566,274,000	792,867,000	-483,558,000	+226,593,000
(Limitations on obligations)	(2,775,000,000)	(3,729,850,000)	(3,257,925,000)	(+482,925,000)	(-471,925,000)
Total budgetary resources	(4,051,425,000)	(4,296,124,000)	(4,050,792,000)	(-633,000)	(-245,332,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	10,150,000	10,065,000	10,037,000	-113,000	-28,000
Research and Special Programs Administration					
Research and special programs	23,937,000	28,169,000	23,929,000	-8,000	-4,240,000
Hazardous materials safety	(12,650,000)	(12,812,000)	(12,772,000)	(+122,000)	(-40,000)
Emergency transportation	(1,022,000)	(993,000)	(993,000)	(-29,000)	.....
Research and technology	(3,288,000)	(7,488,000)	(3,323,000)	(+35,000)	(-4,165,000)
Program and administrative support	(7,388,000)	(6,876,000)	(6,841,000)	(-547,000)	(-35,000)
Accountwide adjustment	(-411,000)	.....	.....	(+411,000)	.....
Subtotal, research and special programs	(23,937,000)	(28,169,000)	(23,929,000)	(-8,000)	(-4,240,000)
Pipeline safety (Pipeline Safety Fund)	28,750,000	31,500,000	28,460,000	-290,000	-3,040,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,698,000	2,528,000	2,528,000	-170,000	.....
Subtotal, Pipeline safety	31,448,000	34,028,000	30,988,000	-460,000	-3,040,000
Emergency preparedness grants:					
Emergency preparedness fund	400,000	200,000	200,000	-200,000	.....
(Limitation on obligations)	(8,890,000)	.....	.....	(-8,890,000)	.....
Total, Research and Special Programs Admin	55,785,000	62,397,000	55,117,000	-668,000	-7,280,000
(Limitations on obligations)	(8,890,000)	.....	.....	(-8,890,000)	.....
Total budgetary resources	(64,675,000)	(62,397,000)	(55,117,000)	(-9,558,000)	(-7,280,000)
Office of Inspector General					
Salaries and expenses	40,238,000	39,771,000	39,450,000	-788,000	-321,000
Bureau of Transportation Statistics					
Salaries and expenses	2,200,000	.....	.....	-2,200,000	.....
Office of Airline Information (Airport and airway trust fund)	.....	3,100,000	.....	.....	-3,100,000
Surface Transportation Board					
Salaries and expenses	.....	3,000,000	12,344,000	+12,344,000	+9,344,000
Offsetting Collections	.....	-3,000,000	.....	.....	+3,000,000
General Provisions					
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)	.....
Transportation Administrative Service Center reduction	-7,500,000	.....	-10,000,000	-2,500,000	-10,000,000
DOT field office consolidation (sec. 335)	-25,000,000	.....	.....	+25,000,000	.....
ICC transition (sec. 344)	8,421,000	.....	.....	-8,421,000	.....
Total, title I, Department of Transportation (net)	11,862,519,029	12,893,968,627	12,472,964,000	+610,444,971	-421,004,627
Appropriations	(12,707,306,000)	(12,911,780,000)	(12,502,697,000)	(-204,609,000)	(-409,083,000)
Rescissions	(-844,786,971)	(-17,811,373)	(-29,733,000)	(+815,053,971)	(-11,921,627)
(Limitations on obligations)	(22,054,815,000)	(23,094,372,000)	(22,362,450,000)	(+307,635,000)	(-731,922,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(-276,507,000)	(+740,198,000)
Total budgetary resources including (limitations on obligations and (exempt obligations)	(36,248,841,029)	(37,303,142,627)	(36,890,414,000)	(+641,572,971)	(-412,728,627)

FY 1997 - TRANSPORTATION APPROPRIATIONS BILL (H.R. 3675)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,500,000	3,540,000	3,540,000	+40,000	
National Transportation Safety Board					
Salaries and expenses	38,774,000	42,407,000	42,407,000	+3,633,000	
Emergency fund	360,802			-360,802	
Total, National Transportation Safety Board	39,134,802	42,407,000	42,407,000	+3,272,198	
Interstate Commerce Commission					
Salaries and expenses	13,379,000			-13,379,000	
Payments for directed rail service (limitation on obligations)	(475,000)			(-475,000)	
Total, Interstate Commerce Commission	(13,854,000)			(-13,854,000)	
Panama Canal Commission					
Panama Canal Revolving Fund:					
(Limitation on administrative expenses)	(52,741,000)			(-52,741,000)	
Total, title II, Related Agencies	56,013,802	45,947,000	45,947,000	-10,066,802	
(Limitation on obligations)	(475,000)			(-475,000)	
Total budgetary resources	(56,488,802)	(45,947,000)	(45,947,000)	(-10,541,802)	
TITLE III - GENERAL PROVISIONS					
General Provision 310		(-41,000,000)			(+41,000,000)
General Provision 310(f)		-306,000,000			+306,000,000
Sec. 338 - National Civil Aviation Review Commission			2,400,000	+2,400,000	+2,400,000
Total appropriations (net)	11,918,532,831	12,633,915,627	12,521,311,000	+602,778,169	-112,604,627
Scorekeeping adjustments:					
Emergency preparedness grants limitation	-4,697,000			+4,697,000	
Administrative reductions (P.L. 104-134)	-15,000,000			+15,000,000	
FHA: Federal-aid highways (P.L. 104-19)	382,190,000			-382,190,000	
General provision: Bonuses & awards	-749,852			+749,852	
Pipeline safety	6,933,000	-3,000,000		-6,933,000	+3,000,000
Permissive transfer (Coast Guard to FAA)	(60,000,000)			(-60,000,000)	
Railroad Safety		-3,000,000	-1,000,000	-1,000,000	+2,000,000
Total, adjustments	368,676,148	-6,000,000	-1,000,000	-369,676,148	+5,000,000
Grand total (net)	12,287,208,979	12,627,915,627	12,520,311,000	+233,102,021	-107,604,627
Appropriations	(13,131,995,950)	(12,645,727,000)	(12,550,044,000)	(-581,951,950)	(-95,683,000)
Rescissions	(-844,786,971)	(-17,811,373)	(-29,733,000)	(+815,053,971)	(-11,921,627)
(Limitations on obligations)	(22,055,290,000)	(23,053,372,000)	(22,362,450,000)	(+307,160,000)	(-690,922,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(-276,507,000)	(+740,198,000)
Grand total budgetary resources including (limitations on obligations) and (exempt obligations)	(36,674,005,979)	(36,996,089,627)	(36,937,761,000)	(+263,755,021)	(-58,328,627)
Total mandatory and discretionary	12,287,208,979	12,627,915,627	12,520,311,000	+233,102,021	-107,604,627
Mandatory	582,072,000	608,084,000	608,084,000	+26,012,000	
Discretionary:					
Crime trust fund		10,000,000			-10,000,000
General purposes:					
Defense (050)		118,500,000			-118,500,000
Nondefense	11,705,136,979	11,891,331,627	11,912,227,000	+207,090,021	+20,895,373
Total, General purposes	11,705,136,979	12,009,831,627	11,912,227,000	+207,090,021	-97,604,627
Total, Discretionary	11,705,136,979	12,019,831,627	11,912,227,000	+207,090,021	-107,604,627

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of the fiscal year 1997 Transportation appropriations bill and ask unanimous consent to revise and extend my remarks.

At the outset, I want to thank the gentleman from Virginia [Mr. WOLF] for working with me and other Members on several issues of particular interest to me and to other Members on this side of the aisle. He has been cooperative and fair. I also want to thank the staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and Lori Beth Feld, for their assistance and hard work on this bill. Also Kristen Hoeschler, Cheryl Smith, and Christy Cockburn of the minority staff.

I also want to note that the distinguished gentleman from Texas [Mr. COLEMAN] would ordinarily be managing this bill on our side of the aisle today. He could not be here due to his mother's poor health in Texas. But, we look forward to his return and his stewardship of this bill for the minority when we move to conference with the Senate.

The fiscal year 1997 Transportation bill is within the 602(B) allocation for the subcommittee. It is also well below the amounts allocated to the Transportation bill in last year's conference report—as a result, the funding choices were quite difficult, and several of the new initiatives advanced by the administration were not included in the bill. Nevertheless, in large measure, the bill provides adequate funding for basic transportation safety and infrastructure priorities.

The bill provides $4.9 billion for FAA operations, including $30 million in new FAA user fees, and $2.6 billion for Coast Guard operations. These amounts will fund essential safety operations at these agencies, although not all of the administration's requests were funded.

The bill provides $17.55 billion for the Federal-Aid Highways Program, which will maintain the current level of funding for highway maintenance, repair, renovation, and construction. These funds will help ensure that we continue a minimum level of investment to maintain and improve the condition of our Nation's roads, highways and bridges.

One innovative initiative of the administration to expand highway capacity and provide congestion relief through cost effective technology is the Intelligent Transportation Systems [ITS] Program. The ITS Program has matured from a high risk R&D initiative to the point where the program is ready to test the feasibility of integrating advanced technologies for traffic control and management systems in several cities across the country. I know first hand the potential of these ITS technologies for improving air quality, reducing congestion and conserving energy through the Guidestar Initiative that has been underway in Minnesota for several years.

This bill provides $228 million in funding for ITS Initiatives. I would have liked a higher funding level, but I believe we are headed in the right direction. These technology investments certainly have the potential for significant payoffs in future years and deserve continued support.

The bill provides $400 million in direct loans over 3 years for another important administration initiative—the Alameda rail corridor in California. This economic Development/Transportation Improvement Project has significant regional and national benefits.

In the area of transit, the bill provides $2.05 billion for transit formula grants, including $400 million for transit operating subsidies—the same amounts as last year. Mr. Chairman, transit operating subsidies were slashed last year by $310 million or 44 percent. As a result, many bus and rail operators have had to cut service and raise fares, and otherwise diminish services to the working poor, the elderly and others who depend on mass transit. I am pleased that this bill holds the line on additional mass transit reductions.

The bill also includes $1.7 billion for discretionary bus, rail modernization, and transit new start grants—the same amount as provided in 1996. These funds will help localities replace old, energy inefficient buses and modernize transit systems throughout the country.

The bill provides $1.3 billion in fiscal year 1997 funding for the Airport Improvements Grant Program—a $150 million cut or 10 percent reduction below this year's level. This funding level was the best we could do given the 602(b) allocation given the subcommittee. I believe that we will revisit this issue in conference with the Senate.

Mr. Chairman, I want to briefly mention some concerns about several other provisions in the bill:

The bill cuts essential air service by nearly 50 percent which will severely disadvantage the rural communities that depend on these subsidies.

The bill hits AMTRAK very hard. In total, considering both capital and operating funds, AMTRAK takes one of the largest reductions in the bill—a cut of 28 percent. Funding for the northeast corridor—AMTRAK's most profitable service—is completely eliminated. Clearly, AMTRAK cannot sustain the severe reductions in this bill, and I expect that this issue will be revisited in conference.

Mr. Chairman, I also do not agree with the committee's recommendation to deny $500,000 in funding for the Domestic Auto Content Labeling law. The American Automobile Labeling Act specifically requires the Department of Transportation to ensure that automobile manufacturers label new vehicles to display their domestic content. The U.S. Trade Representative is relying on the DOT to conduct periodic audits to monitor the compliance of Japan and other foreign governments with the 1995 Trade Agreement on autos and auto parts.

Under this agreement, Japanese automakers committed that they would increase their purchases of American automotive parts. However, without the baseline audits for which this bill denies funding, there will not be a mechanism for assessing whether these commitments are, in fact, met. The domestic content law will help promote jobs for U.S. workers, and provide consumers with information that will help them to buy American. The majority's decision to delete this funding was a bad decision, and should be reversed when we deal with this issue in conference with the Senate.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the committee.

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

Mr. OBEY. Mr. Chairman, I also simply want to extend my appreciation to the gentleman from Virginia, [Mr. WOLF], the chairman of the committee, for the manner in which he has proceeded to produce a bill which I think will meet a bipartisan test. I would also simply note the absence of the gentleman from Texas, [Mr. COLEMAN], who could not be here today due to an illness in his family in Texas, that this will be the last transportation bill that Mr. COLEMAN would be serving this House on in the capacity of ranking member. We appreciate the very effective work that he has done.

I rise in support of this bill.

Mr. Chairman, last year, the Transportation appropriations bill was one of the appropriations bills where we were able, for the most part, to bridge partisan differences and reach agreement on a bill that could be signed into law. I believe that we should be able to accomplish that same goal on the bill we consider today providing fiscal year 1997 funding for priority transportation programs.

I want to extend my appreciation to the gentleman from Virginia , [Mr. WOLF] for his efforts to work out reasonable compromises on the bill and to address transportation spending priorities under a 602(b) allocation that provides $650 million less in budget authority and $1.3 billion less in outlays than was allocated to the conference version of the 1996 transportation appropriations bill last year.

I also want to note the fine work of the gentleman from Texas, [Mr. COLEMAN,] on this bill. Unfortunately, Mr. COLEMAN could not be here today due to illness in his family in Texas. This bill will be the last transportation bill that Mr. COLEMAN will shepherd through this body as the ranking minority member of the transportation appropriations subcommittee. I know we will all miss the good humor and great ability with which he carries out his responsibilities.

The bill has several positive elements which I want to note. I am pleased that the bill provides a stable funding level for the Federal-Aid Highways program at $17.55 billion—the 1996 funding level. I would note that the conference agreement on the budget resolution which provided $4 billion more for nondefense discretionary spending over the House budget resolution allowed the subcommittee to receive an additional $325 million in outlays which helped to avoid a cut in funding for the highway program. I would have strongly supported an increased in highway funding to get closer to the full ISTEA authorization had additional funds been allocated to the subcommittee.

The bill also provides funding for transit infrastructure and operating assistance to the current level of $2.0 billion, including $400 million for transit operating assistance. These funds are essential for the mobility of the elderly, the poor and disabled, and those in rural America, who are dependent on bus and mass transportation to work, shop and live.

Mr. Chairman, at my initiative, the committee report on the bill requests the Federal Aviation Administration to review the safety

and airworthiness of the ATR–47 and ATR–72 aircraft to make certain that they are safe to fly in the conditions in which they are being flown. The ART 72 is the airplane involved in the 1994 tragic crash in Roselawn, Indiana which killed 68 people. The National Transportation Safety Board will be issuing its report next month on the causes of this accident. My language will help ensure that the FAA undertakes the necessary reviews so that we can be confident that the FAA has taken all steps possible to ensure the safety of those who travel aboard these airplanes.

Mr. Chairman, these are some very positive aspects of the bill. I do, however, believe that the bill falls short in two areas about which I have some concerns.

A small, but significant item in the bill relates to the deletion of $550,000 requested by the administration for the implementation of the domestic content labeling law. This law requires new passenger vehicles sold in the United States to be labeled to show their domestic content. Without these funds, the National Highway Traffic Safety Administration will be unable to conduct the necessary audits to evaluate industry compliance with the requirements of the law.

The deletion of these funds amounts to a de facto repeal of a law that is needed to monitor the implementation of the June 28, 1995 United States-Japan Agreement on Autos and Auto Parts. This agreement, its implementation and its enforcement is a central part of the administration's trade policy toward Japan and its plans for opening the Japanese market.

For approximately 10 years, the United States government has been pressuring the Japanese automobile companies to increase their purchases from United States auto parts suppliers, particularly for those vehicles assembled in the United States. The domestic content labeling law provides the United States Government a recognized and credible methods for benchmarking the United States parts content of Japanese cars and light trucks. The $500,000 reduction in the bill in penny-wise, but pound foolish in terms of our ability to monitor and enforce this agreement to ensure that the Japanese live up to their commitments.

Mr. Chairman, I also disagree with the $500,000 cut in funds requested by the FAA for the contract tower program. The reduction in the bill assumes additional savings will be realized if contract air traffic controllers are paid less than locally prevailing wages. The $500,000 in assumed saving will result in a real cut in the program, since the Department of Labor has already determined that there insufficient justification for the waiver assumed in the bill. I do not agree with the suggestion implicit in the bill that we should not pay these contract air traffic controllers a decent wage. I will also support the amendment by Mr. COLLINS relating to changing the age 60 rule for commercial pilots.

Mr. Chairman, the basic elements of this bill are sound. It contains several flaws that I believe we can correct as the bill moves through floor, Senate, and conference action. I urge the adoption of the bill.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOGLIETTA].

(Mr. FOGLIETTA asked and was given permission to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the bill.

Mr. SABO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just reiterate and thank the gentleman from Minnesota [Mr. SABO], and the gentleman from Wisconsin [Mr. OBEY], and let me pay tribute to the gentleman from Texas [Mr. COLEMAN], who is retiring. This is the last bill he will be handling on the floor. He cannot be here because of a very serious illness in the family.

Let me just also thank the gentleman from Minnesota for mentioning the staff. I would like to include all of those staff names in my extension, because all of the ones that he mentioned have done an outstanding job, and quite frankly, without the very capable, very competent, bright bipartisan staff, it would have been impossible to do this. I take my hat off, and want the staff to know that I personally appreciate the good work they have done.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 3675, the Transportation appropriations bill for fiscal year 1997. On a whole, Mr. Chairman, this is a good bill. Had we more money, it could have been a great bill; however, given our self-imposed national emergency and the tight budget constraints of the committee, Chairman WOLF and the members of the subcommittee crafted a fine product.

I would like to thank the chairman for his efforts in crafting the legislation and for consulting with me in advance of the subcommittee markup. In addition, the chairman did not include any outrageous provisions which would invoke the opposition of the minority. These two events have enabled H.R. 3675 to be one of the least controversial appropriations bills.

The 1997 Transportation bill considered today is within the revised 602b allocation for the Transportation Subcommittee. I might note that the bill is $650 million in new budget authority below last year's conference level for the 1996 bill. Obviously, this year's allocation is not enough to keep up with the pace of inflation nor to fund cost of living increases, much less to fund the needed increases in infrastructure investment without making substantial decreases elsewhere. The chairman worked hard to guarantee that safety would not be impacted by the constraints of the budget.

While this is a good bill, there are provisions of concern to the minority and to the administration. They include Amtrak's capital account; the operating accounts of the Federal Aviation Administration [FAA] and the Coast Guard; funding for domestic auto content labeling; and wage determination for level one air traffic control towers.

AMTRAK

I know many members of the majority join the administration and the minority in their concerns over the deep cuts in Amtrak's capital account. By cutting this account, it is my belief that we endanger the progress Amtrak in making in streamlining its operations. While Amtrak has made progress in reducing its operating grant needs, it must continue to invest in its infrastructure to attain the operating efficiencies necessary to provide the level of service required to attract passengers and revenue.

FAA OPERATIONS

The subcommittee was unable to fully fund the administration's request for FAA and Coast Guard operations accounts.

Within the FAA operations account, the administration is particularly concerned about the reduction in staff offices and the National Airspace System [NAS] hand-off. The amount provided for stafrf offices in the bill is $1.2 million less than in fiscal year 1996 and, $2 million less than requested. The FAA has indicated that if it does not have $1.2 million of this amount restored, it will have to lay off 70 workers.

By not fully funding the President's budget request for the National Airspace system hand-off, the subcommittee is effectively mandating that new equipment not be installed at several facilities and instead be warehoused.

COAST GUARD OPERATIONS

With respect to the Coast Guard, the Commandant has taken enormous strides to streamline its operations. While the committee provided a portion of the additional funds requested, it stopped far short of providing the majority of these funds. In addition, the priorities were shifted so that the funding does not mirror the Coast Guard's request. To quote the Secretary of Transportation, ''[t]he subcommittee's reductions are inconsistent with the concept of a streamlined Coast Guard and will have a direct adverse impact on the maintenance and operational activity at front line Coast Guard units.'' The Secretary continues by noting that the reduced investment in Coast Guard assets will exacerbate efforts to reduce operating costs in the long run.

DOMESTIC AUTO CONTENT LABELING

The minority continues to be concerned about the decision not to provide funding to the National Highway Traffic Safety Administration [NHTSA] for domestic auto content labeling. The American Automobile Labeling Act specifically requires the Department of Transportation to promulgate regulations and to implement the law.

The U.S. Trade Representative is relying on NHTSA's work to serve as the baseline for monitoring compliance of the United States-Japan auto trade agreement that was negotiated in 1995. Under this agreement, Japanese automakers committed that they would increase their purchases of American-built automotive parts. However, without the work of NHTSA, there will not be a mechanism for assessing the levels of U.S. content in Japanese motor vehicles. Ensuring compliance with this trade agreement would promote jobs for U.S. workers.

Not funding this initiative will have ramifications beyond the enforcement of the American Automobile Labeling Act, and I hope that we can work together to amicably resolve this issue.

WAGE DETERMINATION

My final concern has to do with wage determination for level one air traffic control towers. On May 4, 1994, the FAA signed a memorandum of understanding with the National Air Traffic Controllers Association which ensure that no level one air traffic controller will lose

his or her job as a result of the contracting-out program. The MOU provides that affected level one controllers will have the opportunity to receive additional training and be reassigned to a higher level tower or be guaranteed the right of first refusal to work for the private contractor at the equivalent of the Government wage.

The subcommittee assumes that the Department of Labor will issue waivers to the FAA so that contractors can keep the costs down by paying controllers at these smaller towers less than the prevailing wage. It is not within the purview of this subcommittee to direct the actions of the Department of labor. It is not at all clear that these savings can be realized. The minority supports reasonable compensation for a day's work and disagrees with the policy implications this cut entails.

I would like to note that there are several positive aspects of this bill. Although the subcommittee was unable to fund the Airport Improvement Program at last year's level, we were able to maintain funding for both the highway trust fund and transit operating assistance at last year's level. This bill emphasizes safety by providing an additional 100 airline operations inspectors, 54 new air worthiness inspectors, as well as increased funding of the Boat Safety Grants Program and highway safety programs, such as safety belt and helmet use grants.

I would also like to commend the chairman for not earmarking any highway demonstration projects. The chairman made a decision to refrain from earmarking and has been steadfast in adhering to that decision regardless of pressure he may have received from both sides of the aisle.

In closing, Mr. Chairman, I would like to thank the subcommittee staff for their efforts in crafting this legislation, I would especially like to thank Cheryl Smith and Christy Cockburn for their hard work.

Overall, this is a decent bill, Mr. Chairman, and I commend it to my colleagues for their favorable consideration. I look forward to working with the Chairman to address each of these concerns prior to sending the final legislation to the President.

Mr. DeLAY. Mr. Chairman, I rise in support of this important legislation, which appropriates the funds to help build the Nation's highways and other modes of transportation.

I commend Chairman WOLF for his hard work on this legislation.

Transportation carries not only the people of the world, but also the ideas of the world. Better roadways, safer bridges, smarter highways, all contribute to a better world.

I am not an expert in bridge building but I know that we must build bridges with the next generation. That means providing them with the material to construct a better life for their children.

A balanced budget is one of those materials we will pass on to the next generation. And I commend the chairman for making this legislation fiscally responsible.

Better roadways are another material we will pass on to our children, and this legislation makes the necessary improvements to our Nation's transportation systems to keep us competitive into the next century.

In my hometown of Houston, this legislation increases funding for Intelligent Transportation Systems. These state-of-the-art systems pave the way for the even smarter, more effective transportation systems of tomorrow. Already, ITS has proved to be an integral part of Houston's mobility, and will only contribute in greater ways to the ability to move goods and people in an efficient manner using existing infrastructure.

This bill also contains funding for other forward-looking transportation systems, including the Advanced Technology Transit Bus and Houston Metro. I am especially proud of Houston Metro for being one of the most effective and cost-efficient transit systems in the Nation.

I urge my colleagues to vote for this legislation and keep America on the cutting edge of transportation technology.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I want to commend the Appropriations Committee for the Yeoman's job of meeting the numerous funding requests in this tough fiscal environment. Many of us take for granted and do not recognize the arduous task the Committee faces each time they are asked to balance fiscal responsibility with economic development.

I would also like to thank the chairman and the members of the committee for having the vision to provide the funding for the Alameda Corridor, to support the $400 million in direct loans, as requested by the President through the Federal Highway Administration.

The Alameda Corridor will provide this country with a fast and efficient gateway to Pacific Rim trade and will bolster our ability to compete in the burgeoning economic area. Once completed the Alameda Corridor will generate more than 70,000 local jobs and close to 200,000 new jobs nationwide. The expanded trade, created by the construction of the corridor, through the ports, will create new jobs related to manufacturing, production, and the shipping and trucking of goods.

Today's funding environment requires a strong public-private partnership to finance projects of this nature. With over 75 percent of the cost of the project funded by State and local sources, the Alameda Corridor truly exemplifies the kind of public-private partnership that this Congress has long urged States and localities to pursue for important infrastructure projects.

I would like to thank the members of the California delegation for working together in bipartisan manner to effectively move the project through this body and to bring to fruition plans and blueprints that were conceived long before many of us were sworn into office. Let history reflect that the success of the Alameda Corridor is rooted in the bipartisanship that has helped to bring us to this point. I look forward to continuing to work with my colleagues from both parties and with President Clinton to see the Alameda Corridor through to its completion.

I yield back the balance of my time.

Mr. BENTSEN. Mr. Chairman. I rise in strong support of H.R. 3675. I would like to thank Chairman WOLF and Ranking Member COLEMAN for their assistance in eliminating an environmental and safety hazard posed by abandoned barges in my district. I appreciate all the help both the majority and minority staff provided in addressing this issue. I would also like to thank city of Baytown Mayor Alfaro, Harris County Commissioner Jim Fonteno, Texas State Representative Fred Bosse, the San Jacinto River Association, and the Banana Bend Civic Association for bringing this longstanding problem to my attention.

Mr. Chairman, this legislation provides funding for removing barges abandoned in the San Jacinto River and the Houston Ship Channel. Last February I asked the Coast Guard to develop a plan for the disposal of the barges under the authority of the Barge Removal Act. This Federal law, passed in Congress in 1992, grants power to the Coast Guard to remove any abandoned barge after attempts to identify the owner have been exhausted. I believe that these environmental and navigational hazards have to be removed immediately under this provision to prevent further damage to life and property.

Again Mr. Chairman, I offer my strong support for this legislation and urge its immediate passage.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 3675, the transportation appropriations bill for fiscal year 1997. I would like to thank the chairman, Mr. WOLF, for shepherding this bill through the Appropriations Committee with little or no controversy. I would also like to take this opportunity to say that it has been an honor and a privilege to serve with RON COLEMAN who is leaving this body at the end of this Congress. RON epitomizes the best characteristics of public service and his leadership will be missed by us all.

While this bill is imperfect, I think that the chairman has done a good job at balancing the diverse transportation needs of this country. I am particularly pleased that the committee has recognized the need to upgrade airline safety by funding additional positions at the FAA.

I am also pleased that the committee has included two projects that are very important to the transportation needs of my district.

BUS ACQUISITION—YOLO COUNTY

Last year the Yolo County Transit Authority [YCTA] was able to replace six of its aging and heavily polluting diesel-fueled buses with fully equipped compressed natural gas buses. Because the six buses approved by the committee last year constituted a little less than half of the county's total request, I am pleased that the committee has supported my request to fund the remaining buses.

Yolo County is part of the Sacramento nonattainment air basin and would face serious sanctions if aggressive efforts are not taken to reduce emissions. Compressed natural gas buses have made a significant impact on the air quality in Yolo County. YCTA already operates four compressed natural gas buses and has seen its emissions reduced by over 50,000 pounds due to the operation of these buses.

SOUTH-LINE EXTENSION

Also included in this legislation is $6 million for final design of an extension of Sacramento's light rail system. The extension will run southward from the existing rail hub in the downtown business district, toward two community colleges, two hospitals, several major employment centers and redeveloping areas, and many of the region's most disadvantaged neighborhoods. These areas comprise the most transit dependent sections of Sacramento, where no light rail service is available today.

In closing, Mr. Speaker, I want to express my thanks to the committee for their fine work and urge my colleagues to support this bill.

Mr. RAHALL. Mr. Chairman, I would like to note that this bill does not contain any earmarking of funds for high-priority highway

projects, often referred to as demonstration projects.

The reason I make note of this particular fact is that whenever funds are earmarked for highway projects, some in the media, and some in this body, call it pork barrel.

In fact, the distinguished chairman of the subcommittee, my good friend, advised Members earlier this year not to even bother testifying before his subcommittee on highway project requests.

Yet, to be sure, as it turns out there are numerous earmarks for other types of transportation projects.

For example, the bill earmarks over $724 million for 39 transit new start projects.

The report accompanying this bill earmarks $333 million for 87 bus projects under what is supposed to be a discretionary program.

In addition, the report directs $36.2 million to 16 specific intelligent transportation system projects.

I could go on and on.

My colleagues, those earmarks alone amount to almost $1.2 billion being directed by this bill toward specific projects.

$1.2 billion.

Ah, but not a one of them a so-called highway demonstration project.

For some reason that I have been unable to understand, the pork barrel label is only applied by the media and some in this body to the earmarking of funds for highway projects.

Meanwhile, the earmarking of funds for transit and ITS projects is met with mute silence.

Now, to be clear, I had no project requests before the subcommittee.

I was not seeking highway project earmarks, or for that matter, transit or ITS project earmarks.

And, I see nothing wrong with the Congress exercising its judgment and directing funds to a specific transportation project. These are, after all Federal funds and not State or local moneys.

However, I do want to illustrate the dual standard that is now being applied.

I want to point this out because we are now operating under this dual standard.

You can go to the Appropriations Committee to get an earmark of funds for a transit project, that serves a locality, but you cannot go to the Appropriations Committee for funding for a highway of an interstate nature that needs an extra boost to be completed.

You can go to the Appropriations Committee to get an earmark of funds for a bus station in some small town, but not for a four-lane highway that crosses State lines.

Mr. Chairman, this dual standard simply makes no sense.

And, as we all know, dual standards are never fair.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

ELECTION OF MEMBER TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GOSS. Mr. Speaker, I offer a privileged resolution, House Resolution 467, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

Resolved, that the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Comittee on Transportation and Infrastructure: Mr. BAKER of Louisiana.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TODAY

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 0115

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE, FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1995, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during fiscal year 1995. The National Aeronautics and Space Administration (NASA) successfully completed seven Space Shuttle flights. A Shuttle program highlight was the docking of the Shuttle *Atlantis* with the Russian space station *Mir*.

NASA launched three Expendable Launch Vehicles (ELV), while the Department of Defense (DOD) successfully conducted five ELV launches. These launches included satellites to study space physics, track Earth's weather patterns, and support military communications. In addition, there were 12 commercial launches carried out from Government facilities that the Office of Commercial Space Transportation (OCST), within the Department of Transportation (DOT), licensed and monitored.

NASA continued the search for a more affordable space launch system for the coming years with its Reusable Launch Vehicle program. NASA hopes to develop new kinds of launch technologies that will enable a private launch industry to become financially feasible.

In aeronautics, activities included development of technologies to improve performance, increase safety, reduce engine noise, and assist U.S. industry to be more competitive in the world market. Air traffic control activities focused on various automation systems to increase flight safety and enhance the efficient use of airspace.

Scientists made some dramatic new discoveries in various space-related fields. Astronomers gained new insights into the size and age of our universe in addition to studying our solar system. Earth scientists continued to study the complex interactions of physical forces that influence our weather and environment and reached new conclusions about ozone depletion. Agencies such as the Environmental Protection Agency (EPA), as well as the Departments of Agriculture and the Interior, used remote-sensing technologies to better understand terrestrial changes. Microgravity researchers conducted studies to prepare for the long-duration stays of humans that are planned for the upcoming International Space Station.

International cooperation, particularly with Russia, occurred in a variety of aerospace areas. In addition to the Shuttle-*Mir* docking mission and the Russian partnership on the International Space Station, U.S. and Russian personnel also continued close cooperation on various aeronautics projects.

Thus, fiscal year 1995 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 26, 1996.*

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE BILL EMERSON

The Speaker pro tempore. Pursuant to the provisions of House Resolution 459, the Chair announces the Speaker's appointment of the funeral committee of the late Bill Emerson the following Members on the part of the House: Mr. CLAY of Missouri; Mr. GINGRICH of Georgia; Mr. GEPHARDT of Missouri; Mr. BOEHNER of Ohio; Mr. SKELTON of Missouri; Mr. VOLKMER of Missouri; Mr. HANCOCK of Missouri; Ms. DANNER of Missouri; Mr. TALENT of Missouri;

Ms. MCCARTHY of Missouri; Mr. MONTGOMERY of Mississippi; Mr. HALL of Ohio; Mr. LEWIS of California; Mr. HUNTER of California; Mr. ROBERTS of Kansas; Mr. WOLF of Virginia; Mr. KANJORSKI of Pennsylvania; Mr. MCNULTY of New York; Mr. POSHARD of Illinois; Mr. MORAN of Virginia; Mrs. LINCOLN of Arkansas; Mr. CHAMBLISS of Georgia; Mrs. CUBIN of Wyoming; and Mr. LATHAM of Iowa.

CHISHOLM TRAIL ROUND-UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, over 100 years ago, the last great herd of longhorns made its way from the grasslands of South Texas to the railhead in Abilene, Kansas, along the Chisholm Trail. The settlements dotting the trail grew into towns, and a few, like Forth Worth, became great cities. For 20 years, Fort Worth has set aside 3 days to remember and recognize the heritage of the Chisholm Trail. From June 21 to 23, the Chisholm Trail Round-Up was celebrated in Fort Worth's historic Stockyards District, benefitting western heritage organizations and keeping alive the knowledge of the way our ancestors lived their day-to-day lives.

The festival is a combination of fund, food, and friendly competition, and a time to reflect on an era that is part of the heritage of our Nation, who we are, no matter where we call home.

An estimated 25,000 to 35,000 men trailed 6 to 10 million head of cattle and a million horses between the end of the Civil War and the turn of the century along the Chisholm Trail. Many of the cattle were destined for shipment to the beef packing houses and butcher stalls of the industrial midwest and northeast; other herds supplied Indian reservations and military outposts.

Contrary to the moviemaker's image of the romantic cowboy, riding under the stars and singing around the campfire, the Chisholm Trail promised danger, drudgery, loneliness, and hardship. Years later, memories of raging rivers, stampedes and sudden violence would stir the blood of the older and wiser former cowboys when they clustered together at old settlers' days and country fairs, recounting days that would never pass again.

They came from all over the United States, and even from Germany, Poland, and France. These cowboys weren't paid much: $30–40 per month if times were good, which wasn't often. Most of them were young. C.K. Ackerman, who hailed from the Texas plains, remembered his first drive to Kansas, which was in 1873. The oldest man in the crew was 25, while the rest ranged between 18 and 22. Some didn't even wait that long to hit the trail. A.D. McGeenhee drove from Belton to Abilene in 1868 at the ripe old age of 11.

One-third of the men who went up the trail were black or Hispanic. Even about 20 women took the trail—and 1, Sallie M. Redus, took her baby along.

The Chisholm Trail did not offer riches to the cowboys, but many went on the fame and fortune after their cowboy days came to an end. Several transferred their skills and experience to the Fort Worth Stockyards, where they became commission merchants and livestock shipping agents for the railroads. E.L. Brouson quit the trail in the 1880's, acquired a small herd of his own and got rich and went broke so many times that eventually he lost count. J.B. Pumphrey and George Hindes became financiers. S.H. Woods served as Duval County judge from 1896 to 1915. Others went on to hold public offices like district attorney, county commissioner, sheriff, marshal, postmaster, city councilman, and even Texas Rangers.

No matter what their later fate, the cowboys who went up the Chisholm Trail left an indelible imprint on our history. A journalist at the end of the era wrote, ''The cowboy was generous, brave, and ever ready to alleviate personal suffering, sharing his last crust, his blanket, and often more important, his canteen. He spent his wages freely and not always wisely, and many became easy prey to gambling and other low resorts. But some among them became leading men in law, art, and scient—even in theology, proving again that it is not in the vocation but in the man that causes him to blossom and bring a fruitage of goodness, honor and godly living.''

The Chisholm Trail Round-Up is a heart-felt celebration of this spirit, and a tribute to the men and women who together forged a new way of life on the American frontier.

VICE PRESIDENT AL GORE COMMEMORATING THE 40TH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I am submitting a statement I have received today from Vice President GORE.

This week marks the 40th anniversary of the historic legislation that created our nation's Interstate Highway System. Tonight, at the Zero Milestone Marker on the Ellipse, there will be an event to honor the four visionary Americans who made it possible: President Dwight Eisenhower; Congressman Hale Boggs; former Federal Highway Administrator Frank Turner; and my hero, my mentor , one of Tennessee's finest sons and one of America's greatest Senators . . . my father, Senator Al Gore Sr.

The Interstate Highway System has meant so much to our country. Its creation led to an unprecedented period of national growth and prosperity. It increased safety and dramatically reduced traffic fatalities. And it enhanced our national defense and security.

The Interstate Highway System has literally changed the way we work and even the way we live. But it has done something else, too—something that can't be measured by statistics or dollar signs.

The Interstate Highway System unified our great and diverse nation. As President Clinton has said, it ''did more to bring Americans together than any other law this century.'' And by so doing, it gave our citizens—and still gives our citizens 40 years and about 44,000 thousand miles later—the very freedom that defines America.

Inherent in our Bill of Rights—whether the freedom of religion or press—is the freedom of mobility . . . to go where we please, when we please. Families driving to our national parks on vacation, mothers coming home from work, fathers taking their children to baseball games . . . all depend on the Interstate Highway System—a system that has paved the way not only to the next destination, but to opportunity itself.

A highway to opportunity—that is America. And that is the freedom, I am proud to say, made possible in part by my father's dedication. I'm equally proud to continue that tradition—inspired by him—by working to connect all Americans to the 21st century's highway to opportunity, the information superhighway.

I was always amazed how the voice that called me to the dinner table or reminded me to do my homework could be the same voice that argued so eloquently in the Senate for what can only be described as the greatest public works project in the history of the United States of America. And on this, the 40th anniversary of that accomplishment, I would like to thank my father, Senator Al Gore, Sr.

On behalf of all Americans, I would like to thank him for the Interstate Highway System that, in his words, is truly an ''object of national pride.'' And I would like to thank him, personally, for teaching me both what it means to be a dedicated public servant and a dedicated father.

United States of America

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, JUNE 26, 1996 No. 96—Part II

Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

(Continued)

AMENDMENT NO. 4049

The PRESIDING OFFICER. The pending question is amendment No. 4049 offered by the Senator from Arizona, [Mr. KYL]. There are to be 90 minutes of debate, equally divided, on the amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that I and Senator MCCAIN be allowed to proceed as in morning business for a total of 10 minutes, 5 minutes each.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. EXON. Mr. President, the reason I am objecting to the other time is that we have tried to put this vote off until tomorrow, but that was not possible. We are going to have a vote, and I think we have an obligation to use up the hour and a half equally divided on this very, very important amendment, and then have a vote. Then there will be ample time after that, as I understand it, for all the morning business that anybody wants. I think we have an obligation to this body to move ahead in an orderly fashion.

So, at this time, I will begin the debate. I yield myself what time I might need to begin the debate in opposition—and strong opposition, I might say—to the amendment offered by the Senator from Arizona.

Mr. President, I wish to submit for the RECORD three letters that I have from various important people representing important organizations in strong opposition to the amendment offered. Mr. President, the basic situation that confronts us is that the Kyl amendment, regardless of how well-intentioned, could not possibly be offered at a worse time, as it would adversely affect the nuclear test ban treaty that, right now, is being negotiated in very tense, tedious negotiations in Geneva. The nations of the world have set June 28, which is Friday, as the deadline to come to some kind of an understanding.

The President has left, or is about to leave, for a meeting of some of the heads of state of the important nations of the world. I would not be surprised at all if that would come up there. Here, back at the ranch, the U.S. Senate is trying to pass an amendment that is opposed by the President of the United States to give, supposedly, the President of the United States more power, if you will, more influence, if you will, with regard to resuming nuclear testing.

After the end of the negotiations in Geneva, which we hope and pray, for the good of mankind, will be successful and, hopefully, eliminate nuclear tests underground or otherwise, because if the world continues to rely primarily, as far as we can see into the future, on more and more nuclear tests, then I say that mankind will be living under a shadow of ever-increasing numbers of nations becoming nuclear powers. That is what the nuclear test ban treaty that is being renegotiated right now is all about.

So I simply say that regardless of how well-intentioned the amendment of the Senator from Arizona is, it could not possibly come at a worse time.

Mr. President, I reference a letter from the National Security Council of June 19. In that letter the National Security Council said:

DEAR SENATOR EXON: You have requested the Administration's views on the amendment offered by Senators Kyl and Reid concerning nuclear testing and the Comprehensive Test Ban Treaty (CTBT). The Administration is strongly opposed to this amendment.

We believe that the amendment could not come at a worse time. The States that are negotiating in the CTBT negotiations in the Conference on Disarmament (CD) in Geneva have set a deadline of June 28—next Friday—to complete this historic treaty. The amendment could be interpreted by some CD states as signaling a possible U.S. intent to conduct a round of nuclear testing after the CTBT is completed but before it enters into force. The Administration has no such plans or intentions, nor has it requested funding for any such tests. Moreover, the amendment would relax the existing legislative moratorium on U.S. testing just at the time the only remaining state still conducting nuclear tests, China, has announced that it will join the global moratorium in September.

I ask that the letter in its entirety be printed in the RECORD. It is signed by William C. Danvers, Special Assistant to the President for Legislative Affairs.

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

NATIONAL SECURITY COUNCIL,
Washington, DC, June 19, 1996.

Hon. J. JAMES EXON,
U.S. Senate, Washington, DC.

DEAR SENATOR EXON: You have requested the Administration's views on the amendment offered by Senators Kyl and Reid concerning nuclear testing and the Comprehensive Test Ban Treaty (CTBT). The Administration is strongly opposed to this amendment.

We believe that the amendment could not come at a worse time. The states that are negotiating in the CTBT negotiations in the Conference on Disarmament (CD) in Geneva have set a deadline of June 28—next Friday—to complete this historic treaty. The amendment could be interpreted by some CD states as signaling a possible U.S. intent to conduct a round of nuclear testing after the CTBT is completed but before it enters into force. The Administration has no such plans or intentions, nor has it requested funding for any such tests. Moreover, the amendment would relax the existing legislative moratorium on U.S. testing just at the time the only remaining state still conducting nuclear tests, China, has announced that it will join the global moratorium in September.

As you know, we are confident that our Science-Based Stockpile Stewardship will

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

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ensure that we can meet the challenge of maintaining the reliability and safety of our nuclear inventory absent nuclear testing. Nonetheless, because he considers this to be a supreme national interest of the United States, the President has pledged that after the CTBT enters into force, he would be prepared to withdraw from the Treaty in the event, however unlikely, that he was informed by the Secretaries of Defense and Energy that a high level of confidence in the safety or reliability of a nuclear weapon type critical to our nuclear deterrent could no longer be certified. There is concern on the part of the amendment's co-sponsors that if such a problem arose after September 30 but before the CTBT entered into force, current law would prohibit remedial testing.

If that were to occur, it is important to recognize that one or more years would be required to prepare for any resumption of nuclear testing at the Nevada Test Site. During this time, we would be able to obtain the necessary funding and legislative relief to carry out the necessary tests.

In short, the Administration believes that the Kyl-Reid Amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.

Sincerely,

WILLIAM C. DANVERS,
Special Assistant to the President for Legislative Affairs.

Mr. EXON. In addition to that, Mr. President, I have a statement from the Secretary of Energy, Hazel O'Leary, who has the immediate responsibility in the whole area of nuclear testing and nuclear weapons.

I quote from her statement:

The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to U.S. nuclear non-proliferation efforts. During the duration of the moratorium, the US stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time. The Department of Energy, with the full support of the Department of Defense, has embarked on an ambitious stockpile stewardship program to ensure that the safety and reliability of the stockpile is maintained into the foreseeable future, without nuclear testing. One of the elements of stockpile stewardship is maintaining the readiness of the Nevada Test Site to resume testing if it is in the supreme national interest of the United States to do so. DOE is committed to maintaining this readiness, consistent with Presidential direction. DOE has confidence in the stockpile stewardship program and does not need the authority that this amendment would provide.

President Clinton has already outlined his commitment to maintain the safety and reliability of the nuclear stockpile under the existing moratorium and under a comprehensive test ban treaty. It is premature to make any statutory changes to the existing moratorium legislation. Any changes should be made only in the context of a negotiated and signed comprehensive test ban treaty. Any changes in the current statutory prohibition on underground nuclear weapons testing at this time certainly does not help the negotiation process, and could very well set it back. Achieving a comprehensive test ban treaty is a key to reducing the global nuclear danger including proliferation of nuclear weapons and the spread of nuclear terrorism.

Mr. President, I also have a very short letter that I am going to read from the U.S. Arms Control and Disarmament Agency, dated June 19:

DEAR SENATOR EXON: Special Assistant to the President for Legislative Affairs, William C. Danvers, has provided you the Administration's reasons for opposing the Kyl/Reid amendment to the FY 1997 Defense Authorization Bill.

As I represent the lead agency in the Comprehensive Test Ban Treaty (CTBT) negotiations in Geneva, I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before a CTBT enters into force, that does not, in fact, exist.

Since the end of President Eisenhower's tenure, the United States has pursued a CTBT as a long-term goal. Now, when such a treaty is in hand, we urge the members of the Senate to oppose this amendment and to reaffirm our country's longstanding bipartisan efforts to achieve a CTBT.

Mr. President, I ask unanimous consent that the letters I have referenced be printed in the RECORD.

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

STATEMENT OF SECRETARY OF ENERGY HAZEL O'LEARY

The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to U.S. nuclear non-proliferation efforts. During the duration of the moratorium, the US stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time. The Department of Energy, with the full support of the Department of Defense, has embarked on an ambitious stockpile stewardship program to ensure that the safety and reliability of the stockpile is maintained into the foreseeable future, without nuclear testing. One of the elements of stockpile stewardship is maintaining the readiness of the Nevada Test Site to resume testing if it is in the supreme national interest of the United States to do so. DOE is committed to maintaining this readiness, consistent with Presidential direction. DOE has confidence in the stockpile stewardship program and does not need the authority that this amendment would provide.

President Clinton has already outlined his commitment to maintain the safety and reliability of the nuclear stockpile under the existing moratorium and under a comprehensive test ban treaty. It is premature to make any statutory changes to the existing moratorium legislation. Any changes should be made only in the context of a negotiated and signed comprehensive test ban treaty. Any changes in the current statutory prohibition on underground nuclear weapons testing at this time certainly does not help the negotiation process, and could very well set it back. Achieving a comprehensive test ban treaty is a key to reducing the global nuclear danger including proliferation of nuclear weapons and the spread of nuclear terrorism.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, DC, June 19, 1996.

Hon. J. JAMES EXON,
U.S. Senate.

DEAR SENATOR EXON: Special Assistant to the President for Legislative Affairs, William C. Danvers, has provided you the Administration's reasons for opposing the Kyl/Reid amendment to the FY 1997 Defense Authorization Bill.

As I represent the lead agency in the Comprehensive Test Ban Treaty (CTBT) negotiations in Geneva, I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before a CTBT enters into force, that does not, in fact, exist.

Since the end of President Eisenhower's tenure, the United States has pursued a CTBT as a long-term goal. Now, when such a treaty is in hand, we urge the members of the Senate to oppose this amendment and to reaffirm our country's longstanding bipartisan efforts to achieve a CTBT.

Sincerely,

JOHN D. HOLUM,
Director.

Mr. EXON. Mr. President, I yield 5 minutes to the Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to join the Senator from Nebraska in opposing the Kyl amendment. This amendment seeks to impede years of work to curb nuclear weapons proliferation and to ultimately resume the U.S. nuclear weapons testing program. The United States has not tested a nuclear weapon in the Nevada desert since late 1992; a nuclear silence of nearly 4 years. Thanks to the bipartisan leadership of Senator HATFIELD and Senator EXON, the United States has been able to play a leadership role in the international drive to negotiate a comprehensive nuclear test ban treaty at the Conference on Disarmament.

I want to commend Senator EXON for his statesmanship on this issue. Sometimes known as a defense hawk, the Senator from Nebraska took this issue on after careful study several years ago. As far as I know, Senator EXON is one of the few Senators to actually visit the Nevada test site. Few in this body known as much about our nuclear weapons program and the arguments for and against nuclear testing as Senator EXON.

Strangely, as the July 28 deadline for reaching agreement on a comprehensive test ban treaty approaches, the U.S. Senate is considering an amendment to undo years of work to combat nuclear proliferation. Strangely, as President Clinton travels to the G–7 meeting in France to increase the pressure on our allies to reach agreement on a CTBT, the Senate is considering an amendment to undermine the President of the United States.

The proponents argue that their amendment will not interfere with negotiations. With all due respect, I strongly disagree with my colleagues claims regarding this amendment. The mere fact that the Senate is having this debate threatens the delicate talks now in the crucial final stages at the Conference on Disarmament. The proponents of this amendment did not support the Hatfield-Mitchell-Exon test ban moratorium legislation and I am sure they will lead the fight on the

Senate floor against Senate ratification of a comprehensive test ban treaty.

The Senate has debated this issue at length on numerous occasions. The arguments against resuming nuclear weapons testing are as valid today as they were when 57 Senators voted to impose the nuclear weapons testing moratorium.

The administration has sent clear messages to the Senate in opposition to the Kyl amendment. John Holum, the Director of the Arms Control and Disarmament Agency in a letter addressing the Kyl amendment states:

> I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before the CTBT enters into force, that does not, in fact exist.

Hazel O'Leary, the Secretary of Energy, issued the following statement:

> The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to the U.S. nuclear nonproliferation efforts. During the duration of the moratorium, the U.S. stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time.

Finally, let me share with my colleagues a quote from another letter on the Kyl amendment from the National Security Council. The NSC letter states:

> The Administration believes that the Kyl-Reid amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.

The United States has conducted more than 1,000 nuclear weapons tests. Our nuclear weapons program and technological superiority is unequaled anywhere in the world. There simply is no sound argument in my mind to approve the Kyl legislation and repeal important provisions of the existing nuclear testing moratorium legislation. It is a giant step backward into an era of nuclear expansion and nuclear uncertainty.

Mr. President, we should listen to the words of ACDA Director John Holum, chief U.S. negotiator at the Conference on Disarmament. Some time ago, while addressing the Conference on Disarmament, Director Holum eloquently stated:

> From the very first atomic blast at Alamagordo, mankind has been struggling to recapture the ferocious beast unleashed there. Since then, thousands of women and men of good will and intellect——

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

Mrs. MURRAY. I ask the Senator from Nebraska for 2 additional minutes to finish my statement.

Mr. EXON. I yield 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mrs. MURRAY. I continue the quote.

> Since then, thousands of women and men of good will and intellect have pursued—passionately, painstakingly—the compelling mission of our age. Working together, let us rededicate ourselves to this mission: To shepherd this beast back into its cage—to bring what was unleashed in a blinding blast of heat in the New Mexico desert to a fitting end in the cool atmosphere of reason in Geneva—to ensure that the first half century of nuclear explosions is the last.

Mr. President, in the next few days, this country may be in a position to celebrate the successful completion of more than 30 years of work to end nuclear testing worldwide. To do this, we must defeat the Kyl amendment. We must turn back the few in this country who continue to believe this Nation must go down the path of nuclear expansion and exploration. I strongly urge my colleagues to support the Hatfield motion to table the Kyl amendment.

Mr. President, I yield the remainder of my time to the Senator from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I would just like about 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. THURMOND. I yield myself 2½ minutes.

Mr. KYL. I yield time to the chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, last week the Senator from Arizona proposed an amendment that would authorize the President to conduct underground nuclear weapons tests after October 1, 1996, if the Comprehensive Test Ban Treaty has not been ratified by the United States.

I want to emphasize once again, this amendment does not promote nuclear weapons testing. The amendment does not advocate opposition to concluding a comprehensive test ban. In order to conduct an underground nuclear test, the President would have to submit a report to the Congress detailing justification for the test and the Congress could take actions to stop any test.

Mr. President, at some future date, if the President were to determine sometime that he needed to conduct an underground nuclear test for reason of safety and reliability of the stockpile and withdrew from a comprehensive test ban treaty, he would not be able to conduct a test. I do not believe we should wait for a situation of that nature to arise and then try to pass legislation in the Congress.

Mr. President, I voted against the Exon-Hatfield-Mitchell legislation in August 1992. We must ensure that our aging nuclear weapons are safe and reliable. A moratorium on testing and certainly a comprehensive test ban will not guarantee the safety and reliability of our nuclear deterrent forces.

Once again, I support the amendment offered by the distinguished Senator from Arizona and urge my colleagues to adopt the amendment.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, let me take a moment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

I thank the distinguished chairman of the Armed Services Committee for that strong statement in support of our amendment. The chairman spoke in support of our amendment when we first laid it down a week ago, and his arguments, I thought, were very persuasive at that time. I very much appreciate his support, and I join him in hoping that our colleagues will defeat this motion to table.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally off both sides.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 6 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 6 minutes.

Mr. LEVIN. I thank the Chair. I thank my friend from Nebraska.

Mr. President, the 37-member-nation conference on disarmament has been meeting in Geneva for 3 years to negotiate a verifiable comprehensive test ban treaty. This has long been the expressed goal of the United States and the world community as a whole.

The reason it is so important relates to the issue of proliferation of nuclear weapons. If we can stop nuclear testing, we will have struck a major blow against additional nations gaining nuclear weapons because they will be denied the ability to test and to verify the performance and capability of new weapons.

We have already tested the safety and the reliability and the performance and the capability of our weapons. But additional nations seeking to become nuclear weapons powers will be denied the weapons testing which we have had, and that will make it more difficult for other nations to become nuclear weapons States. That is a major blow against proliferation of nuclear weapons.

The signing of a comprehensive test ban treaty will be one of the most significant steps that we can take against a major threat which is emerging in this world, which is terrorist States gaining possession and control of weapons of mass destruction.

We are right on the verge of achieving this goal, and I think it is unthinkable for the Senate to take an action here tonight or any other time which would pull the rug out from under our

negotiators in Geneva, undermining our efforts to obtain something which has been long sought by this Nation, which is that comprehensive test ban.

How does this language do that? It does it because it says that between the signing of the agreement and the agreement entering into force, the President can submit a report to the Congress, and unless the Congress disapproves, then the President can undertake testing. What that does is put into place in American law an effort to test during the critical period between signing of the treaty and the treaty entering into force.

That action of looking for a possible way to undermine a treaty which has been signed violates article XVIII of the Vienna Convention of the law of treaties, which is that once a treaty is signed, nations are obligated to refrain from actions which would defeat the object and the purpose of the treaty prior to its entry into force.

That is article XVIII. We adhere to the provisions of the Vienna Convention. We adhere to that convention. And I want to repeat it because this is the nub of the issue. This language which is being offered puts us in the position of trying to find a way out from an agreement which we are about to sign, an agreement which has long been sought by the nations of the world, an effort to reduce the number of nuclear weapons in the world and particularly the number of new States having nuclear weapons.

We are obligated by international law once we sign that treaty, which we intend to do, to refrain from action—and I repeat, to refrain from action—which would defeat the object and the purpose of the treaty prior to its entry into force.

So here is the Senate being offered language which goes exactly in the opposite direction, which will make it easier for us to defeat the object of a treaty which we are about to sign. We are pleading with nations of the world to sign this agreement. We are pleading with India to sign this agreement. We have just persuaded China to sign this agreement. And now the Senate is being offered language which says, oh, but the United States is looking to find away around an agreement which we are trying to get other nations to sign. That is the problem with this amendment. That is why this amendment pulls the rug out from under our negotiators. It is why this amendment undermines the effort of this administration and others to gain a comprehensive test ban which will strike a major blow against the proliferation of nuclear weapons.

So let us not do that. Let us, instead, table this language and stay on the course we are on, which is to sign a comprehensive and verifiable test ban agreement and then to get other nations to sign the same agreement and, finally, to reduce the threat of nuclear weapons falling into the hands of States which would endanger the peace and security of the United States and the world.

I congratulate Senator EXON on the effort which he has put forth, Senator HATFIELD, and a number of other Senators, Senator MURRAY and others, who have so strongly and forcefully argued against the Kyl amendment. I hope it will be tabled.

Mr. President, I ask unanimous consent that editorials from a number of papers across the country be printed in the RECORD, including an editorial from the Portland Press Herald entitled ''Chance for Test Ban May Be Now or Never,'' an editorial from the San Francisco Chronicle, May 14, entitled ''Nuclear Test Ban Talks Enter the Home Stretch,'' an editorial from the Boston Globe entitled ''Toward the Test Ban,'' and editorials from the New York Times and the Washington Post entitled ''A Nuclear Test Ban Within Reach'' and ''40 Years Later.''

These editorials and many others across the country are urging us to stay on the course we are on to get a comprehensive test ban treaty signed. This amendment which is pending and which will hopefully be tabled, will undermine the effort that has been so brilliantly made over the years to try to reduce the threat of nuclear weapons.

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

[From the Portland (ME) Press Herald, May 13, 1996]

TODAY IN GENEVA—CHANCE FOR TEST BAN MAY BE NOW OR NEVER

It may be now or never for a Comprehensive Test Ban Treaty. The latest round of negotiations, beginning today in Geneva, is just that important. The 37-nation Conference on Disarmament no longer has the luxury of time in concluding what could be the most important arms control agreement of the past 50 years. Unless a consensus draft treaty is concluded by the time this session ends on June 28, the cruel reality is there may never be one.

The world will have stepped away from the nuclear brink with the end of the Cold War, then edged back up to the abyss. That would be tragic, with the negotiating nations so near agreement.

The delegates have only a narrow opening in which to complete their monumental work, putting an end to nuclear weapons testing in the air, under ground and in the sea. The support Russia now shows for ending ''all nuclear explosions,'' under President Boris Yeltsin, may not be there after the June presidential election. Fall elections in the United States and the current elections in India further complicate matters. China, meanwhile, is expected to detonate two or three nuclear devices sometime this year. (It says it will stop testing when the treaty is concluded.)

Two fortuitous developments may make concluding a treaty simpler that it might have been at the beginning of the year. First, the Australian government tried to cut through all the minor differences among the negotiating nations and present a model draft treaty to the session that ended March 29. Now, Jaap Ramaker of the Netherlands, Conference on Disarmament president, has composed a ''chairman's text'' for the current session intended to move delegates toward common positions.

The United States, Great Britain and France agreed last fall a ''zero yield'' treaty, prohibiting nuclear weapons tests of any size, should be the goal. Russia added its agreement at the G–8 summit meeting in Moscow last month. Only China, of the five declared nuclear states, wants to continue to allow ''peaceful nuclear explosions,'' but is expected ultimately to yield on the point.

If the delegates can be persuaded to stick close to the Ramaker text, making major changes only as they feel compelled, a consensus draft can be concluded over the next seven weeks. If that were submitted to the U.N. General Assembly for initialing in September, a treaty could be signed shortly after.

Beginning today, let the world resolve this is an opportunity it will not let fail.

[From the San Francisco Chronicle, May 14, 1996]

NUCLEAR TEST BAN TALKS ENTER THE HOME STRETCH

One of the oldest, most ambitious goals of nuclear arms controllers, the 40-year-old dream of a comprehensive nuclear test ban treaty, is tantalizingly close to realization. After two years of negotiation, representatives of the 38-nation Conference on Disarmament regrouped in Geneva yesterday for the final six-week round of talks aimed at banning all nuclear tests, which would effectively halt the development and deployment of new, advanced nuclear weapons.

If approved and ratified by all nations, the 50-year-old race to build bigger and better nuclear weapons would be over; and membership in the nuclear weapons club would be closed.

Never before have so many nations been so close to agreement. Yet for the effort to succeed, the United States and the other nuclear weapons states—France, Britain, Russia and China—and several key ''threshold'' states, especially India, must focus extraordinary attention on resolving the final sticking points. Should they fail, this narrow window of opportunity could be lost for years to come—and lost with it would be the world's best hope for ending the global spread of nuclear weapons. At this point, four of the five declared nuclear powers (and virtually all the other states) support the Clinton administration's position on the question of what, exactly, the treaty would ban: all nuclear explosions of any size. The holdout is China, which insists on the right to conduct so-called peaceful nuclear explosions (PNEs), which are indistinguishable from weapons tests.

China has won no support from any quarter on the non-weapons-related tests and is thus considered likely to drop this condition. But China and some other states have also tied the question of when, and if, the treaty would enter into force to whether the threshold states—India, Pakistan and Israel—sign on. And India is stubbornly holding out on an unrealistic insistence that the treaty include a time-bound pledge of complete nuclear disarmament. There are a handful of other hurdles, but they are relatively minor compared to the Indian disarmament demand and the question of entry into force. Over the next six weeks, it is essential that President Clinton, personally, make resolution of these disputes a top policy priority.

The key is to persuade the holdouts that a complete nuclear test ban is in their self-interest because it constrains their neighbors as much as themselves and blocks the costly dynamic of regional nuclear arms races. Even Iran has bowed to this logic and become a key backer of the treaty.

Time is of the essence. When the conference chair tables a new draft text later

this month, everyone must give a little, take a little and climb on board.

[From the Boston Globe, June 6, 1996]

TOWARD THE TEST BAN

The sword of Damocles invoked by John Kennedy remained suspended throughout the Cold War. But since the superpower balance of nuclear terror has vanished, the first lines of defense against nuclear war have become the Nuclear Non-Proliferation Treaty and the Comprehensive Test Ban Treaty being drafted this month in Geneva.

After four decades of Herculean labors, a test ban treaty is on the verge of completion. A promising text drawn up by the chairman of the Ad Hoc Committee to negotiate a treaty, Dutch Ambassador Jaap Ramaker, effaces Beijing's disingenuous efforts to preserve the possibility of ''peaceful'' nuclear tests. The Ramaker draft also discards India's equally disingenuous attempt to make a test ban conditional on the prior achievement of complete nuclear disarmament by a given date. Both these loopholes would have had the effect of sabotaging a comprehensive test ban.

In the Ramaker test, however, there is one article that looms as a deal-breaker. It is called the entry-into-force provision, and it requires that 37 countries hosting key verification stations or laboratories must ratify the test ban treaty before it can enter into force.

This is a formula for granting veto power to at least 37 states. It would also create an incentive for those states to demand a price for ratification. In particular, it would bestow on India—the ''threshold'' country expected to balk at ratifying the treaty—an ability to prevent the test ban from ever being implemented.

A preferred solution would be to require a set number of ratifications—on the order of 60 or 65 as in the Chemical Weapons Convention—before the treaty enters into force. In this way, the possibilities for delay and blackmail would be removed, and instead of having veto power, India would come under international pressure to join a treaty that had already entered into force.

President Clinton, who has fought admirably for a test ban, should make an all-out effort to persuade the nuclear powers to clear the final hurdle.

[From the New York Times, June 7, 1996]

A NUCLEAR TEST BAN WITHIN REACH

For the past 40 years, diplomats have dreamed of negotiating a treaty that would ban all nuclear weapons tests. Such an accord could significantly slow the nuclear arms race, which has diverted hundreds of billions of dollars from civilian needs and heightened the risk of nuclear warfare.

That dream is now closer to realization than ever before. Yesterday China dropped its insistence on making an exception for so-called ''peaceful nuclear explosions.'' That means all five officially recognized nuclear powers—the United States, Russia, Britain, France and China—now support a complete test ban.

Other differences remain among the 38 nations negotiating in Geneva. They involve verification procedures, test site inspections and how many countries must ratify the treaty before it goes into effect. But acceptable compromises seem within reach before the June 28 negotiating deadline. The next three weeks will require an intensive push by the Clinton Administration, which deserves credit for pressing for completion of a treaty.

The move toward a test ban is part of a broader global bargaining process that last year produced an indefinite renewal of the treaty limiting the spread of nuclear weapons and technology. In exchange for permanently renouncing their own nuclear ambitions, nations without nuclear weapons wanted the nuclear powers to agree to cut back their weapons research. Accordingly, Washington and the other nuclear powers committed themselves to completing a total nuclear test ban treaty this year. If a text is agreed on in Geneva this month, it will be ready for signing at the United Nations General Assembly in September.

While the five nuclear powers agree on a complete ban, they differ on what kind of intelligence information should trigger a demand for on-site inspection and who should have the power to dispatch inspectors.

China and other third-world countries are uneasy about using satellite intelligence systems they have not yet developed, and want to rely on an international network of more common seismic, sound and radiation detectors. It may be possible to employ both types of intelligence.

The United States also would like inspectors to be dispatched as soon as treaty officials detect a possible violation, while China would prefer requiring that such decisions be approved by two-thirds of the countries monitoring the treaty. A compromise requiring a simple majority vote within 72 hours of an official request seems within reach.

The other remaining disagreement concerns when the treaty will become effective. After the 38-nation negotiating conference completes its work, the treaty will be offered to all nations for signature and ratification. The five nuclear powers, along with scores of other countries, are likely to sign on. But some countries considered capable of making a nuclear weapon may not. India strongly resists agreements, and if India stays out, Pakistan may also refuse to sign. It would be better if the two countries approved the treaty, but if they decline, other nations should proceed without them. The treaty and its verification provisions can be used to detect and publicize any violations by these and other holdout countries.

With China's important concession and other moves toward compromise, there is now a good chance for agreement by June 28. Washington should continue to fight for improved verification and inspection provisions, while preparing for reasonable compromises that may be necessary to secure this long-sought barrier to the nuclear arms race.

[From the Washington Post, June 14, 1996]

40 YEARS LATER

Forty years after the effort to halt nuclear testing began, a comprehensive test ban outlawing tests in the last permitted environment, underground, is at last coming into sight. The idea was so long in becoming reality because the five declared nuclear powers found it more urgent to improve than cap their arsenals, while others wanted to keep a nuclear option open. Only when the Cold War ended and the anxieties, alarms and ambitions feeding big-country bomb programs diminished did a test ban become possible.

For nuclear powers, a treaty—a prime American goal—amounts to restraint on qualitative weapons improvements: arms control. For undeclared nuclear powers (there are three: India, Pakistan and Israel) and for nuclear aspirants, a duly ratified and enforced ban will bottle up programs of their own: nonproliferation.

In the latest phase, the parties at Geneva found themselves with an unworkable text containing more than 1,000 national objections. Chairman Iaap Ramaker of the Netherlands broke the stalemate with his own text. The talks now going on are focused on the equal-opportunity bruises he thus inflicted. The aim is to complete a treaty by the end of June.

China did well to abandon its insistence on a loophole for ''peaceful'' tests. But China stood alone for that dodge, and it is making trouble by brazenly continuing underground tests even now and raising obstacles to future one-site inspections. Its readiness to blunt the vital enforcement edge of nonproliferation can only stir doubts about its purposes.

An even more difficult negotiating hurdle is the provision on the treaty's entering into force. The United States, eager to constrain the nuclear states' weapons, would have it go into effect once the five declared states and a good group of others are on board. But the other four declared states support the chairman's demand that India, Pakistan and Israel sign up right away. This proposal is worthy but impractical. The treaty can't do everything for everybody; it can't for instance, by itself ease the anxieties that animate those three undeclared nuclear states.

Testing was once widely thought of as the live fuse of an ''arms race'' that had to be slowed to ensure the planet's survival. Later, the idea of a test ban was set aside in a mutual Soviet-American reliance for safety on nuclear deterrence. The political agreements of the Reagan period finally diminished the great-power nuclear risks. But a test ban remains a useful tool for reducing the lingering risks, especially of those nuclear weapons in or potentially in irresponsible hands.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I advise my friend from Nebraska we only have two speakers on our side. We prefer to see what arguments are posited against the amendment and then respond to them at that time.

Mr. EXON. I thank my colleague. I was just trying to divide the time to go back and forth.

I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. GLENN. Mr. President, we have been dealing with this subject here in the Senate for a long time. We started to get some agreement on these matters back as far as 1972 with the Anti-Ballistic Missile Treaty, the SALT I interim agreements, START I and the START II Treaties, which came along a little bit later. These treaties first put a cap on the nuclear arms race.

These were followed by some other agreements. In 1974 President Nixon got the Threshold Test Ban Treaty through and President Ford accomplished the Peaceful Nuclear Explosives Treaty in 1976.

These were all great steps along the way. Many people thought, along the way, we would never get to a day when we would have a Comprehensive Test Ban Treaty, where all nuclear explosives would not be tested anymore, that we would cap things at that point. But here we are, about to achieve it, just about to achieve it. Will we be able to make it? I do not really know at this point. But I do know this, the final stages of negotiating are underway right now with the CTBT.

The administration has come out and given a very strong statement in a letter to Senator EXON that opposes this amendment because they feel, and I agree with them, that this amendment could not come at a worse time in these negotiations. The CTBT negotiations in the Conference on Disarmament in Geneva have a deadline of this Friday, the day after tomorrow, in which, by that time, we may be able to have a Comprehensive Test Ban Treaty for the first time since entering the nuclear age. It will, indeed, be a historic time if we accomplish that.

This amendment we are considering here this evening could be interpreted by some of those States that are negotiating over there now as maybe a little subterfuge, as maybe we are not quite meaning what we are negotiating in Geneva. In fact, they may believe that we are pulling the rug out from under our negotiators at Geneva by even bringing this up for a vote. If this would happen to be agreed to, it would really be a tragic thing for our negotiators over there, because it would call into real doubt our intentions for the long-term future.

The administration has no such plans or intentions to circumvent the provisions that they are negotiating over there. So I hope the people with whom we are negotiating are under no illusions about this and are not led astray in their thinking because of any proposal such as this amendment on the floor.

The administration also has not requested any funding for any additional tests, so their intent is very clear. It is to go along with the way they have been negotiating in Geneva in good faith. Our allies and the people negotiating there should be assured of that. This has been in good faith.

This amendment would, in effect, also relax the existing legislative moratorium just at the time when the only remaining state still conducting nuclear tests, China, has announced it will join the global moratorium in September.

Three of us, Senator FEINSTEIN, Senator NUNN, and myself, were in Beijing in January of this year. We brought this up to President Jiang Zemin, President of the People's Republic of China. We talked to him about what their view was on the CTBT. He said they are still negotiating on it, but if it was negotiated and went into effect by the end of the year, China would—in effect, they would make it a point to have all of their nuclear tests done by that time. That is exactly what they are planning to do. Because China has announced it will join the global moratorium in September.

As to reliability of our stockpile, we are confident that, as they say in the letter from the White House, ''The Science-Based Stockpile Stewardship will ensure we can * * *''

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GLENN. Might I have 1 more minute?

Mr. EXON. I yield 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. GLENN. ''* * * meet the challenge of maintaining the reliability and safety of our nuclear inventory absent nuclear testing.'' They are convinced of that. These are our highest level people who deal with this.

But the President has also assured us if there was any doubt of this, and it was brought to his attention, what he would do is say we have to come out of the treaty if there was any doubt about the safety of our stockpile or the reliability of it.

With that kind of assurance, it seems to me the least we should do to show faith with our negotiators at Geneva is to make very, very certain we defeat this amendment tonight.

Continuing the letter:

> There is a concern on the part of the cosponsors of the amendment that, if such a problem arose after September 30 but before the CTBT entered into force, current law would prohibit remedial testing.

Mr. President, I do not accept such reasoning. We have quite a legacy of testing that gives us high confidence in our nuclear arsenal, a legacy backed up today and tomorrow by the Stockpile Stewardship program. And if we support our negotiators, rather than undercut them with initiatives that cast doubt on America's resolve to proceed with its commitment to a complete and total ban on all nuclear tests, our country's security will be all the better served.

> If that were to occur, it is important to recognize that one or more years would be required to prepare for any resumption of nuclear testing at the Nevada Test Site. During this time, we would be able to obtain the necessary funding and legislative relief to carry out the necessary test.
>
> In short, the Administration believes that the Kyl-Reid Amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.
>
> Sincerely,
>
> WILLIAM C. DANVERS,
> *Special Assistant to the President for Legislative Affairs.*

Mr. KENNEDY. Mr. President, I oppose the amendment offered by the Senator from Arizona. Today, in Geneva, delegations from 60 countries are assembled to negotiate an agreement that leaders from around the world have dreamed of and worked toward for nearly 40 years. The goal is a Comprehensive Test Ban Treaty to outlaw nuclear testing around the world, and it is well within reach at long last. This amendment would clearly undermine that all-important strategy, and it ought to be defeated.

The Kyl amendment also seeks to reverse the current U.S. moratorium on nuclear testing, which formed a solid basis for American leadership in the international effort to achieve a CTB. Our adoption of a moratorium convinced the four other declared nuclear weapons states that a Comprehensive Test Ban would serve their security interests. Britain, Russia, France, and China have all agreed in principle to a CTB that will ban all nuclear explosions, no matter how small.

This amendment would make a mockery of this unanimous commitment. The United States and many other nations are now poised to cross the threshold into a world free from nuclear testing. This amendment would be a classic case of snatching defeat from the jaws of victory at this critical moment in the nuclear era.

The proponents of the amendment claim that it gives the President the ability to ensure the safety and reliability of the U.S. nuclear stockpile. But the nuclear stockpile is already safe and reliable. The JASON panel, a group of our most eminent nuclear experts, states this fact in its March 1995 report to the Secretary of Energy. The panel concluded that the United States can rely on the Clinton administration's stockpile stewardship program—developed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff—to maintain high confidence in the reliability and safety of our nuclear stockpile. No further testing is needed.

Thirty-three years ago, in his famous address at American University, President Kennedy called for the negotiation of a Comprehensive Test Ban, and ever since, Republicans and Democrats alike have worked to meet that great goal. Today, we are on the verge of success. Supporting the Comprehensive Test Ban is the single most important step the Senate can take to achieve a non-nuclear future. I urge my collegues to oppose the Kyl amendment.

The PRESIDING OFFICER. Who yields time? Time is running against both sides.

The Senator from Nebraska.

Mr. EXON. Mr. President, I have just checked with the Parliamentarian. I believe there are 40 minutes left on that side. I have a net of 3 minutes left because I am reserving 10 minutes for Senator HATFIELD under a previous arrangement.

I guess I have been in debates in the U.S. Senate for a long, long time, but the other side, who are proposing the amendment, do not seem to want to talk. I do not quite understand. It certainly is not fair, under the usual procedures that we follow here, for one side to use up its time and then the other side sit in deafening silence when their time comes to talk.

I suggest to the Chair, it would not be fair for the other side not to make their arguments for the proposition that they are trying to force on the United States of America.

When you enter into time agreements, you expect some fair assumption of the responsibilities of the managers of the bill on both sides. This Senator has been here on the floor.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am delighted to take some time. As I informed the Senator from Nebraska earlier, we had only two speakers remaining on our side. I knew the Senator from Nebraska had several speakers. I, therefore, wanted to give those speakers an opportunity to present the arguments against our amendment, which I had already explained in great detail when we first laid it down a week ago. I have been on the floor twice explaining it. I will do it again. I am happy to do it, because we are asking for something that is very modest, yet very important. I hope all the Senators who are watching will appreciate the fact it is important to defeat the motion to table that will be laid down.

I think the easiest way to describe what this amendment does is to use this chart. If you go to the line above Kyl-Reid amendment, you see where we are today: the status quo, what the law provides with respect to nuclear testing. And that is what we are talking about today: the President's authority to conduct an underground nuclear test in the event that he should deem it necessary to do so.

That authority expires, Mr. President, on September 30 of this year. When some say, ''Well, we may not have that big of a problem with the amendment, but we're concerned about the timing because we're engaged in these delicate negotiations''—I will come back to that in a minute—but the reason we raised the amendment now is because the distinguished chairman of the Armed Services Committee said if you have amendments to the bill, lay them down now. Mine was the second amendment laid down, just following the instructions of the chairman.

Secondly, we have to do this before September 30. As you know, we are not going to have that much in the way of legislative time.

But third, I have already offered to the Senator from Nebraska, who I see now leaves the Chamber, but I made this offer before and I make it again. I am delighted to delay this vote until the evening of the 28th—long after the day in Geneva has expired—because I have no intention of having this amendment have any effect whatsoever on the negotiations. It does not, it cannot, there is no relationship whatsoever, but for those who thought it might, I was perfectly willing to delay the vote, and I am still willing to do that.

I will make that offer here again right now. Assuming we defeat the motion to table, I will be happy to have this amendment be the very last one considered before final action on the defense authorization bill, which I assume will be on Friday. Now let us go back to the explanation of the law.

On September 30, there is only one basis for the President to conduct a nuclear test, and that is if another nation tests. Over the last 12 months or so, we have seen France test, Russia may have tested—the intelligence is not clear on that—and China has conducted a test, and China has said it is going to conduct at least one more test.

So those tests would give the President of the United States the authority to conduct nuclear tests until such time as the Comprehensive Test Ban Treaty [CTBT] goes into force. That is what we have showing here. We do not know when that will be, if ever, but we presume it will occur, and so we just entered it on this line here.

At that point, as the Senator from Nebraska said, there will not be any nuclear test, except in the extraordinary event of what is called the supreme national interest, which is an event very unlikely, if at all likely, to occur.

So, in effect, the only thing that can cause the President to test after September 30 is if another nation tests.

Now, is that a logical basis upon which the United States would conduct nuclear testing? The answer, of course, is no. Because France tested, does that therefore provide a reason for the United States to test? No. Even China's tests do not provide a reason for the United States to test.

We have developed our nuclear arsenal. We have really only three reasons to test, Mr. President. The first is for the safety of our stockpile, to ensure that as weapons become 20 or 30 years old and begin to deteriorate—and they do deteriorate—that the safety of the weapons is not compromised, that the safety requirements of the people who handle the weapons is not compromised. I will return to that issue of safety in a moment.

The second reason is reliability. Will they still work, or, as a result of this deterioration, does there come a point in time when we cannot assure the reliability of the stockpile? At that point, we do not have an adequate return, obviously.

The third reason to test is to deal with a recent phenomenon: the problem of terrorism. We have just seen a terrible event occur in Saudi Arabia involving a bomb, and many people have suggested that perhaps the terrorist state's worst weapon is a nuclear bomb delivered by a truck. Today, we do not have a good way of dismantling that bomb, and the experts at our national laboratories believe that there may come a point in time when we have to understand how to dismantle such a weapon. We have to know how to do it, obviously, in advance, because we may have very little warning when the time comes.

Do you shoot a laser at it? Do you overpower it with electrical voltage? What can you do to disarm that bomb? We may have to conduct some kind of low-level test to find that out.

None of this, Mr. President, advances nuclear weapons in the world. As a matter of fact, it is all designed to reduce their use: the dismantling or disarming of a terrorist device, providing for total safety so no device would ever go off. These are defensive measures, if you will. We are not developing new nuclear weapons, and nobody is proposing to do that.

But, effectively, after September 30, our ability to test, unless another country tests, will have been eliminated, terminated by the law, and that is what we are trying to prevent.

What we are saying in our amendment is really very simple, and if you go below the line that says ''Kyl-Reid amendment,'' you will see what our amendment will do.

We simply extend this September 30 deadline until such time as a CTBT goes into effect. At that point, you have an entirely different set of rules, but until that time, we continue to have the option of testing for stockpile safety and reliability purposes. We would not have to wait for another nation to test to have the ability to test.

But importantly, we also added some other safeguards in our amendment. We provide in our amendment that the President will continue to report to the Congress on the stockpile and will provide a report on the necessity for any testing. Now, those reports are not required after September 30. And we provide that the President's authority to test after September 30 is subject to a veto by the Congress. If a majority of the Congress says ''no'' to a testing message by the President, then the President would not be allowed to test. So we tighten up the law after September 30, and I think that is a good thing for us to have done.

Mr. LEVIN. Will the Senator yield for a brief question?

Mr. KYL. Quickly; yes, I will yield.

Mr. LEVIN. You said if a majority of Congress votes to disapprove the resolution——

Mr. KYL. That is correct.

Mr. LEVIN. Is it not true the President could then veto that resolution?

Mr. KYL. Mr. President, I believe the answer to the question is that a veto would lie in the event that a majority of the Congress voted to disapprove the President's action.

Mr. LEVIN. And if the President, in fact, submitted such a resolution, is it not very likely he would veto a resolution that a majority of the Congress passed?

Mr. KYL. My guess is, if a majority of Congress voted that way, it would send a message to the President. This, in any event, is a restriction that does not exist under current law. Today, the President can simply say, ''I am going to test because France tested.''

I just ask my friend from Michigan, is it not better to have some way for Congress to express itself in opposition, and if we adopt the resolution of disapproval, it does not happen, as opposed to the existing situation of which we have no ability to say to the President, ''No, you can't do it''?

Mr. LEVIN. For the reason I gave you a few moments ago, this would be

a very unsettling decision for Congress to make now that we are on the verge of achieving that test ban. My good friend from Arizona said a majority of Congress could vote to disapprove the resolution. I want to clarify, this is a joint resolution of disapproval, I believe, that is in the language, and that means the President could veto it, and any President who submitted such a resolution would presumably veto it, so it would, indeed, as a practical matter, take two-thirds of Congress to overturn such a resolution; would my friend agree with that?

Mr. KYL. I appreciate the point the Senator makes. My only point is, any action by the Congress to disapprove the decision by the President to test in our amendment is more than the existing law, which is zero after September 30.

Mr. President, I say to my friend from Michigan, we are trying to do what we can to allay concerns that a rogue President would simply decide to do something very foolish and Congress would not have any ability to deal with it.

Let me go to some of the arguments that have been made. The first is the one that questions our timing here. I must say that I am baffled by this because, as I said, I made the offer to have the vote on this amendment after June 28.

But let us look at that date June 28 again. According to the Washington Post and other news sources—I quote from the June 21 editorial entitled ''Treaty in Trouble.'' I am not sure if this treaty is going to be approved on this Friday in any event, regardless of what we do. The editorial begins by saying:

> The bleak possibility arises that negotiations on a test ban treaty may fall into a deepening deadline or—an even more bitter prospect—produce a treaty that will languish and not be put into effect.

They point out this is because of a deadlock of the several nations of the world that do not have or may not have nuclear capability and are putting demands on the countries that do. They say, ''We will not sign up unless you disarm yourself totally.'' This is the country of India. Pakistan says, ''If India does not sign up, we do not sign up.'' So there is a significant question as to whether or not this treaty is going to be approved on Friday in any event. But let us assume that, in any event, it is voted on by Friday and is approved. I have already indicated that I am perfectly happy to have the vote on our amendment subsequent to that time.

Third, and most important, this amendment has nothing whatsoever to do with the CTBT. Again, referencing the chart will make that point clear, we say that at such point in time as the CTBT enters into force, that is what controls. But we fill this hiatus after September 30, when the President cannot test for safety and reliability, by continuing the authority for the President to do that, again, unless Congress disapproves.

For the life of me, I cannot understand why someone would want to tie our hands in this regard particularly where safety is concerned. We test everything else for safety, from the pistol that is issued to the troops to the airplanes that fly, to the ships and everything else. We test all of our other weapons all the time for safety and reliability. But we are saying we want to cover our eyes and not know whether the most complex and devastating weapons in the world are safe?

Mr. President, what if we were talking about chemical weapons here, and there was a suggestion that a chemical or biological warhead was beginning to leak. Would we have a statute here that says, no, we do not want to worry about that because we want to do away with all chemical weapons? That is the same argument being made here. We want to do away with nuclear weapons, so we're not even going to test them, even if we conclude they might not be safe. It does not make sense. This amendment does not do anything to the CTBT. It simply continues the existing law until there is a CTBT.

There is a letter from one of the administration officials that says, well, this could signal a possible intent to conduct tests. How? The administration has already said it is not going to conduct tests. No funding has been requested. It disclaims any interest in conducting tests. That ought to answer that.

But in any event, if we had a dangerous weapon, would somebody in Britain—why should they be opposed to our testing to make sure that we could ensure the safety of our weapons, so that our personnel would not be irradiated, for example? What is so wrong with ensuring that we have that element of safety?

Finally, I find a bit of an irony here with people who are commending the Chinese for joining the family of nations that want to do away with testing. The Chinese have already said that they are going to conduct another test.

They are going to conduct another test. Let us say it is after September 30, 1996. The fact is, they can conduct a test until the CTBT goes into effect. There is nothing to prohibit the British from conducting a test or the French or the Russians. We would be the only nation of the declared nuclear powers that is saying, we alone will not test after September 30, no matter how long it takes to get to the CTBT. What if we do not have a CTBT for 10 years or 15 years? We and we alone would be prohibited from testing for safety purposes. How does that make any sense?

More importantly, how could that cause people in Geneva to worry? They have the right to conduct tests. If we simply consider an amendment that would extend the President's authority beyond September 30, that is going to somehow give people concern that they should not sign the treaty because maybe the United States is going to begin conducting tests again, when they have that very right? It does not seem to me that is a very sound argument, Mr. President.

Finally, there was the suggestion that we have our stockpile stewardship program, it can handle the situation, we do not need to test, and that is what we are relying on. The problem is, this administration, while they say they do not need to test, that we can rely upon this stockpile stewardship program—which is essentially trying to, through computer analysis, determine if there are any problems with the stockpile, examine them from time to time, and otherwise try to take care of them in a way that they will not deteriorate, although they do deteriorate—but notwithstanding that being our policy, the administration is not funding it adequately. As a result, one wonders whether or not these weapons really are going to continue to be safe and reliable.

If you are going to use the stockpile stewardship argument in opposition to the possibility of ever testing, then you darn well better have a good stockpile stewardship program. But this administration is not doing that.

Hazel O'Leary, the Secretary of Energy, is responsible for the program. In testimony to the Strategic Forces Subcommittee on April 16, the Secretary had this to say about the outyear funding for the stockpile stewardship:

> I think we all have reason to be concerned about the outyears. It is in that area where I have no quarrel with their concern. [The laboratory directors had expressed concern for years.] I think we need to work together to address that.

The point had been made earlier that the funding that had been requested as the minimum level necessary, according to C. Bruce Tarter, of University of California's Lawrence Livermore Laboratories, was $4 billion a year. Yet the President's request for this year is $3.7 billion. So it would be nice to rely upon the stockpile stewardship; it would be even nicer if the administration, which allegedly opposes our amendment here, would properly fund the stockpile stewardship. I do not have a lot of confidence in that in that event.

I am going to conclude at this point, Mr. President, by saying our amendment has no hidden agenda behind it. We are not seeking to engage in testing. It should not have any impact on the discussions that are occurring. As I said, I am willing to have the vote after that anyway. The only thing we are trying to do is preserve the ability of the President in that kind of emergency where he may need it to engage in some kind of low-level, underground testing to preserve the safety and reliability of our stockpile up until such time as the CTBT should go into force.

I urge, Mr. President, that our colleagues who are watching and listening here support the chairman of the Armed Services Committee in his request that we vote no on the motion to table.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). Who yields time?

Mr. KYL. Mr. President, I am happy to yield whatever time the distinguished Senator from Idaho, a member of the Armed Services Committee, needs.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

I want to acknowledge the expertise of the Senator from Arizona.

To me it is quite clear-cut and straightforward what the Senator is offering. The explanation that he has gone through, I think, has laid it appropriately before us. This amendment does not require or even foresee the need for the United States to begin testing nuclear weapons in the near future.

What it does is put the United States on a level footing with the other signatory nations to the Comprehensive Nuclear Test Ban Treaty, or the CTBT. This amendment does nothing more than provide the President with the ability to resume testing if and only if he deems that the supreme national interest dictates such action.

So what does this amendment do and what does it not do? It does not undermine ongoing CTBT negotiations. It does not require the United States to resume testing. It does not even encourage the resumption of testing.

It does place four additional requirements on the President that must be met before testing could be reinitiated, four additional requirements.

This amendment also clarifies a discrepancy between existing U.S. law and the treaty language regarding what is and what is not considered to be a nuclear test. Without this clarification, the treaty, when signed, would be in conflict with U.S. law.

This amendment also gives the President authority that he says he needs to ensure our national defense.

In his August 1995 statement regarding the CTBT, President Clinton identified the conditions that would cause the United States to resume nuclear testing. This amendment provides the President the flexibility to respond to such conditions should they arise, the conditions which the President outlined.

This amendment is very narrow. It provides the United States rights that are equal to those of other CTBT signatory nations. It clarifies ambiguities in existing U.S. law. It reinstates important congressional reporting requirements, and it provides the President with the flexibility he says he needs to ensure our national defense. It does not promote the resumption of nuclear testing. It does not undermine the current negotiations. This is a prudent, I believe, a much needed provision.

I ask the Senator from Arizona if he would respond to a question or two.

Mr. KYL. I am happy to respond.

Mr. KEMPTHORNE. I ask the Senator from Arizona if he would clarify the key date of September 30 of this year. It is my understanding that on September 30 the provisions provided in the Hatfield-Exon measure expire.

Mr. KYL. That is correct.

Mr. KEMPTHORNE. Now, there are what are termed ''declared nuclear states,'' and there are five of those, one of which is China. The Senator has indicated, and I have seen it elsewhere, that China has indicated that it is going to test again.

What happens if they test after September 30? What happens if the Kyl-Reid amendment is in effect? What happens if the Kyl-Reid amendment is not in effect?

Mr. KYL. This is an illustration of why this amendment would be useful. Without the Kyl amendment, first of all, the President would be able to conduct an unlimited number of underground nuclear tests just because China conducted a test. Second, the President has no obligation to inform the Congress, certainly not to get our consent. The Congress does not have any authority to disapprove of any such tests, and we would no longer after September 30, receive the reports on the safety and reliability of the stockpile that the President has always been required to send to the Congress.

Conversely, if our amendment is adopted, first of all, the President is required by law to submit an annual report to the Congress that outlines the need for any underground nuclear test. We would have 90 days to disapprove of that request, and we would indefinitely be entitled to receive reports on the safety and reliability of the stockpile.

At a minimum, it seems to me, Mr. President, that Congress, if it is going to rely upon the stockpile stewardship program, should want to continue to receive reports from the President on the viability of the stockpile. Under existing law, that would cease to exist. Under our amendment, the President would be required to submit the reports.

Mr. KEMPTHORNE. Is it fair to say and is it accurate to say that with the Kyl-Reid amendment in place it is more restrictive on the conditions for nuclear testing?

Mr. KYL. Yes, clearly it is, because without the Kyl-Reid amendment, if China tests, the President can test, period, end of story.

Mr. KEMPTHORNE. Without any involvement of Congress?

Mr. KYL. Without any involvement by Congress or without any report.

Under our amendment, Congress has the ability to say no, and the President would have to continue to submit a report to us and he would have to report to us on the necessity for an underground nuclear test. The requirement for the test would have to be based upon a stockpile stewardship issue—safety and reliability—rather than the mere fact that another nation decided to test, which obviously has no relationship to our stockpile.

Mr. KEMPTHORNE. I thank very much the Senator from Arizona for the clarification. Again, I think he has done a fine job of just laying it out in a very straightforward manner so we can understand what this is all about.

I yield my time back to the Senator from Arizona.

Mr. KYL. I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Arizona has 16 minutes remaining and the Senator from Nebraska has 14½ minutes.

Mr. EXON. Mr. President, I yield 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to this amendment. This is a very critical time in the history of the world. Whether we are going to be able to stop the proliferation of nuclear weapons is the most critical question that we face. We must work to provide for sanctions for those that do develop weapons. In order for us to have credibility, we have to be willing to accept the fact that we should not test. Otherwise, it is very difficult for us to convince others that they should not test.

There has been a fair amount of discussion about the technical details of nuclear testing, both pro and con. I will not go over that ground, but I would like the Senators to step back and examine the big picture for a moment.

The real question here is national security. One of the greatest threats to our national security is the proliferation of nuclear weapons. We have been spending a lot of time recently discussing whether we should build extremely expensive systems that might in the distant future protect a fraction of the United States from a nuclear attack. We also know that it would be very hard to protect U.S. forces abroad from a nuclear attack.

If nuclear capabilities proliferate to rogue nations, we will be very hard pressed to guarantee the safety of all Americans in the event of a nuclear attack. Clearly, the best way to prevent such an attack is to prevent the spread of nuclear weapons in the first place. That goes to the heart of this amendment.

The administration is currently engaged in very sensitive negotiations to achieve a Comprehensive Test Ban Treaty. Successful completion of a strong test ban treaty would do more to protect Americans from nuclear attack than any space shield currently being envisioned. The best way to make sure we are not a target of a nuclear weapon is to prevent the development of nuclear capabilities by more nations. That is what a Comprehensive Test Ban Treaty will do and attempt to do for us.

Passage of the Kyl-Reid amendment would send exactly the wrong signal at a very sensitive time. The amendment says to the rest of the world that we are ready to consider a resumption of testing, just when we finally have

agreement among the major nuclear powers that it is time to put an end to nuclear tests.

I urge my colleagues to resist this effort to overturn the Hatfield-Mitchell legislation enacted 4 years ago, and to keep this country on the safer course of steady progress toward a comprehensive test ban.

I yield the floor.

Mr. EXON. Mr. President, I yield myself 3 minutes.

Mr. President, there is obviously some serious misunderstanding here, because Senator KYL has not correctly stated the existing law by suggesting that any other nuclear state could conduct a nuclear test after September 30, and before the Comprehensive Test Ban Treaty is entered into, but the United States could not. This is simply not true.

If any nation tests after September 30, the law stipulates that all restrictions on U.S. testing are limited. It is a basic tenet of the Hatfield-Mitchell-Exon law. The only effect of the law is that the United States will not be the first nation to test after September 30.

Would Senator KYL agree with this correction? I ask him to do it on his time because I am almost out of time.

Senator KYL has also said that his amendment would allow for a resumption of testing for ''safety and reliability'' reasons only. I say to my friend from Arizona, if he can show me where in his amendment it states the testing would have to be done for ''safety and reliability'' only. I have looked and I cannot find it.

The way I read his amendment, a resumption of U.S. testing could be for any reason whatever.

I reserve the balance of my time.

Mr. KYL. Mr. President, let me see if I can answer the question posed by the Senator from Nebraska who said I misstated the law. I have the law right here. I will quote it directly. This is Public Law 102–377: ''No underground test of nuclear weapons may be conducted by the United States after September 30, 1996 unless a foreign State conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.'' That is precisely what I said. After September 30, the only basis upon which we could conduct a test is unless another nation tests—exactly as it is stated up here.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. EXON. I ask the Senator from Oregon as to how much time he feels he will need.

Mr. HATFIELD. About 4 minutes.

Mr. EXON. I yield 4 minutes to the Senator from Oregon, Mr. HATFIELD.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Nebraska for yielding. I want to also say the Senator from Nebraska, Senator EXON, has been carrying the burden, pretty much, here on the floor on this issue of the Kyl amendment. I want to express my deep appreciation to the Senator for assuming that role. I am sorry I have not been able to be more helpful, but other duties have precluded me from engaging in more activity until now.

Mr. President, our negotiators in the Comprehensive Test Ban Treaty conference are on the brink of success from many perspectives. The conference concludes at the end of this month, so in 3 days we will know if the goal that we have worked toward for 40 years will come to fruition. I am speaking of the Comprehensive Test Ban Treaty, which has been a goal of mine for many years. When we passed the current moratorium on nuclear testing in 1992, we provided significant momentum toward the CTBT.

I am very concerned that the amendment pending is characterized as a minor change in policy and a clarification of the original moratorium of testing which is current law. Let me be clear that this is not a simple change. This amendment will have the effect of completely undermining the baseline agreement reflected in that moratorium created in 1992 and the momentum for a CTBT. I think it sends a signal that somehow we are backing out or changing our mind on that moratorium—one that I worked 27 years to achieve.

The current U.S. moratorium is a critical show of good faith to other countries with whom we are negotiating this treaty. To change our testing policy now, I think, will send shockwaves through the international arms control community at the most critical time of the CTBT negotiations.

Not only is this amendment untimely, it is also, I believe, unnecessary. The President has extended the 1992 testing moratorium because he and his military advisers concluded that our nuclear arsenal is safe and reliable. Not even the scientists involved in nuclear testing are calling for underground tests to resume.

More importantly, the President already has the ability to resume testing if he determines that it is in the Nation's supreme national interest. If we have a severe safety and reliability problem, even I would agree with the President in exercising this option.

It seems to me that this debate would be more appropriate after the Conference on Disarmament concludes. The Senate will have the opportunity to debate this issue fully when the CTBT is presented to the Senate for ratification. And if the negotiations do fall apart and we are not able to get a treaty this year, the Congress can debate this issue then, or any time following.

Any action now seems to me to be premature. For these reasons, I strenuously oppose the Kyl-Reid amendment and urge my colleagues who believe in the nonproliferation goal of achieving a Comprehensive Test Ban Treaty in 1996 to join me in opposing this amendment.

At an appropriate time, I believe the authors of this amendment are aware that I will make a motion to table the amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the vote on or in relation to the Kyl amendment occur at the hour of 8:40 this evening, with Senator EXON in control of his previously allotted time, and any remaining time until 8:40 under the control of Senator KYL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KEMPTHORNE. To clarify for all Senators, we will vote this evening at 8:40, and that is now set.

Mr. NUNN. How much time is on each side? I did not get that.

The PRESIDING OFFICER. Six-and-a-half minutes controlled by the Senator from Arizona, and 5 minutes controlled by the Senator from Nebraska.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to associate myself with the remarks made by the Senator from Nebraska, Mr. EXON, and the remarks just made by Senator HATFIELD from Oregon. I could not agree with them more. This is a critically important issue.

This is exactly the wrong proposal. It is exactly the wrong time even to consider this proposal. What we have done in recent years to try to make certain that we do not see continued nuclear testing has just set the right course for the world, and the wrong vote tonight would send exactly the wrong signal at a time when so many countries are sitting down and hoping that by Friday we will achieve the result of never again seeing nuclear testing in this world.

So I appreciate the leadership of the Senator from Nebraska and the others who have spoken against the Kyl amendment. I hope the Senate will support the motion to table.

The Kyl amendment is part of a continuing assault on arms control. I would urge my colleagues to recall what has happened in this Congress.

Recall that the Foreign Relations Committee stalled on the START II Treaty until the Senator from New Mexico, Senator BINGAMAN, began to filibuster an unrelated bill in order to force action on the treaty.

Recall that the Senate majority throughout this Congress has been intent on building a star wars missile defense system that would violate the ABM Treaty. The ABM Treaty is the cornerstone of our arms control regime—which may be why the majority

desperately wants to knock that cornerstone out of the foundation.

Recall that we still do not know when the Senate will act on the chemical weapons convention, which would break new ground by banning the use, production, and stockpiling of an entire class of weapons of mass destruction. That Convention has been on the Senate calendar for over 50 days now. I hope the majority leader will soon give us an indication of when the Senate will vote on that historic treaty.

And we now have the Kyl amendment. Mr. President, 4 years ago Senators HATFIELD, Mitchell, and EXON worked very hard to enact a law restricting nuclear testing by the United States. Hatfield-Exon-Mitchell set us on a path to a moratorium on nuclear testing—which the law will prohibit after September 30, 1996. The only loophole under which the President can resume testing after then is if another nation tests first.

The Kyl amendment would overturn the Hatfield-Exon-Mitchell law. It would permit the President to start nuclear testing after September 30. The only loophole—the only way the President would not be allowed to resume testing—is if the Congress tells him not to.

It's bad enough that the Kyl amendment would repeal a moratorium on nuclear testing that is now in the law. However, the international repercussions of this amendment are even worse.

Mr. President, I hope the American people realize that American negotiators are literally working around the clock in Geneva as we speak in order to reach agreement on a Comprehensive Test Ban Treaty. There are 37 countries around the table at the Conference on Disarmament in Geneva, all trying to hammer out a nuclear test ban treaty. The planet has set itself a goal of agreeing on this treaty by this Friday, June 28. These talks are in their final, most sensitive stage.

What is so stunning about the Kyl amendment is that it suggests that we allow renewed nuclear testing. And the Senator from Arizona is making this suggestion 2 days before the planet's self-imposed deadline for achieving a treaty to ban nuclear testing for all time.

This treaty has been a goal of American foreign policy since the Eisenhower administration, and the Kyl amendment is urging that we allow nuclear testing again. As several of my colleagues have already observed, leaving aside the policy implications of the amendment, it is impossible to conceive of a worse time for this amendment to be offered.

Mr. President, the United States has been working to lead the world toward a test ban agreement. Since 1993, when President Clinton decided to extend a testing moratorium, we have been leading by example. We have refrained from testing nuclear weapons. We have developed an ambitious stockpile stewardship program, which will ensure that our nuclear arsenal remains the safest in the world without testing.

It is not difficult to picture the reaction of other nations if the Kyl amendment is approved. They will wonder why our arms control negotiators are urging them to compromise on a treaty in Geneva while at the same time the U.S. Senate is allowing the President to resume nuclear testing. How would we like it if the parliament of another country at the negotiating table began to consider loosening that country's restrictions on nuclear testing? We'd begin to question that country's sincerity at the talks. We'd begin to wonder whether that country intended to live up to its commitments. Well, that's how other nations are going to feel if this amendment passes.

I urge my colleagues to vote to table the Kyl amendment.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. I yield such time as he may need to the Senator from Georgia.

Mr. NUNN. Mr. President, I will take a short time here. I will support the tabling motion on this amendment. I think this is not a necessary provision at this moment. I think it is certainly not timely. Senator EXON and Senator HATFIELD offered their amendment in 1991. It is the law of the land. It prohibits further U.S. underground nuclear testing unless, after September 30 of this year, another country conducts an underground nuclear test. If another country does it, the Exon-Hatfield provision automatically expires.

Moreover, the administration is in the final throes of negotiating a CTBT. President Clinton pledged that if there were problems with the U.S. weapons stockpile, he could exercise the supreme national interest clause in the treaty in order to take the necessary steps to protect our security.

If adopted, it is my belief that this amendment, particularly with the timing, could make the negotiations of the CTBT harder rather than easier to conclude.

So I urge my colleagues to support the Hatfield tabling motion when it is made.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me make what may be my concluding remarks.

The Senator from Oregon, who will make a motion in just a moment, had two primary points. I would like to respond to both of them.

The first is, he said we do not want to change our testing policy now. I know that is the thing that animates him most in this debate.

I want to state to everybody here that there is no intention to do this. This amendment does not do it. It is the President who establishes a testing policy. There is not a word in this amendment that suggests that we ought to test, how we ought to test; nothing whatsoever. All we do in this amendment is to preserve existing law. So we are not going to change our policy by this law. We are going to preserve it. We are going to say that after September 30 the ability of the President to test, if he thinks it is necessary, would continue to exist until there is a CTBT. That will expire unless we extend his authority.

There is one condition under which we would be allowed to test in the future, as the Senator from Nebraska has pointed out; that is, if another nation tests. That does not have anything to do with whether we ought to test unless we are trying to develop a new weapon, and nobody is suggesting that we would test for that reason.

Listen to the words that I read of the President of the United States, Bill Clinton. Here is what he said he would need the authority to do under a test ban regime.

August 11, 1995, his statement regarding the CTBT, his safeguard F specifically says:

> If the President of the United States is informed by the Secretary of Defense and the Secretary of Energy, advised by the Nuclear Weapons Council, Directors of the DOE's Nuclear Weapons Laboratories, and the Commander of the U.S. Strategic Command that a high level of confidence in the safety and reliability of a nuclear weapon type, which the two Secretaries consider to be critical to our nuclear deterrent, could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standards of the Supreme National Interest Clause, if in order, to conduct whatever testing might be required.

That is the authority that President Bill Clinton says he will need to have in the future. He will have that authority under the Convention, the Comprehensive Test Ban Treaty, but he will not have that authority, ironically, prior to that time.

So, ironically, the authority that he requests after the CTBT goes into effect, which would exist at this point, does not exist in the interim period of time after September 30. He would not have the ability to test for the reasons that he indicated in his statement.

All we are trying to do by this amendment is to continue the existing law to give him that authority and to require that he report to the Congress. We add one thing and one thing only. Congress has a right to disapprove of his action by a majority vote of both Houses of the Congress. We thought that was a good thing, not a bad thing, if people are concerned about the President. But this President, Bill Clinton, has said he needs the authority to test.

We simply continue that authority until the CTBT takes effect. It would be ironic, indeed, for the President to request the authority after the CTBT goes into effect but not before then.

The second point made by the Senator from Oregon is the same point

that others have made. They wish that we did not have to debate this right now and have a vote on it prior to the 28th.

I have said over and over again—I renew my offer to the distinguished ranking member of the Armed Services Committee, and to the Senator from Nebraska—I would be delighted to have a vote on my amendment. If we do not table it here, we can have a vote on this amendment after those negotiations in Geneva are concluded. They are to be concluded in Geneva on the 29th, by Friday. By the time we vote on Friday it would be nighttime in Geneva.

Therefore, I would be pleased to enter into a unanimous-consent agreement that our vote be postponed until that time.

I do not know what more I can do to demonstrate that we are not trying to influence what is going on over there. I understand that is the argument that has been brought up. But I fail to appreciate why our offer is not going to be accepted as a result of that.

I reserve the remainder of my time. Those are my comments with respect to the Senator from Oregon.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, how much time does the Senator from Nebraska have remaining?

The PRESIDING OFFICER. Two minutes fifty seconds.

Mr. EXON. I yield myself that time, and then the Senator from Oregon will be in to offer the tabling motion.

I want to take just a moment and thank my dear friend and colleague from Oregon, Senator HATFIELD, for all of the staunch support and leadership that he has given. We have worked on this matter because we have a total joint understanding of just how critical the end to nuclear testing can be for mankind. It is absolutely essential that the United States continue to provide leadership in this area. Thanks once again to my friend from Oregon.

Both the Senator from Oregon and the Senator from Nebraska will conclude our careers in the U.S. Senate this year. Somebody else will have to take up from there if we are to continue. If we have not reached a Comprehensive Test Ban Treaty, that is still a must.

I simply say, Mr. President, that the U.S. President says the act is not needed now; the National Security Council, I have entered a letter to that effect; the U.S. Arms Control and Disarmament Agency says it is not necessary; the Secretary of Energy says it is not necessary; not only is it not necessary, but it could not come up at a worse time.

I just hope that we will put this matter over by the tabling motion that is going to be offered.

I would simply advise the Senate that, if for any reason the tabling motion does not prevail, there is going to be long and extended debate on this particular amendment.

With that, Mr. President, I simply say put this off, keep mankind informed, do something about it next year and not now. It has no adverse effect whatsoever on the national security interests of the United States, or the safety and reliability of our nuclear arsenal.

I thank the Chair. I yield back any time I have remaining.

The PRESIDING OFFICER. All time of the Senator from Nebraska has expired.

Mr. KYL. While we are waiting for the Senator from Oregon to arrive, Mr. President, I will conclude by saying that in an entire week of debate here, there has not been a new argument raised. The two primary arguments are that it would be good to put this vote over until the 28th, which I would be happy to do; and, second, that the administration has not asked for this authority.

But as I just quoted from the President of the United States, Bill Clinton, he explicitly said that he would have to have the authority to test if his advisers came to him and said that it was in the supreme national interest that he do so, as a result of which there will be a clause in the CTBT which allows the President to test under that circumstance.

I have simply said that it would be ironic for us to have the ability to do that today, to have that ability under the CTBT but not to have that authority during the interim period of time, when the other declared nuclear nations do have that ability—mentioning one, for example, the nation of China, which has already indicated its intent to conduct just such a test.

So it seems to me that nations that might be concerned about what the United States is doing ought to focus their energies more on a country like China. It is still developing its arsenal. We would only test, as the President himself has said, for the purpose of ensuring the safety and reliability of our stockpile.

So this amendment does nothing more than extend the authority of the President up until the time there is a CTBT. It has no other effect than that.

I urge my colleagues not to support the motion to table and to vote ''no'' on the motion to table that I assume is about to be entered.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senate is awaiting the arrival of Senator HATFIELD to make a motion to table.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I simply say I know the Senator from Oregon is about to come into the Chamber. In deference to the Senator from Oregon and his long service to this body, I would like to ask unanimous consent that we delay temporarily until the Senator from Oregon is able to come on the floor to offer the tabling motion.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent the privileges of the floor be granted to Mr. Zack Davis, of my staff, for the time during which this measure is pending.

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

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I move to table the Kyl amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from New Mexico [Mr. BINGAMAN] are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—53

Akaka	Glenn	Lieberman
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Grassley	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Byrd	Heflin	Pell
Chafee	Hollings	Pressler
Conrad	Inouye	Pryor
D'Amato	Jeffords	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Domenici	Kerrey	Simon
Dorgan	Kerry	Specter
Exon	Kohl	Stevens
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Ford	Levin	

NAYS—45

Abraham	Frahm	McCain
Ashcroft	Frist	McConnell
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Gregg	Reid
Bryan	Hatch	Roth
Burns	Helms	Santorum
Campbell	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Johnston	Smith
Cohen	Kempthorne	Snowe
Coverdell	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Faircloth	Mack	Warner

NOT VOTING—2

Bingaman	Bumpers

The motion to table the amendment (No. 4049) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

TRICARE

Mr. WARNER. Mr. President, I rise in support of the subcommittee language regarding the TRICARE program and the alternative financing mechanism requested by DOD. I appreciate the cautious approach the subcommittee has taken. This alternative financing mechanism may have significant merit and it should be thoroughly tested and evaluated before it is fully implemented.

The Tidewater area of Virginia, which is part of TRICARE Region 2, has long been the premier test site for DOD health care programs. The TRICARE Tidewater Demonstration Project ran from October 1, 1992 to September 30, 1995, and all of its initiatives continue to the present under the new TRICARE regulations that went into effect nationwide in October of 1995. A TRICARE Service Center has operated in Portsmouth, VA since October of 1992. A managed mental health program has been in place for at least a decade. TRICARE Extra has been in place since the beginning of the demonstration project and TRICARE Prime began to phase in during December of 1994. Today, more than 60,000 people are enrolled in TRICARE. It is significant to note that this has been accomplished without a Managed Care Support Contract.

The lead agent for region 2 is the Portsmouth Naval Hospital, and all three services are well represented in the region, which also includes Langley AFB, Ft. Bragg, and Camp LeJeune. Their invaluable experience as the test bed for incorporating new ideas in DOD health care makes region 2 the ideal candidate for testing DOD's new funding approach to TRICARE. We should proceed cautiously with this new approach, as we endeavor to improve TRICARE. In this light, I would urge DOD to consider developing benchmarks by testing alternative methods of financing in region 2 in its current environment without a managed care support contract, and I will work toward this outcome in conference.

Mr. COHEN. Mr. President, I too support the intent of the subcommittee language. DOD's alternative financing methods for the TRICARE Program may have significant merit, however, I also share Senator WARNER's concerns that this new concept be fully tested and developed before it is implemented. Region 2 is obviously the most experienced and therefore the best qualified region to operate this test and I support Senator WARNER's recommendation.

BRAC MILITARY CONSTRUCTION OF UNACCOMPANIED ENLISTED HOUSING AT FT. LEONARD WOOD, MO

Mr. INHOFE. Mr. Chairman, when the 1995 Base Realignment and Closure Commission [BRAC] recommended closure of Fort McClellan, AL, and relocation of Fort McClellan's Military Police and Chemical Schools to Fort Leonard Wood, MO, that decision was based in part on the Defense Department's recommendation to the Commission that basic training being conducted at Ft. Leonard Wood be moved elsewhere in order to make room for the additional personnel and activities associated with MP and chemical training.

Subsequent to the adoption by Congress and the President of the BRAC '95 recommendations, the Army changed its position and has now opted to keep basic training at Fort Leonard Wood. In this regard, I am concerned that the FY97 Defense Authorization bill contains $58 million in BRAC IV military construction funds for ''unaccompanied enlisted housing'' at Fort Leonard Wood, one of four projects totaling $118 million in similar BRAC IV funding for that post. While it is possible that some of these funds are necessary to accommodate BRAC-directed moves, it is my understanding that this $58 million project is being undertaken partly to enable Fort Leonard Wood to continue to accommodate its existing basic training load.

Mr. NICKLES. I would like to compliment my colleague from Oklahoma for his diligent attention to this issue, and make clear to the distinguished Chairman that I share his concerns. I would respectfully remind the Chairman that the Defense Department's recommendation to the Commission on this matter was based on the Army's stated intention to decrease the basic training load at Fort Leonard Wood and increase basic training at Fort Jackson, SC; Fort Knox, KY; and Fort Sill, OK. According to the Department's recommendations to BRAC, each of these installations was to receive 1,400–1,500 basic trainees from Fort Leonard Wood, approximately one basic training battalion each.

Mr. INHOFE. Mr. President, I ask that a copy of a letter from myself and Senator NICKLES to GAO dated 20 June 1996 be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, June 20, 1996.

Mr. RICHARD DAVIS,
Director, National Security Analysis, National Security and International Affairs Divisions, U.S. General Accounting Office, Washington, DC.

DEAR MR. DAVIS: The 1995 Defense Base Closure and Realignment Commission's (BRAC) recommendations to close Ft. McClellan, AL and move its Military Police (MP) and Chemical Schools to Ft. Leonard Wood, MO, was based on the Defense Department's recommendation that basic training activities at Ft. Leonard Wood be moved elsewhere in order to make room for the additional personnel and activities associated with MP and Chemical training.

Subsequent to the adoption of the BRAC 95 recommendations, the Army changed its position and has now opted to keep basic training at Ft. Leonard Wood. Specifically, at the time of the BRAC decision, it was the Army's stated intention to close out basic training at Ft. Leonard Wood and divide that basic training among Forts Jackson, Knox, and Sill, each receiving one basic training battalion of 1,400 to 1,500 soldiers.

We are concerned that the FY97 Defense Authorization bill contains $58 million in BRAC IV military construction funds for ''unaccompanied enlisted housing'' at Fort Leonard Wood. It is our understanding that this $58 million project is being undertaken partly to enable Ft. Leonard Wood to keep its basic training mission, even though the three posts referred to above have existing capacity to accommodate Ft. Leonard Wood's basic training student load. We ask that you review this project against other alternatives available to the Army at lower cost. Specifically, we ask that you:

Review a complete list of the military construction projects approved for or anticipated at Ft. Leonard Wood during the five fiscal years beginning with FY97.

Identify the current shortfall in unaccompanied enlisted housing at Ft. Leonard Wood.

Identify the current basic training student load at Ft. Leonard Wood.

Identify the number of unaccompanied enlisted housing spaces that would become available at Ft. Leonard Wood if its current basic training student load were to be relocated, in whole or in part as originally proposed by the Department of Defense.

Review the number of personnel to be transferred from Ft. McClellan to Ft. Leonard Wood in accordance with the BRAC 95 recommendations.

Compare the number of unaccompanied enlisted personnel to be transferred pursuant to such recommendations with the number of unaccompanied enlisted housing spaces to be constructed at Fort Leonard Wood using the $58 million presently authorized by the FY97 Defense Authorization bill.

Evaluate the availability of unaccompanied enlisted housing at each of the posts identified by BRAC 95 as potential locations for basic training currently being conducted at Ft. Leonard Wood.

Identify any military construction costs, if any, associated with the transfer of a basic training battalion to Forts Knox, Jackson, and Sill, respectively.

Because the Joint Conference on the FY97 DOD Authorization is likely to conclude by the end of next month, we need to receive your report not later than July 20, 1996. Please direct any questions to John Luddy of Senator Inhofe's staff, at 202–224–1390. Thank you very much for your prompt consideration of this matter.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.
DON NICKLES,
U.S. Senator.

Mr. INHOFE. Mr. President, would the chairman support my request that the General Accounting Office review this project, including the questions I have raised in this letter, and report back to this committee and to the House National Security Committee within 30 days?

Mr. MCCAIN. Like my colleague on the Armed Services Committee, I am a firm supporter of the BRAC process, and I am concerned that the Army's recommendations to the Commission may have caused it to make a decision based on false assumptions. I am particularly troubled that American taxpayers may be paying for unnecessary military housing when, as my colleague and the Department itself has

indicated, there is similar housing available at other installations. I would urge the chairman to lend his support to this inquiry.

Mr. THURMOND. I thank the Senators for bringing this matter to my attention, and I also appreciate Senator MCCAIN's interest. I support this inquiry and would add that it is the committee's desire to receive a report from GAO within 30 days specifically to allow us to resolve this matter to our satisfaction prior to conference and final passage of the fiscal year 1997 DOD authorization bill.

Mr. INHOFE. May I ask of the Armed Services Committee chairman and the Readiness Subcommittee chairman, respectively, if they will agree to consider modifying or eliminating this project during the joint conference on the fiscal year 1997 Department of Defense authorization bill, if the GAO's conclusions indicate that doing so would be in the best interest of the American taxpayer?

Mr. THURMOND. I assure the Senator from Oklahoma that I will support such actions if warranted by the conclusions of General Accounting Office report.

Mr. MCCAIN. I concur with Senator THURMOND. I will look carefully at the results of the GAO study before agreeing to fund this project.

Mr. BOND. Mr. President, the subject of Senator INHOFE's GAO request will be the unaccompanied noncommissioned officers barracks. This project was planned, programmed, and funded to house NCO's who will come to Fort Leonard Wood as a result of the BRAC decision to move the chemical warfare training school and military police school to Fort Leonard Wood from Fort McClellan which is scheduled to close.

Current barracks space at FLW is designed for basic training students living four to a room with gang latrines—not for senior NCO's.

Any connection between the new barracks and the totally separate issue of basic training housing is irrelevant since the BRAC was aware of the need for the new barracks when it made its decision.

Even if there were space to renovate current barracks rather than build new barracks, the Corps of Engineers has already studied that option and deemed the extensive renovations required would not be cost effective.

The result of this report for all its good intentions will be to subvert the decision of the BRAC Commission and will set an unacceptable precedent.

MILITARY TRAFFIC MANAGEMENT COMMAND'S PERSONAL PROPERTY REENGINEERING PROGRAM

Mr. STEVENS. Mr. President, I applaud the efforts of the Senate Armed Services Committee to reform the Military Traffic Management Command's personal property reengineering program. I am concerned that MTMC's plan does not adequately address the concerns of the small moving companies, which comprise most of the industry. The Senate Armed Services Committee initiative establishes a working group of military and industry representatives to develop an alternative pilot program and requires the Government Accounting Office to review this revised plan.

Mr. BOND. I also share Senator STEVENS' concerns about the Department of Defense proposal to reengineer the personal property program and its associated impact on the small business community. While I support the Department's goals of improving the quality of personal property shipment and storage services to members of the military and their families, it should not be done at the expense of the small businesses which make up most of the moving industry.

Mr. THURMOND. Thank you very much for your comments regarding this initiative. We included this provision because of concerns about how this reengineering proposal would cause a major restructuring of the moving industry. As you know, the majority of movers in the communities near our military bases are small businesses. My primary goal is to improve the quality of service that service members and their families receive when they move.

Mr. STEVENS. I support reforming the current system to improve the quality of service and achieve cost reductions. However, I believe that the moving industry needs to participate in these discussions in a meaningful way. I believe that the fiscal year 1997 Defense authorization language will facilitate that process.

Mr. BOND. I agree that reforming the current system can lead to improvement of service to our military members and their families and a reduction in costs to the Government. I am sure that the reforms to the Military Traffic Management Command's personnel property reeningeering program as instituted by the Senate Armed Services Committee will ensure that our military enjoys flexible, rapid, and efficient service as can only be found in a competitive environment.

VANCE AFB MILITARY CONSTRUCTION PROGRAM

Mr. INHOFE. Mr. President, Vance Air Force Base continues to be the preeminent pilot training base within the Department of the Air Force. Unfortunately, the Department of the Air Force has historically underfunded this installation in its military construction request. I have brought to your attention three projects which will assist Vance in meeting its infrastructure needs in the future. These projects include a base engineering complex, a consolidated logistics complex, and a project to add to and alter the Physical Fitness Training Center. It is my belief that planning and design funds for these projects, if identified, will allow the Department of the Air Force and Air Education and Training Command to consider these projects for inclusion in the fiscal year 1998 budget request.

I might point out to the distinguished chairman that these projects have wide support elsewhere in Congress. The Senate Committee on Appropriations' fiscal year 1997 military construction appropriations bill directs that not less than $1,695,000 be made available for design of these projects from the ''Military Construction, Air Force'' account. Moreover, the House National Security Committee's fiscal year 1997 Defense authorization bill ''directs the Secretary of the Air Force [to] conduct planning and design activities for the following projects: $288,000 for a physical fitness training center at Vance Air Force Base, OK; and $512,000 for a consolidated logistics complex at Vance Air Force Base, OK.'' Finally, the House Appropriations Military Construction Subcommittee's markup of the fiscal year 1997 appropriations bill directs the Air Force ''to report to the committee on the need for these projects and its plans for construction by September 16, 1996.''

Can the Chairman assure me that he will work with me to ask the Air Force to consider identifying funds for reprogramming in the coming months for planning and design purposes for these projects, which are so crucial to the future of Vance Air Force Base?

Mr. THURMOND. I can assure my colleague that I will work with him to urge the Air Force to consider identifying sufficient funds through reprogramming to meet the planning and design requirements for the three projects you have identified at Vance Air Force Base. I would also urge the Department of the Air Force to reexamine these projects for inclusion in the 1997–2001 FYDP and subsequently the fiscal year 1998 budget request. I am fully aware of the unique nature of Vance Air Force Base operations and applaud their continued efforts in achieving taxpayer savings through efficient training of our Nation's future aviators.

QUADRENNIAL DEFENSE REVIEW

Mr. BOND. Mr. President, along with Senator FORD as cochairman of the National Guard Caucus. I rise to address my concerns over the amendment to provide for a quadrennial defense review and the independent assessment of alternative force structures for the Armed Forces.

While I applaud and appreciate the specific inclusion of the Reserve and National Guard components in the review. I would be remiss if I did not raise my concerns over the qualifications of the independent members of the National Defense Panel. I believe that for the panel to be truly independent it must be diverse and must include collectively, members knowledgeable in all components of the Nation's Armed Forces.

I am concerned because of historical precedent set by the makeup of prior panels when composed of Secretariat designees. It is my understanding that when the Commission on Roles and Missions initially conducted its work,

there was no one with specific background expertise in National Guard issues.

Mr. THURMOND. That is correct.

Mr. FORD. Mr. President, if I may, I remember that incident very clearly and as the ranking member of the Armed Services Committee will remember, in the endgame of that Commission's work, the Secretary did finally appoint a member with National Guard expertise but it was well after the bulk of the work had been completed.

Mr. NUNN. The Senator is correct.

Mr. FORD. The Senate from Missouri and I want the Secretary of Defense be aware of the National Guard Caucus' grave concerns and urge you to ensure that this independent review team be truly balanced.

Mr. NUNN. I assure the Senator that I am aware of his concerns and will keep them in mind as we deliberate with the Secretary of Defense.

Mr. BOND. Mr. President, I ask the Chairman, to be resolute in his insistence that at least one member of the panel have a recognized understanding of National Guard functions when consulting with the Secretary of Defense on the composition of the panel and I and Senator FORD would be more than willing to lend any assistance the Chairman and the ranking member might require during those consultations.

Mr. THURMOND. I want to thank the senior Senator from Missouri for raising his concerns on this matter. The Senator has always been a stalwart supporter of Guard interests and the points he raises with the senior Senator from Kentucky are compelling. I assure the Senators that I will insist that the concerns of the National Guard will be adequately represented in the review panel.

DEPARTMENT OF ENERGY LIABILITY FOR NATURAL RESOURCE DAMAGES

Mr. THOMAS. Mr. President, I am pleased that earlier today the Senate approved my amendment to S. 1745, the Department of Defense authorization bill, dealing with the Department of Energy's liability for damages to natural resources with respect to Federal Superfund sites. I want to thank Chairman THURMOND and Ranking Member NUNN and their respective staffs for working with me to ensure the passage of this amendment.

My amendment requires the Department of Energy to conduct a study of the Department's natural resource damages liability at its Superfund sites and report back to the appropriate committees of Congress 90 days after enactment of this bill. This is an issue of great importance and one that has been surrounded by uncertainty. Since the beginning of the 104th Congress, the Environment and Public Works Committee, under the leadership of Subcommittee Chairman SMITH and Committee Chairman CHAFEE, has been working tirelessly to bring much-needed reform to the Superfund Program. During the course of hearings held on this topic, significant questions were raised regarding the Department of Energy's liability for natural resource damages at its Superfund sites. During testimony at a hearing in 1995, a Department official speculated that the Department's liability could be in the hundreds of billions of dollars. It has been reported that he termed the Department's liability for natural resource damages the sleeping giant of Superfund. However, during a follow-up hearing in April of this year the Department changed its tune. When asked about earlier statements, the same Department official who had a year earlier called natural resource damages a serious problem produced a study by the Council on Environmental Quality that claimed these damages are a ''minor problem.'' While the timing of the release of the study was obviously circumspect, it became increasingly clear that the contents of the study were equally so.

The CEQ study estimated the Department of Energy's NRD liability at between $200 and $500 million. In the meantime, GAO has also been conducting its own study of Department liability and their preliminary results put the estimate at between two and $15 billion. Mr. President, you can see why this issue has raised so many questions. We have a Department of Energy official estimating liability in the hundreds of billions of dollars, then his superiors in the White House overruling him and painting the problem as minor, and finally a GAO study which will come down somewhere in the middle.

I find this all rather troubling, Mr. President, and frankly it seems like this situation has created more questions than when we began. There are several aspects of CEQ's study that I find remarkable to say the least. I understand CEQ is currently modifying their first study and will shortly issue a corrected study, but fundamental questions about their assumptions remain. It is my intention, as chairman of the Senate Energy and Natural Resources Subcommittee on Oversight, to hold a hearing later this summer to address some of these questions. But what I find most troubling of all, Mr. President, is that the Department of Energy has not undertaken their own study of this issue. The Department of Energy is the single biggest responsible party at Superfund sites in the Nation. That means the taxpayers of this country are on the hook for the biggest piece of liability at Superfund sites. Yet the Department has not done one study to determine what their liability might be in the second phase of superfund liability—the lurking, sleeping giant that is only now awakening—natural resource damages liability. My amendment corrects that incredible oversight in the hope that we can have an accurate estimate, done by those with the most knowledge about the nature of this complicated situation. In addition, my amendment ensures we will have a realistic view of that liability by forcing the folks conducting the study to use the same program parameters that the private sector has been dealing with. This is the only fair way to calculate the Department's liability.

Again, I want to thank the Chairman and Ranking Member, and I want to thank my colleagues in the Senate for passing this important amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if I can just report from this side of the aisle to our colleagues, we had a very productive day today because we stayed on the defense bill. We, basically, handled amendments on the defense bill all day except for one amendment, which was worked out and was unanimously agreed to on a rollcall vote on a very important matter.

If we can do that tomorrow, we have a good chance of finishing this bill tomorrow night. If we do not finish it tomorrow night, we can finish it on Friday. If we get back on amendments not related or relevant to the defense bill, then we will be—I understand the majority leader has to speak to this—we will be on this bill for a long time, and it will be up to the majority when we complete this bill.

We have 35 amendments we have worked out. We have accepted 27 already. We have 7 or 8 more we will be able to work out tonight. The minority leader on this side has done a lot of work, working with us, and Senator DORGAN and Senator FORD have led the effort to get our list of amendments on the Democratic side down as low as we can. We are working on that now.

Many of these amendments, I think, can be worked out. We have two or three more major hurdles that we have to get over to give us a clear sailing to finishing this bill, but those matters are being worked on, and I think they have a good chance, a reasonable chance, of being worked out sometime tomorrow so we can conclude this bill.

That is the report from our side of the aisle. I know the chairman of the committee will have some thoughts on his side of the aisle.

Mr. THURMOND. Mr. President, I commend the Members of the Senate and thank them for the progress that we have made today.

Mr. ROCKEFELLER. May we have order? There are at least 12 conversations taking place.

The PRESIDING OFFICER. The Chair hears the request of the Senator from West Virginia. The Senate is not in order. The Senate will be in order before we proceed.

The Senator from South Carolina.

Mr. THURMOND. Again, I thank the Members of the Senate for the progress we have made today. If we can just avoid amendments that are not related to defense, we can finish this bill by tomorrow night. If we work hard, stay on the job, be here and take up the amendments—I am anxious for us to get

through this bill tomorrow night if possible. The majority leader wants this bill finished by tomorrow night. So I ask for the cooperation of all the Senators. Let us work together and get through this bill and not have to be here over the weekend.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I certainly share the concern and the attitude of the chairman and the ranking member. They are working hard to deal with these amendments. I hope work is being done very seriously now to identify a finite list of amendments.

I want to say, again, so everybody will know, the intent here is that we are going to finish the DOD authorization bill this week. That could mean not only Thursday night, it could mean Friday, it could mean Friday night and, if necessary, it could mean Saturday.

I want to be very much sympathetic to Members' desires to be with their families at night and certainly during the recess, but in order for the leader to be able to do that, I have to have the cooperation of Members on both sides of the aisle.

This is very important legislation, the Department of Defense authorization bill. So I am asking Members, help work with the leadership to get this bill done. We need to get it done so we can move on to the DOD appropriations bill and the military construction appropriations bill, so we can get our work done.

It can be done tomorrow night, but if it takes going over to Friday, we have no option but to do that. I know the chairman and ranking member will do that. Expect us to be here Friday and voting in order to complete it.

We are going to keep moving ahead. We always want to try to be reasonable. Tonight, the intent will be to have Senator NUNN lay down his amendment and have debate tonight, and the vote would occur in the morning at 9:30.

So there will be no more recorded votes tonight, but we are going to keep pushing ahead on this bill until we can get an agreed-to list of amendments, until we can get them resolved.

With that, Mr. President, I yield the floor, so we can proceed with the amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We are not in a quorum call, Mr. President?

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

MARINE GENERALS

Mr. GRASSLEY. Mr. President, I am not going to offer an amendment, but I do want to discuss, while there are still leaders of the committee, both Republican and Democrat, on the floor, a very important issue, as far as I am concerned. It may be very easy to explain to my colleagues. I know even many people who are not on the committee may know the issue. But I want to raise the issue with the committee of why this legislation provides for 12 additional Marine generals when the Marines are very much in a downsized mode.

This deals with what is called section 405. Section 405 would increase the number of general officers on active duty in the Marine Corps. If enacted, it would increase the number of generals in the Marine Corps from 68 to 80. That is 12 more Marine generals.

I think it is legitimate to ask why does the Marine Corps need an extra 12 generals when it is downsizing? In 1987, Marine end strength was at 199,000. At that time the Marine Corps had 70 generals; 199,000 marines, 70 generals.

As the Marine Corps began downsizing, the number of generals dropped slightly by 2 in 1991 to 68. But Marine end strength continued a gradual decline until last year it leveled off at 174,000. We used to have 70 generals, 199,000 marines. Today, we have 68 generals, 174,000 marines, a reduction of 25,000 since the late 1980's.

Despite this drop in end strength, the number of generals stayed right at 68 until right now. If this bill becomes law, section 405, the number heads north again. Why? I really do not understand. I hope somebody can explain it. Why do 25,000 fewer marines need 12 more generals giving them orders?

I suppose somebody could say that a possible explanation would be what is on page 279 of the committee report. I will quote:

> This increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy/Secretariat staff and in the joint arena. As a general rule, the Committee is reluctant to act on independent service requests of this nature * * *

So this explanation is given in the committee report. I repeat, in the way of emphasizing, the additional 12 would ''permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy/Secretariat staff and in the joint arena.''

I suppose the second possible explanation might be that the committee would say that technology has changed and the nature of warfare has changed and more generals are needed to run the battles. I suppose they could also say the Goldwater-Nickles Act is the culprit and requires it. Those are possible explanations. One of them, obviously, is somewhat of an explanation being in the committee report.

But let me suggest this, that when you figure that war is conducted on the battlefield—and that is where the lives are going to be put in danger—it seems to me, the extent to which we need 12 more generals ought to be related to the number of people that are going to be fighting and potentially shedding their blood.

In regard to the Goldwater-Nichols Act, it did place special emphasis upon joint operations, joint staff, and joint duty. I suppose that is how this works its way into the committee report. But it seems to me that that should not constitute a license to expand joint headquarters staff when force structure is shrinking, shrinking by 25,000 marines. In fact, joint headquarters should replace duplicative service headquarters. If the Marines need more generals in joint billets, then they should reduce the number assigned to Marine headquarters.

The report language makes it clear that the extra generals are not needed for combat jobs. Instead, they are needed for bureaucratic in-fighting in the Pentagon budget wars. Those are my words. I suppose the people that write the reports are going to take exception to that explanation on my part. But when you talk about more people needed at the Navy/Secretariat level, to make the points of view for the Marines, that is the way I read it.

I suppose it also sounds like the Marines want to be topheavy with rank, just like the other services, like the Navy, for example. The Navy is approaching the point where it has one admiral for every ship. I suppose, to be more accurate, I should say 1.67 ships per admiral.

The Navy got the job done with 20 ships per admiral in World War II. If we apply the World War II ratio to today's fleets, the Navy should have no more than 20 admirals to get the job done. But the Navy has 218 admirals.

The proponents of section 405 might also suggest that technology creates a need for more generals. That is possible. But the reverse is also possible. Technology could reduce the need for so many generals and admirals.

I would like to have you take C CUBED-I, for example. This is the command, control, communications and intelligence. This bill contains billions of dollars for C CUBED-I. C CUBED-I gives the top generals and admirals the capability to run the battles from the Pentagon. It gives them the ability to communicate directly down to the smallest unit, the smallest unit operating anywhere in the world.

I do not expect you to take the judgment of the Senator from Iowa on that. But it seems to me, if you read Colin Powell's book, ''My American Journey,'' you can see how he did it. If he did it just a few short years ago, we ought to be able to do it.

So C CUBED-I technology could reduce the need for having so many admirals at sea with the fleet. It could reduce the need for having so many generals forward deployed with the fleet Marine force.

So, Mr. President, I do not understand or see the need for the increase in the number of generals provided for in section 405. The number of generals should be decreased as the Marine Corps gets smaller, as I said, down from 199,000 to 174,000 today. Yet we are going to increase the number of marines, potentially, from 68 to 80.

Now, again, you may not want to believe Colin Powell in his book, ''My American Journey,'' you may not want to listen to the Senator from Iowa, but maybe you would like to listen to a marine general, John Sheehan, commander in chief of the U.S. Atlantic Command. I quoted him very extensively on some debate last week. I quoted him when I was trying to make my case to freeze defense infrastructure costs. General Sheehan, Marine Corps general, argues that, ''Headquarters should not be growing as the force shrinks.'' Could I repeat that. We have a Marine Corps general saying that ''headquarters should not be growing as the force shrinks.''

The force is shrinking, from 199,000 to 174,000. That is a fact of life already. The number of marine generals is suggested to increase from 68 to 80. The possible explanation in the committee report—need more generals at the Navy Secretary level, so the marines have more of a voice at the higher echelons of decisionmaking. General Sheehan, a marine general, same branch of the military, as we are increasing the number of marines, commander of Atlantic forces, General Sheehan hits the nail right on the head when he says, ''The growth in headquarters staff jobs is threatening the military's war-fighting capability.'' He says that after he said, ''Headquarters should not be growing as the force shrinks.''

Surely marines in the U.S. Senate—and I have not served in the military; I want to make that very clear. I am no military hero, as Senator MCCAIN and a lot of other people in this body, but I can read. I do not know why any marine in this Senate would question General Sheehan when he says, ''Headquarters should not be growing as the force shrinks.''

''The growth of headquarters staff jobs is threatening the military's war-fighting capability.''

General Sheehan has identified the root cause of the problem. He helps me understand why the Department of Defense cannot cut infrastructure costs, as I tried to do a week ago on my amendment. The growth in headquarters staff is being driven by one powerful force—excess generals and admirals searching for a mission. Each senior officer needs a place to call home and to hoist a flag. Every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind, somewhere, someplace. Each general, then, created by section 405, will need some new real estate that is going to cost our tightly written defense budget very much. It is going to weaken our defense and not provide the national security that it ought to provide.

All of this makes me think, Mr. President, that this new section 405, increasing the number of generals from 68 to 80, may not be such a hot idea, particularly when Marine General John Sheehan says, ''Headquarters should not be growing as the force shrinks.'' And when it does, he says, ''The growth of headquarters staff jobs is threatening the military's war-fighting capability.''

I hope my colleagues on this floor who, out of their heart and probably even out of their intellect, firmly believe and so state on the floor of this body that we do not have enough money for defense—and I may disagree with them on that point, but I know my colleagues who say that sincerely believe it—if they do believe it, and we have a defense dollar that is so terribly squeezed, why we are adding this number of personnel at the highest ranks of the marines at the same time the marine force is shrinking.

I yield the floor.

Mr. WARNER. Mr. President, I will have the opportunity to study in some detail the comments of my distinguished colleague. I am not prepared at this time to respond to the detailed statement that he made, but I think it is very worthy of having a response. I will make certain tomorrow that I will address the issues.

I know first and foremost that comes to mind, having served in the Navy Secretariat and dealt with the flag, promotions, and the need for flag officers, and listening to the Senator harken back to the days of World War II when, indeed, an admiral did command a good number of units, what has changed is the joint service arena, requiring so many flag officers to participate in joint service assignments. That has made up, in large measure, for the expansion of the numbers of our flag and general officers, particularly in the Navy and the Marine Corps.

However, tomorrow, Senator—your statement is highly deserving of a reply—I will present my own views on it.

Mr. GRASSLEY. Mr. President, if I could have a moment to respond to the Senator from Virginia.

Thank you very much for giving it the thought that I know the Senator will give it and the explanation the Senator will give. I would particularly like to have the Senator comment, as the Senator thinks about it, on what Marine Corps General Sheehan has said and written about. I have quoted him, but he has also published, as well, in one of the defense publications on a longer basis than what I quoted. I think he ought to have considerable credibility in this area, because he is making the same criticisms.

Second, I am not sure I can be here, and I do not have to be here, but if the Senator will notify me when the Senator will be on the floor to respond, I would appreciate that.

Mr. WARNER. I will acknowledge both of those requests, and, indeed, I share the distinguished Senator's high regard for General Sheehan.

AMENDMENT NO. 4349

(Purpose: To take measures to protect the security of the United States from proliferation and use of weapons of mass destruction)

Mr. NUNN. Mr. President, I ask unanimous consent that the pending amendment temporarily be laid aside, and I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. LUGAR, Mr. DOMENICI, Mr. DASCHLE, Mr. BIDEN, Mr. GRAHAM, Mr. LIEBERMAN, and Mr. SPECTER, proposes an amendment numbered 4349.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the agreement reached yesterday be further modified to reflect that there be no small business tax amendments offered by the two leaders in order and all remaining provisions in the agreement still in place.

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

ORDERS FOR THURSDAY, JUNE 27, 1996

Mr. LOTT. Mr. President, so that Members will know what the timeframe is going to be tonight and in the morning, I now ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 8 a.m., Thursday, June 27; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired and the time for the two leaders reserved for their use later in the day.

I further ask unanimous consent that there be a period of morning business until the hour of 9:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators in control of the designated time: Senator MURRAY, 10 minutes; Senator DEWINE, for 10 minutes; Senator LEAHY, from 8:30 until 8:45; Senator DORGAN, from 8:45 to 9 o'clock; Senator THOMAS, from 9 o'clock to 9:30.

Further, at 9:30, the Senate proceed to resume consideration of the DOD authorization bill, and there be 10 minutes remaining for debate on the Nunn-Lugar-Domenici amendment to be equally divided in the usual form, and a vote to occur following the conclusion or yielding back of time on the Nunn-Lugar-Domenici amendment, with no second-degree amendments in order to that amendment.

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

Further, I ask that following the vote on the Nunn amendment the Senate proceed to a cloture vote with respect to the DOD authorization bill with the mandatory quorum waived.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be a vote, then, on the Nunn-Lugar-Domenici amendment, to be followed, if necessary, by a vote on a motion to invoke cloture, beginning at 9:40 a.m. tomorrow morning. The cloture vote may be vitiated if a reasonable list of amendments can be reached. However, if the cloture vote occurs, and it is invoked, it is hoped that the Senate will complete action on the defense bill in a timely manner. If cloture is not invoked, Senators who have amendments are encouraged to offer those amendments during Thursday's session to enable the Senate to complete action on the bill this week.

As I said earlier, if we do not get it done tomorrow night, we will go into Friday, and beyond that, if necessary. Rollcall votes will occur throughout tomorrow's session.

Mr. FORD. Will the Senator yield?

Mr. LOTT. I yield the floor.

Mr. FORD. Regarding the time allotted to Senator DORGAN from 8:45 to 9:00, would you kindly change that to be Senator BRADLEY?

Mr. LOTT. I am glad to amend the unanimous consent request agreement to that effect, if Senator DORGAN agrees with that.

Mr. FORD. Yes.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, in just a moment, Senator LUGAR, myself, and Senator DOMENICI will explain this amendment. I know the chairman of the committee would like to make some comments on the amendment.

At this point, I will yield the floor for whatever the chairman is prepared to say.

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

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senators from Georgia, New Mexico, and Indiana, to authorize the establishment of an emergency assistance program to train and equip State and local authorities to respond to domestic terrorist use of weapons of mass destruction.

The amendment would also expand authorities for the DOD and DOE cooperative threat reduction programs, as well as increase the funding for these programs.

I have grave concerns about increasing the funding for DOD and DOE's cooperative threat reduction programs, as well as expanding the scope of the programs in DOD and DOE.

Based on my review of the amendment and the new activities authorized by this amendment, DOD and DOE will require significant funding authority in the outyears to complete these programs.

For example, how much money are we talking about in the defense bill to complete the program to replace the reactor cores at Tomsk 7 and Krasnoyarsk 26?

How much money will it take to convert, or eliminate, the chemical and biological facilities in all the independent states of the former Soviet Union?

We have not received any information from DOD, DOE, or the National Security Council on the budgetary impact of the increases for these two programs, or whether funds will be included in the future years defense plan for this program, as well as DOE plan.

I would point out that none of the funds necessary for the increases in this amendment have been appropriated.

Mr. President, I believe the efforts of the sponsors of this amendment are laudable. I do not question whether its appropriate, or not, to conduct these programs. I question whether its appropriate for the funds to come out of the defense budget for these foreign assistance programs.

I would also point out that DOE has not even spent the funds authorized for it currently in the materials, protection, control and accountability account. The same is true for funds in DOD's program. Although DOD has done a better job at proposing to obligate funds.

Clearly, with the recent terrorist events at the World Trade Center, in Oklahoma City, and in the Tokyo subway, we need to provide assistance to our State and local authorities to prepare them to provide emergency assistance, in the event a domestic terrorist WMD incident occurs.

I think that we should provide more in the way of establishing this particular program, and providing a regional NBC emergency stockpile.

I want to commend the senior Senator from Virginia, Senator WARNER, for the work that he has done throughout the years to ensure that DOD, DOE and the intelligence community are conducting activities to prevent or combat the proliferation of weapons of mass destruction. I also want to commend him for his work in authoring the provisions in the last two defense bills that provided the authority for DOD to provide emergency assistance to State and local authorities in the event of a domestic terrorist WMD incident.

I want to work with my colleagues, however, I want to emphasize my concerns about increasing funds in the DOD and DOE budget for cooperative threat reduction activities, for which there are no appropriations.

Lastly, I would ask, is it wise for the United States to provide this type of assistance to Russia, while it continues to build SS–25's; continues to transfer nuclear technology and knowledge to Iran and China?

Mr. President, in closing, I want to re-emphasize my support for the efforts of the sponsors to provide assistance to State and local authorities to respond to domestic terrorist use of WMD. I hope that we can increase the funding for this assistance in the conference.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I wish to commend the distinguished chairman of the Armed Services Committee. I particularly thank him for the references to the work he and I and others on the committee have done in previous years, which, in some respects, laid a modest foundation for the important additions that are presented in the amendment soon to be submitted by the senior Senator from Georgia.

However, I share with the chairman the views that I have, which coincide with his, regarding these expenditures at this particular time. And in the course of the deliberation on this amendment, I shall address specific questions to the Senator from Georgia, the Senator from New Mexico and, indeed, the Senator from Indiana on the points the chairman has raised.

Mr. NUNN. Mr. President, I first thank the chairman of the committee, as well as Senator WARNER, for their support of this amendment. I am pleased that we are able to present it this evening and that we are likely to get a vote on it tomorrow.

Mr. President, this amendment deals with one of the most urgent national security problems America faces today. That is the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons.

Mr. President, because Senator LUGAR is on the floor, Senator DOMENICI is on the floor, and my statement will probably run 15 to 20 minutes, I ask to be notified in 10 minutes, and then I intend to yield and complete my statement after they have made their remarks.

If the Chair could notify me when 10 minutes expires.

The PRESIDING OFFICER. The Chair will do so.

Mr. NUNN. This threat is very different from the threat of nuclear annihilation with which our Nation and the world has dealt during the cold war. During the cold war, both we and the Soviet Union recognized that either side could destroy the other within about an hour, but only at the price of its own destruction.

In the course of carrying out that mutual assured destruction, most of the rest of the civilized world would have been destroyed, in greater or lesser degree, as well. Today, this kind of

cataclysmic threat is greatly reduced. And if we are able to continue to implement START I and START II Treaties on both sides, reducing the number of warheads dramatically, it will be reduced further.

Tragically, the end of the cold war, however, has not brought peace and stability, but rather has seemingly unleashed countless small bloody wars around the globe. The end of the cold war also encouraged a number of states that are hostile to the United States to try to acquire weapons of mass destruction and appropriate delivery means as an adjunct to their conventional military forces. They are motivated by two beliefs. One is that the possession of such weapons of mass destruction will advance regional status and power relative to neighboring and often rival states. Second is that they believe possession of weapons of mass destruction, coupled with the threat to use them, can both deter superpower states from interfering in regional conflicts and blackmail them into favorable courses of action.

While here I am not speaking of nuclear weapons, I am including that. In many of these countries, probably a greater threat is the chemical and biological proliferation we now see going on.

Finally, Mr. President, fanatics, small disaffected groups and subnational factions or movements who hold various grievances against governments, or against society, all have increasing access to, and knowledge about the construction of, weapons of mass destruction. Such individuals and groups are not likely to be deterred from using weapons of mass destruction by the classical threat of overwhelming retaliation.

In many past instances of terrorism, we have not even known who the perpetrators were or where they were based. It is very hard to threaten retaliation when you do not know who did it or where they came from or where they were based. These groups are not deterred by the threat of a nuclear counterstrike. A national missile defense system, no matter how capable, is sometimes and often irrelevant to this kind of terrorism.

The Permanent Subcommittee on Investigations, which Senator ROTH chairs, and I am the ranking Democrat on that committee, held a series of hearings over the last year on the proliferation of weapons of mass destruction. We heard from representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, as well as foreign officials.

These witnesses described a threat that we cannot ignore and which we are virtually unprepared to handle. CIA Director John Deutch, for one, candidly observed that ''we have been lucky so far.''

Mr. President, the release of deadly sarin gas in the Tokyo subway system should have been a warning bell for America. Prior to those attacks, this Aum Shrinkiyo sect that made this attack was unknown to the United States intelligence and was poorly monitored by Japanese authorities. The Aum Shrinkiyo sect actually conducted several test releases of lethal chemicals prior to the subway attack. Yet, their capacity to manufacture and store those chemicals was unknown to Japanese authorities, this in spite of the fact that they had over 50,000 members in Russia. They were recruiting nuclear scientists. They owned a radio station in Vladivostok and tested sarin gas in Australia against sheep. In addition to many other things they have done, they were not on the radar screen.

We received an even louder warning bell in the World Trade Center bombing which brought it home to America. It was here in the United States, not halfway around the world. The trial judge, at the sentencing of those responsible in that terrible terrorist incident, pointed to several factors that could have made the tragedy far worse.

First, in an effort to get that tower to fall down over its twin tower next door, the killers wanted to park the truck in front of a key structural member of the outer corner of the building. But they could not find an empty parking space. So they went elsewhere.

Second, the killers had access to chemicals to make lethal cyanide gas and, according to the judge, probably put them into the truck bomb. Fortunately, the chemicals appeared to have been vaporized by the force of the blast. Otherwise, the smoke and fumes that were drawn into and up through the tower would have been far more lethal.

So, Mr. President, in all likelihood, it is very likely that the United States has already had, without really focusing on it, our first chemical attack by terrorists. That is the World Trade Center bombing. Fortunately, those chemicals did not activate.

Mr. President, we had a third warning bell in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. This showed yet again the ease of access to simple, widely available commercial products that when combined can create powerful explosions. This knowledge, and much more, is available today over the Internet for anyone who wants to tune in.

The Department of Defense invested billions in the design and protection of binary chemical weapons. A binary chemical weapon contains two chemicals, each of which is harmless when used separately, and they are widely used industrial chemicals. Yet, when mixed together, they create lethal chemical weapons. You can find lists of the ingredients needed to make binary weapons on the Internet today.

Now let me turn to the current state of our domestic efforts to deal with nuclear, chemical, biological, or radiological attack.

In recent years, several modest test exercises have been held. In one large exercise, the first hundred or so emergency response personnel—police, firemen, medical personnel—arriving at the scene of the mock simulated disaster rushed headlong into the emergency scene and were promptly declared dead by the referees. In other words, the people who came to the rescue were among the first victims.

In the second exercise, featuring both chemical and biological weapons, contaminated casualties brought to the nearest hospital were handled so carelessly by hospital personnel that within hours most of the staff were judged to have been killed or incapacitated by spreading contamination.

Mr. President, my purpose is not to frighten the American people; it is to persuade the Congress and the American people that we face a new and severe national security threat for which all governments at all levels are woefully inadequately prepared. We must begin now to prepare what surely threatens us already. To do this effectively requires three things.

First, it requires taking the expertise that has been built up over the years in both the Department of Defense and Department of Energy by successive defense budgets and making that expertise available—and rapidly available—to Federal, State, and local emergency preparedness and emergency response teams.

The Department of Defense and the Department of Energy need to bring training to the other officials in our State, local, and Federal Government in the detection, recognition, containment, and treatment of acute crises arising from the use of some form of weapon of mass destruction to those on the front lines in our major metropolitan areas.

DOD and DOE need to train them in the use of detection equipment and in the use of protective gear to avoid becoming casualties themselves. DOD needs to train emergency medical personnel in the appropriate treatment, for triage, and the administration of antibiotics.

There is much to do, and doing it will require DOD and DOE funding. There is simply no other practical source of this kind of expertise. The time to do it is now and not after we suffer a great tragedy.

I, like many of my colleagues, believe there is a high likelihood that a chemical or biological incident will take place on American soil in the next several years. We do not want to be in a posture of demanding to know why we were not prepared. We do not want a domestic Pearl Harbor.

This training and equipping function is the heart of the amendment, but it is not the whole amendment. There are other parts of the amendment dealing with Customs and dealing with the stopping of these weapons of mass destruction at the source.

At this point in time, I will reserve the remainder of my remarks, and I

yield the floor to my two partners in this endeavor, Senator LUGAR and then Senator DOMENICI.

Mr. WARNER. Mr. President, I wonder if I might ask of the principal sponsor and two cosponsors about the availability of the three to respond to questions at an appropriate time this evening. I intend to pose a number of questions. I am quite anxious to join with these three distinguished Senators because I certainly wholeheartedly support the domestic portions of this legislation. But I would like to ask a question in terms of the overseas portion and designs, and I wonder if the Senators will be available.

Mr. DOMENICI. I would be available, if we do not stay too late. It is pretty tough for me to answer questions if we stay too late.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, when Chechen rebels placed a 30-pound package of radioactive material in a Moscow park last November, it marked the first act of nuclear terrorism in the post-cold-war era. Although the container was not equipped with the explosives needed to disperse the cesium, the Chechens demonstrated a credible terrorist threat to employ nuclear material attached to explosives as radiological dispersion devices in Russia.

The act crossed a new threshold in terrorism. Demonstrating on Russian television the ability to penetrate Moscow's increased security, Chechen rebels were now in a position to panic the Russian public by issuing similar threats of radiological contaminants.

Terrorism was alive and well in another part of the world at roughly the same time. The worldwide activities of the Japanese Dooms-Day Cult, the Aum Shrinkiyo were not on the radar screen of United States law enforcement and intelligence agencies before the sarin gas attack on the Tokyo subway last March. This is alarming, considering the cult accumulated over $1 billion in assets and established offices in six countries on four continents.

Cult members actively recruited scientists and technical experts in Japan, Russia, and elsewhere in order to develop weapons of mass destruction. They succeeded in producing chemical weapons, including toxic chemical agents such as sarin, VX, and sodium cyanide; and they were in the process of developing biological weapons, including anthrax, botulism, and ''Q'' fever.

We have since learned how much more devastating the attacks in Tokyo could have been if the cult had simply perfected their delivery systems. The arrest and subsequent interrogation of members of the Japanese cult has shed more light on the activities of the group, particularly with respect to the extent and nature of its efforts in the area of offensive biological agents.

The Japanese cult conducted extensive research on the manufacture of offensive biological agents, including anthrax and botulinum toxin, and tested their dispersal against specific targets on at least three occasions between 1990 and 1995.

The dispersal incidents were attempts to test the effectiveness on humans of Aum-produced toxins and to judge whether they could be used as weapons. Although the cult's tests caused no known casualties, the relative ease with which the botulinum bacteria and anthrax spores were obtained and the need for only basic scientific knowledge to conduct research on biological agents suggests either Aum members still at large or other terrorist groups may be more successful in the future.

We have also learned how close we have come to witnessing acts of terrorism involving weapons of mass destruction directed toward the United States. Listen to the words of Judge Duffy in his sentencing statement before the perpetrators of the World Trade Center bombing:

> The harm actually caused by the World Trade Center bombing was enormous, but what is even more frightening is what was intended by you and your cohorts . . . The bomb was big and that's what you intended, but that's not quite all that was intended . . . The evidence clearly indicated that you attempted to enhance the destructive force of the (device) . . . If the bomb had the explosive force that you envisioned, placed as it was at the base of the north tower next to a diagonal brace, you might have succeeded in your nefarious plot to topple over the north tower into the south tower just like a pair of dominoes.
>
> Had that happened, we'd be dealing with tens of thousands of deaths and billions of dollars of damage, but death is what you sought to cause. You had sodium cyanide around, and I'm sure it was in the bomb. Thank God the sodium cyanide burned instead of vaporizing. If the sodium cyanide had vaporized, it is clear that what would have happened is the cyanide gas would have been sucked into the north tower and everybody in the north tower would have been killed.

I say to my colleagues: Here we have three incidents involving materials and weapons of mass destruction—in Russia, in Japan, and in the United States. The fact that the destruction wrought by the attempted use of these materials was not more massive owes more to luck or accident than to prevention, deterrence, or consequence management.

The threat of weapons of mass destruction is real, and it is now.

As a consequence of the collapse of the Soviet totalitarian command and control society, a vast potential supermarket of weapons and materials of mass destruction is becoming increasingly accessible. The collapse of the Soviet Union and the subsequent decay of the custodial system guarding the Soviet nuclear, chemical, and biological legacy has eliminated this proliferation chokepoint, since states and possibly even sub-state groups can now buy or steal what they previously had to produce on their own. This central fact has transformed the nature of the proliferation problem for the United States as well as the rest of the world.

If this is a fair description of the nature of this threat, the prevailing view that there is today no direct threat to U.S. national security is dead wrong. It is my view that the risk of a nuclear, chemical, or biological weapon detonation on American soil has increased. While the probability of large-scale nuclear war between the United States and Russia has mercifully decreased dramatically, the probability that one, or two, or a dozen weapons of mass destruction detonate in Russia, or Japan, or Europe, or the Middle East, or even the United States has increased.

However, because this new threat comes in a form so unfamiliar, indeed, so radically different from prior experience, and because the instruments and policies to address it are so unlike the business our White House and national security establishments have pursued for decades, the American political leadership, the Congress, and the American people have great difficulty in awakening to this fact.

But, let us be clear. Absent a U.S. response to this threat of leakage of weapons and materials of mass destruction that is as focused, serious, and vigorous as America's cold war strategy, Americans may have every reason to anticipate acts of nuclear, chemical, or biological terrorism against American targets before this decade is out.

To oversimplify, there are three main lines of defense against these emerging threats:

The first is prevention and this must entail activities at the source.

The second is deterrence and interdiction and involve efforts to stem the flow of illicit trade in these weapons and materials of death.

The third line of defense is crisis and consequence management and involves greater efforts at domestic preparedness.

As we have explored the weapons material leakage and proliferation problem, one point has become increasingly clear. If the United States is to have any chance of stopping the detonation of a weapon of mass destruction on our soil, prevention must start at the source, the weapons and materials depots and research institutions in the former Soviet Union.

We have found that the former Soviet storage facilities are unsafe and insecure. We have learned that there are people and organizations in the world who are attempting to acquire these weapons and materials for terrorist purposes.

The most direct line of defense against these dangers is negotiated, verified reductions in nuclear, chemical, and biological forces. It makes no sense to be for missile defenses and against the START treaties and the Chemical Weapons Convention. Likewise, defense spending that facilitates threat reduction in the former Soviet Union is a wise investment. This is the essence of the Nunn-Lugar or Cooperative Threat Reduction Program.

I favor a prudent approach to strengthening our third line of defense—namely crisis and consequence management, including defense against ballistic missiles—but not at the expense of shoring up the front lines of defense—namely, prevention and deterrence. It is important to point out that a ballistic or cruise missile is not the likely delivery vehicle a terrorist or rogue nation will use to attack the United States. Rather, a Ryder truck, an already proven form of delivery, or a minivan, is much more likely.

Many refuse to believe that this type of drive-up nuclear, chemical, or biological attack is likely. I say it is the most likely. We must protect ourselves from missile attack, but at the same time, we must also be willing to expend the resources necessary to prevent, deter, and interdict this much simpler and more likely form of attack.

In my view, the potential costs of ignoring the threats and problems associated with the spread of weapons of mass destruction are so enormous that they demand a national mission on par with the Manhattan Project—Manhattan II. We need to assemble the best minds, with massive resources, to come up with, in a relatively short period of time, the kinds of technical tools that will allow our policymakers to develop truly credible responses and plans in the areas of nonproliferation and counterproliferation.

It will take time. But we can jump start that effort here in the Congress today. And that is the purpose of the amendment being offered by Senator NUNN, Senator DOMENICI, and myself.

There are three basic elements or components to our amendment. The first component stems from the recognition that the United States cannot afford to rely on a policy of prevention and deterrence alone, and therefore must prudently move forward with mechanisms to enhance preparedness domestically not only for nuclear but chemical and biological incidents as well.

The second component addresses the supply side of these materials, weapons and know-how in the states of the former Soviet Union and elsewhere. Building on our prior Nunn-Lugar/CTR experience, and recognizing that it is far more effective, and less expensive, to prevent WMD proliferation in the first place than to face such weapons on the battlefield or the school playground, our amendment includes countermeasures intended to firm up border and export controls, measures to promote and support counterproliferation research and development, and enhanced efforts to prevent the brain-drain of lethal know-how to rogue states and terrorist groups.

The third and last major component stems from the recognition much of the current effort to deal with the NBC threat crosscuts numerous Federal departments and agencies and highlights the need for the creation of a national coordinator for nonproliferation and counterproliferation policy in order to provide a more strategic and coordinated vision and response.

Let me deal briefly with each of these components.

The first component of our amendment concerns domestic preparedness for terrorism involving weapons of mass destruction. Senator NUNN has described this part of the amendment and I will not repeat his explanation. Let me simply say that our hearings have demonstrated that the United States is woefully unprepared for domestic terrorist incidents involving weapons of mass destruction. Although recent Presidential decision directives address the coordination of both crisis and consequence management of a WMD incident, the Federal Government has done too little to prepare for a nuclear threat or nuclear detonation on American soil, and even less for a biological or chemical threat or incident.

The second component of our amendment focuses on further constricting the supply side of the proliferation of weapons of mass destruction. Since the disintegration of the Soviet Union, the Nunn-Lugar or cooperative threat reduction program and related initiatives has sought to address the threat to United States security posed by the nuclear weapons, scientists, and materials of the former Soviet Union. The mission to secure these nuclear assets, as well as their chemical and biological equivalents, is unfinished.

We week to capitalize on the progress achieved in dismantling nuclear weapons of the former Soviet states and in preventing the flight of weapons scientists over the past 5 years and to expand the core mission of the program so as to address strategically the emerging WMD threats that compromise our domestic security. The resources that will be required to implement programs proposed in the amendment are not intended to supplant, but rather to supplement, current Nunn-Lugar funding levels.

More specifically:

First, cooperative programs to improve the protection, control, and accounting of nuclear materials must be accelerated and expanded to encompass all of the nuclear facilities that handle sensitive nuclear materials and components.

Second, the security of nuclear materials during transportation between nuclear facilities must receive greater attention. Transportation risks will grow as more nuclear warheads are disassembled and their materials are shipped to interim or permanent storage sites.

Third, greater programmatic emphasis needs to be placed on safeguarding highly enriched uranium fuel used in Russian naval propulsion. We need to accelerate and expand our programs with the Russian Navy to encompass all unirradiated enriched uranium fuels used for ship propulsion.

Fourth, we need to get on with the business of closing down plutonium production facilities in Russia. Russia agreed to a United States proposal to cease plutonium production for weapons but action has been stymied by the fact that the three reactors in question also produce heat and electricity. These reactors can be converted so that they can no longer produce weapons-grade plutonium while permitting them to continue to produce heat and electricity.

Fifth, in order to expand our transparency program efforts with the Russians, we need to undertake new efforts to evaluate technologies and techniques to verify that weapons are being dismantled and to verify the quantities of nuclear materials from disassembled warheads.

Sixth, in the area of securing weapons and materials, it is time to make a concerted effort at chemical and biological threat reduction. Opportunities do exist to secure materials that can be used to make chemical and biological weapons, and we need to determine the feasibility and priority of moving beyond nuclear threat reduction and beyond chemical-weapons demilitarization efforts to explore possibilities for improving security for chemical and biological weapons materials.

Seventh and last, in addition to enhanced efforts to secure the weapons and materials of mass destruction, we must recognize that the combination of organized crime, porous borders, severe economic dislocation and corruption in the states of the former Soviet Union has greatly increased the risk that lethal materials of mass destruction as well as the know-how for producing them can pass rather easily through the borders of the former Soviet Union.

Although Nunn-Lugar programs have begun to offer training and equipment to establish controls on borders and exports throughout the former Soviet Union, much more needs to be done. Much of the training that is done by the U.S. Customs Service will lapse this year.

The third component of the amendment focuses on the need for a national nonproliferation coordinator. There is a broad consensus that WMD proliferation is now, and will remain for the foreseeable future, the top threat to U.S. national security interests. Yet the American response to this proliferation threat remains scattered and unfocused.

The present nonproliferation and counterproliferation efforts include dozens of departments and agencies that have responsibilities in one way or another to protect the United States from such threats. This patchwork effort suffers from lack of coordination, overlap, and duplication. The very nature of the WMD threat demands not just the attention of our armed services and diplomatic corps, but also our law enforcement community, our scientific community, and our intelligence community.

In my view, our Nation's nonproliferation effort is in need of a strategic and coordinated government-wide plan.

In order to best address the cross-cutting nature of the proliferation challenge, we propose to establish the position of the national nonproliferation coordinator who will be charged with coordinating policies and activities to combat the threat posed by WMD both domestically and internationally. The coordinator should have the authority to review the budgets of all agencies with programs in nonproliferation, counterproliferation, and related areas of intelligence and law enforcement. The office of the coordinator should be augmented with nonproliferation and counterproliferation experts from the Departments of State, Defense, Justice, Energy, Commerce, the intelligence community, and such other agencies as may contribute to the mission of the national coordinator.

To support a comprehensive approach to nonproliferation, the national coordinator should chair a new committee on proliferation, crime, and terrorism, to be established within the National Security Council. That committee should include the Secretaries of State, Defense, Justice, Energy, the DCI, and other department and agency heads the President deems necessary. This committee within the National Security Council should serve as the focal point for all government nonproliferation, counterproliferation, law enforcement, intelligence, counterterrorism, and other efforts to combat threats to the United States posed by weapons of mass destruction.

Mr. President, it is time to go beyond a recitation of the threats posed by the proliferation of weapons of mass destruction and to start developing an appropriate strategic, coordinated response. We know what the threats and the problems are. We even have the knowledge and expertise to deal constructively with these threats.

Difficult as it is, identifying a new challenge is the easier part of the problem. Summoning the political leadership, the political will and resources, and the support of the American people to act is harder still. Despite the threat of loose weapons of mass destruction and weapons-usable materials, will the political leadership of this country, including this Congress, step up to the plate?

Or will this new threat be given the priority it deserves only on the morning after the first act of nuclear, chemical, or biological terrorism takes place on American soil? What will we wish we had done?

This amendment represents our considered judgment as to the appropriate starting points for a national effort to deal with the threats posed by the proliferation of weapons of mass destruction. We have held over 20 hearings during the course of the last year. We have worked with experts in the executive branch—in the law enforcement area, in the Energy Department, in our national laboratories. And we have consulted with officials at the State and local levels—with first responders who will be on the firing line if our efforts at prevention and deterrence should fail.

Senator NUNN, Senator DOMENICI and I are convinced that the programs and measures outlined in the amendment are doable. And we ask for the support of our colleagues in agreeing to this amendment.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I first want to indicate to my good friends, Senator NUNN and Senator LUGAR, how appreciative I am that we have been able to work together to put this comprehensive amendment before the U.S. Senate.

While this is not a session this evening attended by very many Senators, I believe if this amendment is adopted tomorrow and if it remains part of the authorization bill and if it is signed by the President, then this will have been a red-letter day in the future of the United States and our people, because it appears to me that we ought to do everything we can to avoid a catastrophe that can occur in the United States with reference to a nuclear weapon being detonated here or a biological or chemical weapon, which I believe most experts say is probably more apt to happen and more dangerous today to America's future. If we can get our country started in a preventive program and in a coordinated program of using the finest talent we have, scientific and technological, to bear down on this issue, then I believe this will have been an extremely productive defense authorization bill.

Having said that, I would like to make a part of the RECORD the following: a letter dated June 26 to myself from the Secretary of Energy. I will merely paraphrase it. The Secretary says:

> Finally, the amendment will improve both our near-term and long-term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns . . .

I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, June 26, 1996.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: I am writing to state my strong support for your efforts to enhance U.S. national security in the face of the increasing threat posed by weapons of mass destruction.

The Amendment No. 4181 that you have proposed to the Defense Authorization bill and published yesterday in the Congressional Record would contribute significantly to our ability to protect the American people and the world from threats posed by unsafeguarded nuclear material.

It would enable us to complete nuclear materials upgrades on an urgent basis at key sites in Russia which were agreed to between Vice President Gore and Prime Minister Chernomyrdin since our budget was submitted. It would aid our ability to fund our very successful ''Lab-to-Lab'' materials, protection, control and accounting program which has been the pace setter in gaining access to vulnerable sites in the former Soviet Union where nuclear materials are stored and are in need of security upgrades. Our progress in these areas has outpaced available funding. The faster such sites are secured, the less likely that weapons grade material will be diverted to rogue states or terrorist groups. The costs of prevention are far less than the costs of defending against diverted material or coping with the potentially catastrophic consequences of terrorist use of such material.

The amendment also augments our Nuclear Emergency Search Team, or NEST, capability to be transported quickly anywhere in the United States or the world to deal with finding and disarming a nuclear device.

The amendment would leverage existing research and development capabilities of the Department's National Laboratories to better verify and secure U.S. and Russian nuclear weapons pits awaiting disposition, and make full use of DOE's capabilities to detect and counter nuclear smuggling and other weapons of mass destruction.

Finally, the amendment will improve both our near term and long term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns of the Administration.

Sincerely,

HAZEL R. O'LEARY.

(Mr. LUGAR assumed the chair.)

Mr. DOMENICI. Mr. President, on June 26, Senator NUNN received a letter—it was actually for all of us and for this amendment—from Defense Secretary Perry. I quote the last paragraph:

> Taken together, the amendment's provisions will result in important improvements to the Defense Department's capabilities to prevent and respond to the threats both here and abroad posed by terrorists and weapons of mass destruction.

I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, June 26, 1996.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my appreciation and support for your efforts to improve our ability to protect the American people, our troops and allies from the threats posed by weapons of mass destruction and terrorists who might use them.

The amendment you have proposed to the Defense Authorization bill on this issue would provide important support to enhance our defense capabilities against these threats. It would assist us in our efforts to improve our domestic preparedness to prevent and, if necessary, deal with a potential domestic terrorist incident involving weapons of mass destruction. It would also strengthen our ongoing efforts in Cooperative Threat Reduction and other programs to

prevent proliferation by reducing and improving control over such lethal weapons and materials at the source and strengthening the international community's ability to interdict them at borders.

Taken together, the amendment's provisions will result in important improvements in the Defense Department's capabilities to prevent and respond to the threats both here and aboard posed by terrorists and weapons of mass destruction.

Sincerely,

WILLIAM J. PERRY.

Mr. DOMENICI. Mr. President, within the last 3 or 4 days, a very interesting report has been forthcoming. I believe it is a godsend for us. It is called ''A Nuclear Black Market,'' and it was a report issued under the auspices of the Center for Strategic and International Studies. It is very significant, because many of the participants in this study have great credibility with many Senators with reference to issues of this type.

Arnaud De Borchgrave, who many know as former editor of the Washington Times, was the project director of this report. I am not going to make it a part of the RECORD; I am merely going to suggest to those who wonder whether this amendment moves us in the right direction, I suggest if they want the recommendations of this group, headed by the person that I just talked about, under the auspices of a very reliable think-tank group and containing the following prognosis—and if this does not sound something like the speeches just given by Senators NUNN and LUGAR—let me share it with you.

The prognosis says—and that is all I will read and urge that Senators or their staffs interested should read it—the prognosis says:

In the near term, several key variables in the nuclear smuggling equation appear likely to remain bad or may even worsen. Barring an unlikely economic turnaround in the former Soviet Union, struggling nuclear workers will continue to be tempted to steal material. Disarray in the Russian military is apt to worsen in the near term, threatening security at nuclear weapons storage sites.

The current trafficking situation shows a disturbing upward trend. Substantial quantities of materials are likely to remain at large, and the potential for an accident or use of smuggled nuclear materials probably is increasing, partly as a result of dismantling.

By contrast, certain trends are favorable. Improvements in the materials protection and controlled accounting in the former Soviet Union are progressing slowly. The number of deployed warheads and assembled weapons is shrinking and facilities are consolidating. Transit states are beginning to deploy technical detectors and are acquiring needed training and experience. Meanwhile, the international community is starting to respond to this severe challenge. Although any prediction is tenuous, the situation seems likely to get worse over the near term and will not improve unless immediate security enhancements are made.

Then one might be surprised to read the recommendations. The recommendations begin to sound like this bill. For that, I am very pleased, because the three of us and our staffs and an assemblage of experts, not including those who put this report together, have worked very hard in an effort to bring a comprehensive bill before the U.S. Senate tonight.

So, Mr. President, after yesterday's bombing in Saudi Arabia, my colleagues do not need to be reminded of the devastation of a conventional bomb. I am not aware of any of my colleagues who had the opportunity to observe an above-ground nuclear blast, but I believe my colleagues recognize the devastation that such an explosion would have if a nuclear weapon were to explode in New York City or in Indianapolis or in Atlanta or in Chicago.

We are less familiar, however, with the threat of chemical weapons, although we do have some experience from the Tokyo subway incident, which has been discussed thoroughly here tonight, from observing the use of chemical weapons in the Iran-Iraq war, and from dealing with accidental chemical leaks in events such as railroad car derailments.

I think very few of us are aware of what could happen if a rogue nation or group attacked the United States with a biological device. The device could very well be made in a laboratory the size of a kitchen.

My colleagues recognize all the equipment necessary to culture a biological agent. Most of it can be found in a high school or college chemistry laboratory, or ordered, I might say, from a number of mail-order houses in the United States and around the world.

In that kitchen laboratory, the first drop of an agent would be cultured until it multiplied billions of times. To turn those germs into a weapon would be very straightforward. The biological agent would be placed in a container designed to open and disperse the material into the air, possibly with a small fan. The device would be most effective placed in locations of which significant airflows interact. And when that interacts with large numbers of people, they have almost a special place for this kind of destruction: A metro station, the air-conditioning system of a large building, an airport.

People passing through would breathe the agent into their lungs, where it would continue to multiply with every breath. The unknowing transporter would exhale some of the agent, to be breathed in by others. The first illness might not occur for several days. First, those directly exposed would start to die. Then their co-workers, their families, their friends would start to die.

Initially hospitals would be overwhelmed, like we found when we have had viruses before, including the Ebola virus. The virus would flourish at the hospitals, turning them into killing grounds. I could go on.

I do this because I truly think it is imperative that somehow we get the message to the policymakers of this country and ultimately to the people of this Nation that just as we amassed in the Manhattan project the greatest of our scientists with a mission, a mission to save America by developing the atomic bomb, it is imperative that we coordinate our best efforts and resources, our best scientists and technicians to lodge an attack on the impending potential disasters that can come from biological and chemical destruction and the forces that can be set forth and lay millions of people to waste.

There are no easy answers. But there were not easy answers to some of these gigantic technical and scientific problems that we have faced in the past. The longer we sit by and assume it will all be taken care of because a lot of people are working on these kinds of issues, the longer we are being fooled. So we have put together a bill that addresses these issues on many fronts.

Clearly, it addresses the issue of the nuclear black market. That has already been discussed in great detail. I merely want to say to Senators who might wonder whether it is in America's interests to negate this black market or whether it is in somebody else's interest, there can be no question, it is in our interest, the whole notion of a black market coming out of the Soviet Union, because they are dismantling, are in a state of disarray, building down their nuclear weapons, all of which contributes an enormous potential for the dissemination of those kinds of things from whence nuclear bombs can be made.

It is in our interest that we continue, as difficult as it is, to put some resources into trying to tame that which is being loosed on the world through individual conduct in the Soviet Union and in some cases through organized conduct. The genie is out of the bottle there, but it behooves us to try to make that as small as humanly possible. And we can do better.

If we adopt this amendment, and find the resources to fund it, it will be just another very positive stride in the direction of doing what is prudent for our people in reference to this very, very serious threat.

It is kind of amazing and somewhat ironic that as we end the cold war, we turn loose a new hot substance. It is no longer necessarily the fleet of rockets aimed at us, but it is the tremendous inventory from plutonium to enriched uranium and everything in between that can be turned loose because a country cannot control its people and does not have the money to pay its scientists to keep working and do productive things. What a tremendous, difficult situation we are confronted with, difficult enough to do something serious about.

This bill clearly takes some giant steps in the right direction. It directs the Department of Defense to create an emergency response team similar to the Department of Energy's nuclear emergency search team. This team

could be called upon to locate and deactivate chemical or biological devices or try to contain them once detonated.

The amendment directs the Departments of Energy and Defense to develop new technologies to detect the production and transportation of these agents. Just think of how tough this one is. But if we do not tell our scientists to try to find ways to detect these devices and the places of their origin, then what chance do we have to make any real strides in inhibiting the devastating potential, a little piece of which I described in my early remarks.

Metro medical strike teams are established. I will not go into great detail. Joint exercises are provided for, and an effort to help our local law enforcement, not take over, but to help them become more proficient in this potential and thus more able to be of help and be part of prevention rather than wait until something happens and then have the clamor that nobody knew what to do, nobody was trained.

We are smart enough to know that these things can happen. Tonight my two colleagues have already explained how they have already happened and how close we have come in our own country to a major—to a major—biological disaster in New York City.

There is much more I could say tonight. Most of my remaining remarks would have to do with the former Soviet Union and certain programs that are working fairly well, some that we ought to enhance and make better. But I will not do that because between Senators NUNN and LUGAR, they have touched on it. I am sure when Senator NUNN finishes his remarks tonight, since he has started in this arena in the former Soviet Union, he will make additional remarks about what we ought to be doing.

I merely want to say that I got some very good education about this from some of our national laboratories. I participated in two national seminars hosted by Los Alamos National Laboratory, and in the last case by them and Harvard University, when they brought the best thinkers together to tell us about the reality of this situation.

Are we pipe dreaming or is it real? If it is real, what should we be doing about it? From those kinds of contacts, I have arrived at the conclusion that if one is going to leave a legacy around here, one ought to leave a legacy in this area of calling this kind of problem to the attention of the policymakers and then doing something about it.

If one would have been part of originating the Manhattan project, one might have been very proud of having a part in assembling this massive talent, managed in an appropriate way, to bring America the first atomic bomb. The same thing might be happening here, for our great scientists might permit us to evolve from this legislation into something that might really preserve and save literally millions of people and literally millions of Americans now and in the future.

Now, let me turn to the threat of nuclear weapons. At its peak in 1992, the Soviet Union possessed approximately 45,000 nuclear warheads and weapons grade nuclear material to fabricate thousands more.

The Soviet Union also produced an unknown amount of highly enriched uranium for reactors and for their nuclear navy. That material is also weapons usable.

While we will never know for certain how much of this material exists, the number 1,200 metric tons of weapons-usable material is frequently used.

If one considers that a simple nuclear weapon requires 15 kilograms of highly enriched uranium and 4 kilograms of plutonium, there is enough weapons usable nuclear material in Russia to build more than 63,000 nuclear weapons, each of which could fit in a briefcase.

That material cannot be accounted for—the best concrete example we have is Project Sapphire.

Project Sapphire occurred when the Government of Kazakhstan found 600 kilograms—enough material for 32 nuclear weapons—of highly enriched uranium that had been inadvertently left in Kazakhstan when the Soviets left.

Not only was 600 kilograms left behind, but the inventory of that material conducted according to Soviet measuring techniques was off by 4 percent—enough to make almost two nuclear weapons.

In the Sapphire case, the Department of Energy secured that material and transported it to the Oak Ridge National Laboratory. But that case demonstrates how lacking inventory control systems are in the former-Soviet Union.

Even when the material is in dedicated storage facilities it represents a threat. At Chelyabinsk-65, bulk plutonium is stored in a warehouse with glass windows and a padlock on the door. Inside the facility are over 10,000 ingots of separated plutonium stored in thermos-sized containers—perfect for picking up and walking out.

If the terrorists who tried to blow up the World Trade Center had used a nuclear weapon made of that weapons usable nuclear material, Manhattan—all the way up to Gramercy Park, would have disappeared. If such a device had been set off in Oklahoma City, most of Oklahoma City would have disappeared.

The examples I have given are using a simple weapon design that is available over the Internet. If a rogue nation were to hire a Russian weapons designer and have access to the necessary material, that designer could build a sophisticated, multiple-stage weapon many times more powerful.

My colleagues need to understand that the weapons used in Nagasaki and Hiroshima were much cruder designs than are easily available today. If a terrorist or rogue nation gains control of weapons usable nuclear material—they immediately become a nuclear power more advanced than the United States was when we bombed Hiroshima and Nagasaki. We cannot let that happen.

For the past 5 years, under the leadership of Senators NUNN and LUGAR, Congress has provided $300–$400 million per year to address this problem. Unfortunately, when the original legislation authorizing that work was enacted in 1991, it included numerous restrictions on its use.

I understand why those restrictions were put in place—when Nunn-Lugar was first enacted, the hammer and sickle of the Soviet Empire still flew over Red Square. But there have been some real successes—a lot of which resulted from the less formal interactions of the Department of Energy with their counterparts in the Russian Ministry of Atomic Energy.

It turns out that these scientists; ours at Los Alamos, Lawrence Livermore, and Sandia; and theirs at Arzamas, Tomsk, and Chelyabinsk; think alike. They have been following each other's work for years and have tremendous respect for one another. So when the Cold War ended, they started getting together and found they have a great deal in common.

Out of those informal relationships have developed some very important programs.

MATERIALS PROTECTION, CONTROL, AND ACCOUNTING

The Department of Energy has already secured nuclear material at 35 facilities in the former-Soviet Union. Those security systems include, cameras, gates, portal monitors, and tagging devices to track nuclear material.

At the January Gore-Chernomyrdin meeting, six more sites were added to the list of sites to which DOE will have access to secure nuclear materials.

Because these sites were only agreed to in January, funds were not included in the President's budget request. However, these sites are a top priority—one of the sites is Krasnoyarsk-26, one of the sites of Russia's remaining three plutonium production reactors.

The amendment includes an additional $15,000,000 for the program.

LAB-TO-LAB

The close relationships developing between the national laboratories here and the Russian Institutes is the foundation of our success to date.

Lab-To-Lab efforts are intentionally diverse. Currently, efforts are focusing on ways to safeguard and transport assembled Russian nuclear weapons.

This amendment expands the Lab-To-Lab Program to include all the states of the former-Soviet Union and provides an additional $20,000,000.

COOPERATION WITH RUSSIAN NAVY ON NUCLEAR MATERIALS SECURITY

Highly enriched uranium intended for naval propulsion can be used in nuclear weapons. To date, our material protection, control, and accounting efforts have focused on the Ministry of

Atomic Energy and have not involved the Russian Navy.

Through the Lab-To-Lab Program, the Department of Energy has met with Russian naval officers. In April, a delegation of Russian naval officers visited Oak Ridge, Sandia, and Los Alamos to familiarize themselves with our protection, control, and accounting systems.

In turn, Department of Energy officials have visited Murmansk and an agreement is now in place to secure fresh Russian naval fuel at two locations.

The amendment includes $6,000,000 to initiate this work and expand to eventually include 10 to 15 locations and a navy-wide accounting system.

INDUSTRIAL PARTNERING PROGRAM

Weapons usable nuclear material is a clear threat. However, if that material is combined with someone knowledgeable enough to build a sophisticated, multiple-state system, the threat increases dramatically.

The Industrial Partnering Program seeks to bring together Russian nuclear scientists with U.S. industry to provide new careers so those individuals are less likely to be lured into the service of rogue nations or groups.

U.S. companies benefit from the exceptional technical capabilities of these scientists and engineers, but we also gain the knowledge that at least some of these potentially dangerous people have found a way to feed their families without endangering our national security.

Because the Armed Services Committee has already increased funding for IPP to $50,000,000 from $15,000,000, this legislation simply expands IPP's mandate to include facilities once used to produce biological and chemical weapons.

TECHNOLOGY DEVELOPMENT

The United States has to develop better means of detecting nuclear, biological, and chemical materials.

Using current remote sensing technology, a chemical or biological weapons factory is almost impossible to differentiate from a fertilizer factory or a brewery. Our experience in Iraq demonstrates that, even in a country that allows International Atomic Energy Agency inspections, it is difficult to detect a covert nuclear program.

The amendment includes an additional $20,000,000 to develop technologies so that we can assess whether our enemies are developing nuclear, biological, or chemical weapons capabilities.

PLUTONIUM REACTOR CORE CONVERSION

Unlike the United States, the reactors used to produce plutonium for Soviet nuclear weapons, also produced electricity to heat surrounding towns. Three of those reactors continue to operate and produce plutonium; two at Krasnyarsk-26 and one at Tomsk-7.

Russia has refused to shut the reactors down because they are desperate for the electricity. However, the Russian Ministry of Atomic Energy has agreed to convert the cores of the three reactors so they no longer produce weapons grade plutonium.

It is my understanding that the conversion will cost $70,000,000 to $90,000,000.

The amendment includes $15,000,000 to complete the necessary design analysis and to begin procuring the necessary components.

VERIFICATION, CONVERSION, AND DISPOSITION OF WEAPONS GRADE MATERIAL

Russia is currently dismantling 2,000 warheads per year and storing the nuclear components in facilities one Russian advisor has referred to as ''an old warehouse''.

The first priority must be to secure that material through the MPC&A Program but our long term objective must be the permanent disposition of that material.

Recently Los Alamos National Laboratory won an R&D 100 award for a new technology that enables us, for the first time, to transform plutonium from weapons into non-weapons usable forms in a verifiable manner.

This is a significant accomplishment because the Russians refuse to let us see the plutonium from their weapons since the shape of the plutonium is one of their most closely guarded secrets.

However, the new ARIES technology will enable us to verifiably transform weapons grade plutonium, removed directly from a weapon, into an ingot of plutonium oxide or hydride unsuitable for weapons use.

The amendment provides $10,000,000 to initiate a joint program in this area.

THIS IS NOT FOREIGN AID

These are the programs we have determined are of the highest national security—they are not foreign aid.

As a result of these programs, we will safely and permanently dismantle and inventory Russian nuclear weapons, and tie up their weapons expertise.

When the original Nunn-Lugar legislation was enacted, it was accompanied by all sorts of requirements for certifications that Russia was meeting certain requirements. That logic is exactly backwards—we are undertaking these programs where they are in our national security interest and the Russian Federation is willing to cooperate.

Again, I am very proud to be part of this amendment. We have worked very hard together on it. I am very grateful to the two Senators, the occupant of the chair and Senator NUNN, for letting me join you in this effort. I hope it does reach fruition. I yield the floor.

Mr. NUNN. Mr. President, I thank my friend from New Mexico and my friend from Indiana who now occupies the chair. This has truly been a partnership. I say that the Senator from New Mexico has been really a part of this overall effort from the very beginning.

I remember very well when we had the original Nunn-Lugar amendment on the floor and the Senator from New Mexico came and spoke up very vigorously in favor of that, as did the Senator from Virginia. The Senator from Virginia has been very helpful in this legislation from the very beginning.

So the Senator from New Mexico has made immense contributions here and in the DOE lab program, the many other programs that the Department of Energy is involved in. And primarily it is the work of the Senator from New Mexico. So we are very proud to be partners in this endeavor, and it is truly a bipartisan endeavor.

I know the Senator from Virginia would like to ask questions. I am going to abbreviate my concluding remarks.

Mr. President, as I said earlier, this training and equipping function is the heart of this amendment, but not the whole amendment. Other parts of the amendment are designed to beef up our customs capability to try to interdict the smuggling of weapons of mass destruction and their components into the United States, and to provide the latest detection technology to customs officials. The best way to prevent a terrorist incident involving a nuclear, radiological, chemical, or biological weapon is to stop these dangerous materials at our ports and airfields and borders. While some equipment is available that is capable of detecting materials related to these weapons, this equipment is not yet widely deployed, and we must speed up the process. In addition, we must speed the development of new technologies that can detect nuclear, chemical, and biological materials before they reach the terrorist who will assemble them, or detect the materials in an assembled weapon before it can be set off. Better technology is essential to guard our borders, and it is essential for our domestic law enforcement.

We are also concerned about interdicting supplies of dangerous materials across frontiers in Eastern Europe, the Caucusus, and along the southern flank of the former Soviet Union, where many newly-independent states effectively have no customs capability. Therefore, the amendment provides modest funding for US customs to train counterparts in those countries, upon request.

In addition, the amendment allocates some funds for expansion and continuation of the original Nunn-Lugar concept through programs run both by the Department of Energy and by the Department of Defense's Cooperative Threat Reduction Program. We are seeking to expand these programs both in Russia, and, increasingly, in other states of the former Soviet Union. My cosponsors will describe these activities in more detail.

Finally, there are three serious deficiencies in planning for contingencies. First is the lack of coordination of activities across the many Federal agencies who have some responsibility for some portions of the overall problem. Second is the lack of coordination of Federal agencies and activities with those of the states and municipalities

who will be first to bear the brunt of future attacks. Third is the lack of a national security funding mechanism to match the new national security missions in many of the Federal agencies whose actions must ultimately be integrated with those of DOD and DOE. To address these fundamental problems, this legislation establishes a coordinator in the office of the President to try to bring a degree of order to the fragmented responsibilities that exist today.

With this introduction and description of the main purpose of the legislation, Mr. President, let me next give a brief section-by-section overview of the amendment.

Title One focuses on the need to better train, equip and coordinate our emergency response personnel who are presently unprepared to deal with terrorist incidents involving nuclear, chemical or biological agents. Our bill makes efficient use of the expertise in our military and energy departments to train local officials to response to incidents involving WMD. Our hearings highlighted weaknesses in federal preparedness for WMD incidents, especially regarding coordination among agencies. Our legislation goes a long way toward improving this situation by establishing a chemical and biological response team, modeled after the Department of Energy's nuclear emergency search team. Such assistance and expertise could only be brought to bear if called up by civil authorities to implement the Federal disaster response plan, and would be limited by language that respects the proper demarcation between our military and civilian agencies. Keeping in mind these precautions, it is possible to apply our Nation's hard-won expertise in chemical and biological warfare to this urgent national security threat without infringing on our political traditions.

Additionally, this legislation creates medical responses teams throughout the United States. These highly trained and deployable health care teams will assist the existing local resources in our cities and towns to respond to and mitigate a WMD incident.

Title II includes countermeasures against the smuggling of WMD materials when they do leak from their source. This legislation supports efforts to tighten border security and export controls both at our boarders, and elsewhere on likely routes that these lethal materials might take through states of the former Soviet Union. It also supports research for development of technical means to detect the unauthorized transportation of these lethal materials. Finally, it recommends greater penalties for those criminals involved in smuggling of these materials.

Title III builds upon the successes of the Nunn-Lugar program to address the full range of the proliferation threats to our country. The Nunn-Lugar/cooperative threat reduction programs focus on the problem at its source by improving safeguards on weapons, weapons materials, and expertise inside the FSU. Since its inception, this program had made an enormous contribution to improving the security of our Nation. As of June 1, Ukraine, which held far more nuclear weapons than any state other than the United States and Russia, is no longer a nuclear state. Kazakstan became nuclear free last year, and Belarus will become nuclear free by this fall. Our legislation provides funds to the Defense and Energy Departments in order to promote efforts at control of these weapons and materials, and conversion of facilities that produce them. I often ask the critics of these programs how much it is worth—in terms of our security—to destroy Soviet missiles and to dismantle their warheads, and to keep the resulting nuclear weapons materials out of the hands of terrorists and rogue nations? How much did we spend to deter the use of these same missiles during the cold war?

Finally, what is needed is a comprehensive strategy that encompasses the many facets of the proliferation threat. The time has come to adopt our Government to the complexities of the post cold war national security situation. WMD proliferation crosscuts numerous agencies and departments, including some such as the Customs Department, the FBI and the Department of Health and Human Services, that have not previously been recognized as having major responsibilities for national security. The convergence of proliferation with terrorism and organized crime, the growing awareness of the potential use of chemical and biological agents in a terrorist incident, further complicates the implementation of a comprehensive approach to this problem.

Title IV establishes a national coordinator to pull together the different parts of our nonproliferation policy. The national coordinator would be appointed by the President to serve in the Executive Office of the President. He or she would oversee the senior directors for nonproliferation, counterproliferation, arms control, terrorism and global crime to assure that we remain focused, that our priorities receive consistent high-level attention, and that vital proliferation threats do not slip through the cracks.

I am convinced that we must address this issue before the unthinkable happens. Can we afford to dismiss the possibility that another World Trade Center or Oklahoma City bombing could involve chemicals, biological organisms or radioactive materials? We do so at our peril. The trends are clear: more nations and groups are exploiting increased availability of information, technology, and materials to acquire mass destruction or mass terror capabilities. There is no reason to believe they are not willing to sue them. I have heard too many experts whose opinions and credentials I respect, tell me that it is not a question of if but only of when. I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation.

Mr. President, in essence, we have three different ways of trying to protect the American people from weapons of mass destruction in terms of proliferation.

One way is the original Nunn-Lugar program, which is an effort to stop the material at its source, not to have the material, the scientists, the know-how come out of the former Soviet Union and spread all over the world, ending up threatening either the United States and our people or our allies. That is what we are beefing up here. We are trying to accelerate some of the good programs that are ongoing there. So that is step No. 1. Just as we have tried to stop drugs at their source, we are trying to prevent this proliferation from getting out of the former Soviet Union. That is not just Russia.

I hear people talk about ''foreign assistance.'' This is not foreign assistance. We have other programs that are foreign assistance. This program is national security. It is in our national security interests not to have the Russian nuclear weapons, nuclear material, nuclear know-how, scientists all over the world ending up threatening both the United States and our military forces wherever they are deployed, but also threatening American people. This is in no way foreign assistance. As a matter of fact, there is no cash involved here. We are not furnishing cash to Russians. They do not have any way to convert this cash to their own defense programs that do not relate to this. They are basically being furnished equipment and know-how for a specific purpose. There is one cash provision, I believe, going to the Ukraine. That is the only one and that is subject to very strict accounting procedures.

Stopping the proliferation at its source is the best, most productive, the most effective, the most efficient way of dealing with this problem. We ought to continue that effort as long as the window of opportunity is open. It remains open today in Russia and it remains open in Belarus, and it remains open in Ukraine and Kazakhstan. We have succeeded beyond what any of us thought was possible in this regard. Since September 1990, over 4,000 warheads have been removed from operational status in the former Soviet Union; over 1,000 missiles have been removed from launches; over 800 missile launchers and bombers have been destroyed; controls, safety guards and a myriad of nuclear facilities in Russia have been enhanced, adding new layers of defense against proliferation efforts.

Outside of Russia, the most significant event, which I know the occupant of the Chair now, and I, believed at one time was not likely to happen, and that is the other countries that could have become nuclear powers—Ukraine, Kazakhstan and Belarus—are no longer headed down that road. In Kazakhstan,

all the nuclear weapons have been removed. No nuclear hand on the trigger or finger on the trigger in Kazakhstan. About a week and a half, 2 weeks ago, the last nuclear warhead came out of the Ukraine. I have been informed by people in Belarus and my own officials that the last warhead will come out of Belarus this year. If nothing else, if nothing else, having one nuclear hand on the trigger, that is Russia, instead of four countries that we have to deal with and defend against and worry about is an enormous accomplishment.

How much would we have paid during the cold war to basically find three countries that had weapons of mass destruction and be able to get rid of them? If the CIA or the Department of Defense had come in and said, ''If you will give us x number of dollars in our budget, we will guarantee you that we will get rid of the weapons in three countries that are now aimed at the United States,'' how much would we have paid for that? Ten billion dollars, $20 billion, $30 billion, $40 billion, $50 billion? Probably $60 billion or $70 billion. It would have been enormous. We spent trillions of dollars defending over the years. Now we have been able to accomplish this not because they were doing us a favor, but because these countries realized it was in their own best interests, their own national security interests to get rid of these weapons, to ship them back to Russia to keep them under central control.

We were able to use these funds to give them the incentive and the priority and the reason to their own people, to their own legislative bodies, to help justify what was fundamentally in their interests. Stopping these weapons at their source is the No. 1 effective way. I am very much in favor of the other parts of this bill, but this is the most effective money we will spend. I hope everyone recognizes that. If you look at what has been accomplished, you can see that very clearly.

The second way we are trying to deal with the problem is through the Customs Service. We are using, yes, DOD and DOE money to help the Customs Service beef up their capability to prevent weapons from coming into this country, so that the Customs Service is able to get from DOD and DOE the best technology we have to be able to detect weapons coming across the border—not just nuclear, but chemical and biological, as well. Also, we are beefing up the DOD–DOE work in finding better ways to detect these weapons.

I have been briefed many times on this subject, most recently this last week, and it is very clear that even with all the work DOD and DOE have done, we still have a long way to go to find, really, effective state-of-the-art methods of detecting particularly chemical and biological weapons. We are better at nuclear detection than chemical and biological. Those are the threats that are more likely to happen. Not only detecting coming across the borders but detecting these in airports, ports and major cities where an attack may be suspected. That is the second way, beefing up customs.

The other facet is customs will also, under this bill, be given a mandate and some money to help these other countries like Kazakhstan, Belarus, the southern countries in the former Soviet Union so that they will be able to beef up their own customs. These countries want to help, they want to be able to help prevent the spread of these weapons, but they do not have the know-how or the expertise. In many cases, they do not have the training, and they certainly do not have the equipment. This is the second way we are dealing with this problem.

Finally, we are dealing with it by acknowledging that we have a serious and fundamental problem in terms of our cities, our States, particularly our metropolitan areas, in being able to, No. 1, detect the materials that may be used for attack against soft targets, against population centers, against airports, against major sporting events, whatever, to detect it and prevent it. Second, to be able to deal with it if it happened. We are woefully unprepared to deal with this kind of catastrophic act of terrorism if it occurs. There is no doubt about that.

We have had before the permanent Subcommittee on Investigations, and the occupant of the Chair has had similar hearings in his Foreign Relations Committee, and we have had hearings in the Subcommittee on Investigations, and there is no doubt the police departments, the fire departments, are on record as saying, ''We need help.'' That is what we are trying to do here.

This will not solve the problem. This is a beginning. This is an effort to help train, probably first of all, some Federal people who can go out and train others. Probably we will have the FEMA people involved. They are not ready to do this now, but it is my hope that we will be able to phase DOD and DOE out of this kind of training for domestic law enforcement officials and firemen, sometime in the next 2 to 3 years. They are the best source now, but perhaps the administration will decide with the flexibility they have been given to train the Federal emergency management people so they can continue this training in the future. Right now, we have no choice but to deal with the expertise we have, and that is in the Department of Defense and the Department of Energy. We are encouraging that.

I know the Senator from Virginia, being a former Marine, would be very interested, and I know he is aware that the Marine Corps is beefing up a considerable amount of talents and capability now to be able to deal, as the NEST team does in the Department of Energy, with nuclear threat, to deal with the chemical and biological threat. The Department of Defense will make that decision as to who is the main resource there, but the Marine Corps is out front, and our special operation forces also very much are involved in this area. So we have some military capability there that is going to be developed.

Mr. President, the only other thing I add, we are beefing up the research capabilities of both DOE and DOD. I emphasize that because we need better methods, we need better tools, we need better equipment, we need better protective gear and we need to do everything we can to bring our considerable technology to bear to deter and to prevent and to detect and finally to deal with this threat, if necessary.

Rather than take more time now, I thank my colleagues. I thank the Senator from Virginia for his patience. I know he has some questions and I know they will be pertinent and relevant questions. Those should be answered here. I thank all of our colleagues and I thank the cosponsors of this amendment, Senator BIDEN, Senator GRAHAM, Senator SPECTER, Senator DASCHLE, and others who will be speaking, I am sure, on this subject in the hours ahead.

I yield the floor.

Mr. WARNER. Mr. President, I do join and commend the principal sponsors for their work product and for their many, many hours of labor devoted, together with staff, in preparing the amendment. I will ask some questions of my colleagues and I am certain they will see these in the spirit of constructive dialog.

First, the joint DOD-DOE report on preparedness of the Government to respond to nuclear, chemical and biological incidents.

That report, which was just issued recently—I think, in the last few weeks—recommended provided authority to establish a training program, authority to establish a chemical biological response team, and the establishment of a regional NBC stockpile, particularly for medical stockpiles and the like.

Can the proponents of the amendment inform the Senate with respect to that report and the parallelism in the amendment and that report?

Mr. President, I just learned of the report. It may well be that the sponsors have not had the opportunity to see it.

Mr. NUNN. I will supplement it for the RECORD. I have not studied that report at this stage. We have had a number of hearings in our committee. We have heard from these same officials, such as the Department of Energy Secretary, and I believe the Senator from New Mexico put a letter in the RECORD from the Department of Energy and Secretary of Defense Perry endorsing this legislation.

It is a strong endorsement for this effort from the DOE and DOD. So I am confident that this report, based on those endorsements, based on the numerous meetings we have had, and based on the testimony—I am sure this amendment would reinforce, supplement, and give impetus to the recommendations in that report. I would

have to supplement the RECORD on that particular answer because I have not had a chance to study the report itself.

Mr. WARNER. Mr. President, that is quite satisfactory. I will be glad to work with my colleagues.

Mr. DOMENICI. I just wanted to say we put in the Secretary Perry letter.

Mr. NUNN. Thank you.

Mr. WARNER. My understanding is that the pending amendment includes authority for the Department of Defense to provide assistance to the Department of Justice. There was a comparable attempt made in the antiterrorism bill, but that was specifically dropped in the conference. Can my colleagues enlighten me on that problem?

Again, Mr. President, I am perfectly understanding. Your amendment, Senator, has a provision for the Department of Defense to provide assistance to the Department of Justice. A similar effort was made in the antiterrorism bill, and that comparable provision was dropped in conference.

Mr. NUNN. Yes. I talked to Senator HATCH about that this evening. I have also conversed with Senator BIDEN, and our staffs have been in touch with both of them. This provision we have in this bill is very close to the amendment that passed the Senate overwhelmingly and that was worked out carefully between Senator HATCH and myself and Senator BIDEN. It does provide an extraordinary circumstance that the DOE and DOD can help State and local officials. For instance, if there were a subway attack in New York, if the fire department and police department were overwhelmed with the chemical sarin gas, there would be the ability to ask for emergency assistance. Then the Departments of Defense and Justice—the Secretary of Defense and Attorney General—could respond. It would have to be very narrowly prescribed circumstances, where they could respond to that situation only, in very unique circumstances, where the State and local governments and the normal law enforcement officials would not be capable of responding.

So that provision is in this bill. It was dropped—the Senator from Virginia is correct—from the antiterrorism bill in conference. I think that was a fundamental mistake, a flaw. But it is a part of this legislation.

Mr. WARNER. Mr. President, in essence, we have now renewed the attention of the Senate to the need for that provision.

Mr. NUNN. The Senator is correct.

Mr. WARNER. Two years ago, Mr. President, the Congress authorized $10 million for a joint DOD–FBI training program to assist the independent states of the former Soviet Union, the Baltics, and Eastern Europe to control the export of weapons of mass destruction.

Is there a current status report on that program available, and, if so, at some appropriate time, could it be made a part of the RECORD?

Mr. NUNN. I would also like to supplement that for the RECORD. Director Louis Freeh took a trip to the former Soviet Union, including Eastern Europe, and established liaison offices in a number of those countries. I also know that those countries were very anxious to have FBI cooperation. It also is clear that our Customs Service has liaison with their colleagues in these former Soviet Union countries, as well as all around the world. What we are trying to do here is give the Customs Service of this country the ability, the wherewithal, the mandate, and the funding to begin a much more vigorous program and that kind of coordination. That is where we stand on it, to the best of my knowledge.

Mr. WARNER. I thank my colleague. The costs of eliminating or converting chemical and biological facilities, as we know, are very high both here at home and indeed abroad in the former Soviet Union. What is the justification that we would provide to our taxpayers for authorizing funds for such activities in the former Soviet Union, and, particularly, why would we be authorizing an activity that would, in some respects, contravene our requirement under the CWT, which is to completely destroy the chemical facilities?

Mr. NUNN. I do not know of any contradiction between this legislation and the Chemical Weapons Treaty. Perhaps the Senator could amplify on that question. In fact, everything in this would be aimed toward helping the former Soviet Union countries—not just Russia, but others—comply with their obligations under the arms control agreements, including chemical, but not limited to that.

Mr. WARNER. The question dealt with the conversion as opposed to the destruction in the facility. I would suggest that, at some point, that be supplemented into the RECORD, if I might have that.

Mr. NUNN. We can look at that. Basically, a facility that is converted, from my definition of conversion, would lose its ability to have any kind of production capability. That would be my definition of conversion. If a facility were being assisted in terms of conversion by any of the funding here, it would certainly be my view that that facility should not continue to produce chemical weapons. But we have a long way to go in that regard. There is nothing that I know of that is taking place in that kind of conversion. There has been some conversion with the nuclear facilities, particularly missile fields and that kind of thing.

Mr. WARNER. Mr. President, speaking for myself, although other colleagues and the chairman spoke earlier, I wholeheartedly support the portions of this amendment which relate to the domestic requirements here in the United States. I thought the Senator from New Mexico spoke most eloquently about the contingencies; indeed, all three Senators did, but I was particularly taken by the remarks of the Senator from New Mexico. I, likewise, studied these and have spoken on the floor of the Senate, and elsewhere, about my deep concern facing the United States in view of the simplicity, particularly in the area of chemical and biological, and about the creation of even very small weapons of mass destruction.

My concerns with the amendment, however, are directly and primarily to the continued assistance to the former Soviet Union and the states therein. This is a substantial increase in spending, Mr. President, on this particular program. I point out that, according to my rough calculations here, we are in this bill for the cooperative threat, that is the CTR, with the Soviet Union, $327 million in DOD funds, $108 million in DOE funds, and this amendment would add around another $143 million to this sum.

I think Members of the Senate are hopeful that this amendment will pass. We should address these expenditures either in conference, or at some point in time, to determine the capability of expending such large numbers. Would the Senator wish to comment on that? I stated them in the aggregate. I do not think either Senator that presented it mentioned the other parts of the bill.

Mr. NUNN. If I could just elaborate on that last question, let me state that on the conversion and elimination what we have done in this amendment is provide flexibility because the Chemical Weapons Treaty has not entered into effect yet. So until that enters into effect there would be flexibility for us to assist in. But once it enters into effect, when and if it does—and, of course, we have not ratified it here in the Senate yet—at that stage the parties to that would be obligated to eliminate. And basically that elimination provision would be required. There would be no more conversion.

But I think it is clear that we would not intend to help them convert unless they stopped production. But they could convert, stop production, and not eliminate. But once the treaty goes into effect they would have to eliminate.

If I could elaborate just briefly because I have been handed the report that the Senator from Virginia alluded to between the Department of Energy and the Department of Defense signed by Walter Slocombe and Thomas Grumbly, Slocombe being Undersecretary of Defense, and Grumley being Undersecretary of Energy. And I think that is the one the Senator referred to.

Mr. WARNER. Mr. President, will the Senator give the date of the document?

Mr. NUNN. This was June 13. So that is it. I will quote one paragraph which I think goes right to the point that I think the Senator was asking about, page 24 of the report, paragraph 3:

> The focus of efforts to significantly improve our ability to manage the consequences of a terrorist incidence, however, should be on the first response by local police, fire, and rescue organizations. Local authorities need quick access to NBC detection—that is nuclear, biological, chemical—and

decontamination and transport equipment. When an incidence involving NBC materials is suspected, lack of timely arrival in well trained, community based teams, fully equipped with the state of art equipment, could cost thousands of lives in most communities today across the Nation. These casualties would include unacceptable numbers of irreplaceable emergency personnel.

So I think the heart of what we are trying to do is also in this joint report. I think the report is entitled ''Preparedness and Response to a Nuclear, Radiological, Biological, Chemical Terrorist Attack.''

Mr. WARNER. If I could just summarize that, as I understand for the proponents of the amendment, the objectives to the amendment are in parallel to, consistent and supportive of, the objectives in that report.

Mr. NUNN. That is correct.

I say to my friend from Virginia that in terms of the amount of money here it is not an insignificant sum. We are talking about a total amount under the Nunn-Lugar program thus far of $1.5 billion that has been spent.

Mr. WARNER. Since the inception of the program.

Mr. NUNN. Yes. This amendment tonight represents $235 million. It is not additional money to the DOD–DOE bill. It is shifting of funds within the bill.

So this is not an increase in DOD–DOE funding. I happen to believe—the Senator from Virginia may not share this; others may not—but I think it is clear and in that report that the CSIS just issued by Judge Webster, former head of the FBI and former head of the CIA—there is great respect for him I know in this body on both sides of the aisle, and for others on that very distinguished panel—they came to the conclusion, and I have come to this conclusion and stated it often, that this is our No. 1 one national security threat.

In the era we are in, this is the No. 1 one security threat to American people; that is, the proliferation of weapons of mass destruction—chemical, biological, nuclear, scientific know-how, and scientists themselves ending up in countries like Libya, Iran, Iraq.

As the Senator from Virginia will recall, after World War II the biggest contest we had in the first stages of the cold war was who was going to get the German scientists, whether it would be the Soviet Union or the United States. We got more of them than they did. Much of our space age came from that.

So we are in that unusual period of time when an empire has collapsed still containing 30,000 nuclear weapons, over 40,000 tons of chemical weapons, and no one knows how much in the way of biological weapons—tens of thousands of scientists and technicians that know how to make these weapons, know how to make weapons of mass destruction, with many of those people not knowing where their next paycheck is coming from and how they are going to feed their families.

So this is an unprecedented era that we are in. We have a window of opportunity now that may not be open very long, certainly not with all the countries there. We hope it will. But we could not have any assurance of that. While we have this window of opportunity open, I think that it is a priority expenditure in terms of helping them, focusing enough money, but not doing the job for them because they are spending far more of their money than we are. Ours is only a small part. It is seed money. But what it has succeeded in doing is it has focused their attention and helped them make this a priority.

In the final analysis, Russia, Kazakhstan, Ukraine, and Belarus are not doing us any favor and the other countries. They are going to take steps in their own national security interests. They are in very dire financial straits having cut back on their procurement budget in Russia by 80-some odd percent from the peak in that kind of condition. This kind of funding helps focus the attention and it gives us the ability to communicate with them. It opens them up for us telling them what we think about the threat, and it has an enormous psychological effect in terms of their capability.

I recall Secretary Cheney said—not on this program but on the START II treaty when that one was signed, I believe under the Bush administration—he said then that he recommended that we give substantial amount of aid to Russia so they could accelerate the START II schedule, and take down those missiles on a more rapid pace. That probably is still good advice.

So it is within that context that Secretary Cheney was saying this is our national security. And I would say this is a very small amount of money compared to the $260-some odd billion in our defense budget each year. This is a small amount of money if you compare it to almost any category of expenditure, and what we are getting for it. I think it may be the highest leverage defense money in terms of national security that we spend.

Mr. WARNER. Mr. President, let me reply. I want to make it very clear that the Senator from Virginia agrees entirely with the Senator's premise that this is the most serious national security threat posed against our Nation indeed, and I think the nations of the Western World. So I concur in that.

I simply feel it necessary to ask these various questions so that we have a complete record before the Senate such as they can vote I think in a fully informed manner tomorrow. I agree. I shall not expand beyond that.

I so stated my concern about weapons of mass destruction and about proliferation many, many times on the floor of this Senate, and I hope, may I say, for many years to come.

I yield the floor.

Mr. DOMENICI. Let me go through three or four things that we are doing, and point out to the Senate and in a roundabout way respond to one of your questions.

Some people are going to say that this is foreign aid. Right? This is not foreign aid as I see it. Let me cite a couple of these things we are doing and let us see what kind of aid it is: Materials protection control and accounting. What have we done and what are we going to do with the money?

The Department of Energy has already secured nuclear materials at 35 facilities in the former Soviet Union. Those security systems include cameras, gates, portal monitors, tagging devices to track nuclear materials. And in January when our Vice President met, six more sites were added to the list which the DOE will have access to secure these materials. Because these sites were only agreed upon in January, funds were not included in the President's budget request. We are including them here. And, obviously, that is another $15 million for that entire program.

Then there is a lab-to-lab program. It was developed informally. But because the Soviet nuclear scientists trusted the scientists of our nuclear laboratories in some very strange way they would rather deal with those who made the bombs while they were making the bombs than they would with a bunch of politicians or a bunch of State Department people. And all of a sudden the lab-to-lab relationship grew into something that is very fundamental. They are working together. They are doing things that will cause those labs to move in peaceful ways instead of military ways to produce peaceful products instead of military products, and we are gaining from it. That is a $20-million investment.

Is that foreign aid? It would appear to me that probably is the best kind of investment in national security that we could ever have. Not only what I have just described—but these great scientists who produce this nuclear capability in Russia are now friends with great American scientists. I mean that is sort of worth something even if they were not accomplishing the other things that they are.

Then we have the cooperation with the Russian Navy on nuclear materials—a tough one, a huge undertaking, but if it works, and if we get it started, it is not giving anything to the Soviet Union. In a sense, they get something, but look what we get from it.

We have an industrial partnering program that developed with a one-time expenditure of $35 million. It is doing marvelously. Can you imagine private sector American companies working with Soviet institutions and American laboratory scientists to disengage Soviet scientists from producing nuclear proliferation? They are producing things for their domestic market and moving dramatically away from what they have been doing for all these years.

Now, there are many more things that we are trying to do. We do not have enough money to do everything that is mentioned by our scientists and

military people. But I think the Senator asked some wonderful questions, and it is our responsibility here tonight to make sure our colleagues understand this is not foreign aid.

Mr. WARNER. Mr. President, let me press on with another question, perhaps the most troublesome one certainly from this Senator's standpoint, and that is, what do I say to the American taxpayer in reply to the following. It is my understanding as a member of the Armed Services Committee that Russia continues to develop and deploy a new generation of land-based ICBM's, follow-on to the SS–25, first. Second, Russia is pursuing a new generation of sea-launched ballistic missiles, follow-on to the SSN–20, second. Third, our intelligence community forecasts that the Russians are developing a new submarine for the purposes of sea-launched ballistic missiles.

Now, by comparison, the United States currently has no plans for any follow-on strategic systems—land-based, sea-based, not a one. Money is a fungible product. Money in Russia in the defense budget goes to these programs. How do we answer to the American taxpayer, why are they pursuing their modernization program and the United States is not, and yet we will be called upon for these significant expenditures to hopefully pursue and continue the demilitarization of a number of their strategic programs? That is a question with which I conclude tonight's debate with my colleagues.

Mr. NUNN. I say to my friend from Virginia, that is a very good question, and the American people have every right to get an answer to that question.

First of all, this program is much more broader than Russia, and we are encouraging in this amendment that it be broadened beyond the four former nuclear States, primarily to be focused on Kazakstan, Ukraine, Belarus, and Russia, but we think, for instance, the border States with Iran and the southern tier of Russia are very important in terms of border control, in terms of lab work. They may not have nuclear weapons now but the know-how and the chemical weapons and those kinds of technologies are there.

So, first of all, it is not just Russia. It is much broader than that.

Second, I would say to the Senator from Virginia that, as he well knows, the whole thrust of American arms control efforts for years was to get the Russians, then the Soviet Union, to de-MIRV, to get rid of the multiple warheads and move to single warhead weapons. That was what we ended up getting in START I and START II under the two Republican Presidents, President Reagan and President Bush.

That was the subject of an awful lot of debate on the MX, as you know. We felt that MIRV'd warheads had a chance of basically being used in a first strike, whereas single-warhead missiles, if you used one of them and you basically would be going after another single-warhead missile, therefore the ratio did not favor the offense, it did not favor the first strike—if we both had single warhead weapons. But if we had MIRV'd weapons, and they were vulnerable on a first strike and you could take 10 warheads and destroy 100 warheads by MIRVing and having them moved to different targets, then everybody was on more of an alert hair trigger.

So the effort of U.S. arms control, beginning really with Senator Jackson's amendment in this Chamber back in SALT I, was to move towards de-MIRVing and getting rid of the Soviet very heavy missiles.

That is what the Russians are now building, is the SS–25, a single-warhead missile. It would be the ultimate paradox if we told them, after all these years arguing with them and getting them to move toward that weapon, that we now expect them not to de-MIRV and not to replace. That is a replacement missile for the de-MIRVing that we hope is going to take place under START I and START II.

I would prefer that nobody in the world have weapons but us, but that is not the real world. I would say if you look at the U.S. expenditures in these areas the Senator has named compared to the Russian expenditures now, our expenditures overwhelm them both in submarines and submarine warfare and classified programs, as well as in our overall strategic deterrent.

I think that is appropriate because we have a responsibility all over the world, our allies. We do not have any longer the same equation we had then. The Russians have cut back very substantially. I do not defend some of the expenditures they are making. For instance, we are very concerned about the underground facility. That has come out in the paper. I do not know the answer to that, and we are probing that now, as we should. But I would still say that we are gaining when we can get the Russians to take down weapons that are aimed towards us.

I do not think the goal of this legislation can be or should be realistically to say to the Russians that we expect them to completely demilitarize. They have been a great power. One of these days they will be a great power again.

I do not think that is in the cards. I do think we can demand they use the funds wisely, that we can demand that as long as we are giving them assistance, they be used for their purpose. And I think we can measure that purpose in a way to make sure it is in our national security interest.

I see this as self-interest. If someone says, well, if the Russians were not getting these funds, then perhaps they would have to use their funds they are now using to build SS–25's or submarines for these purposes and thereby not build SS–25's and submarines. I think that would be very unlikely, based on anything I know about not just Russian history but about the history of any country, because no country is going to completely demilitarize. No country is going to put the control of warheads and dismantle warheads in front of what it perceives to be its own national security. We would not, and I think it is not realistic for us to expect them to completely demilitarize.

I would say, though, that one of the original provisions of the Nunn-Lugar amendment that has been certified by the President over and over again is that the Russians are living up to their arms control obligations, and that is a requirement of this amendment. If we find that they are breaching the arms control obligations, then the money is not supposed to be forthcoming. They either are in compliance or the President has to certify that they are intending to be in compliance, as in the case of the CFE Treaty where we know there have been problems, and so forth, but where they are moving forward.

There are occasions where the Russians do things with this equipment that we loan them that we think breach the spirit of the agreement, and in those instances that have come to my attention where that has happened, where we have gotten in touch with them and we have complained about it, they have taken immediate and corrective steps on it.

So we have to be vigilant. We have to be alert. We have to make sure that we understand all the time what is happening here, but again, while this window is open, I think it is very much in our fundamental national security interest to pursue it.

The bottom line, as I mentioned a few minutes ago, is that we have had thousands of warheads dismantled. We have had thousands of missiles that were pointed at the United States and our cities and our targets which are no longer pointed toward us. We have had a tremendous decrease in the risk of nuclear war, and we have had three nuclear states give up their nuclear weapons voluntarily.

In addition to that, we had Kazakhstan basically get in touch with us and tell us they had some weapons-grade uranium, highly enriched, that they would like to have us help them store safely and move out of that territory. That could have been sold for billions of dollars in places all over the globe. We use this Nunn-Lugar funding to help secure that, and that is no longer a threat.

So I would say if we stop right now and put up a scorecard of how much we basically improved our national security compared to the amount of money we have spent, it would be my view, and I may be biased on this one—I do not think too biased, though—that this would be the most effective defense expenditure we have had in many years.

Mr. WARNER. Mr. President, I thank my distinguished colleague. It is a debate he and I have had, I think, for about 3 years. On this very spot on the floor in years past, I posed this question.

I also mentioned, for the RECORD, we well know the United States, likewise,

has destroyed a number of its missile launchers and so forth. But all at the expense of the American taxpayer.

I just want to close out my comments tonight reading from a very interesting document called ''Worldwide Submarine Proliferation in the Coming Decade.''

Today, for the first time, Russia's front-line submarines are as quiet or quieter in some aspects than America's best. Programs to provide still further reductions in radiated noise are active today and expected to continue. By the year 2000, over half the remaining submarines in Russia will have incorporated stealth technologies on a par with those of modern Western submarines, and 20 percent of Russia's nuclear-powered attack submarines will be quieter than the U.S. Navy's front-line improved Los Angeles class SSN's.

That, to me, represents a tremendous expenditure of money. I do not know what the threat is, other than I suppose to our U.S. submarine force, to require them to pursue that much expenditure in an area where the United States has been preeminent for these many years.

Mr. President, I have no further questions at this time to propose to my distinguished colleagues. Therefore, I observe perhaps the debate on this amendment has concluded, and the Senate could now turn to conclusion of wrapup matters. Would that be correct?

Mr. NUNN. I certainly think so. I appreciate very much the questions and comments of the Senator from Virginia this evening. Perhaps the Chair would like to make further remarks in answer to these questions, because no one has more knowledge in these areas than the Senator from Indiana, who is now presiding.

Other than that, I think we are prepared to basically dispose of the amendments.

Mr. WARNER. I will be happy to take the Chair if the Presiding Officer cares to speak.

The PRESIDING OFFICER. The Chair observes there have been important questions and excellent responses, and suggests we proceed on to wrapup.

Mr. NUNN. I thank the Chair.

Mr. WARNER. Mr. President, at this time I advise my distinguished colleague there are several amendments on the pending bill, which I believe have been cleared and can be acted upon by the Senate, if the Senator from Georgia is prepared to proceed.

AMENDMENT NO. 4350

(Purpose: To express the sense of the Congres that the Secretary of the Navy should name one of the new attack submarines of the Navy the *South Dakota*)

Mr. NUNN. Mr. President, I believe we are ready to proceed. The first amendment I have, I believe, is the Pressler-Daschle amendment.

Mr. WARNER. That is correct. On behalf of Senators PRESSLER and DASCHLE, I offer an amendment that would express the sense of Congress that a submarine, one of the new attack submarine class, should be named the *South Dakota*.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 4350.

The amendment is as follows:

On page 311, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the ''South Dakota''.

Mr. WARNER. Mr. President, if I might inquire of staff, what is the definition of a new class of submarine? Is it the current 688's or *Seawolf* class? What is the new attack submarine? I think we ought to lay this aside until we get clarification.

Being one who follows carefully matters of this nature, I suggest we lay this amendment aside and take it up later. I urge the sponsors of the amendment to advise the managers with respect to the meaning of the phrase ''new class of submarines,'' because that could apply to the 688 class being completed, the *Seawolf* class, the contemplated class of new attack submarines which are the subject of discussion.

I think we will just await a further time. I withdraw from further consideration the amendment.

The PRESIDING OFFICER. Amendment No. 4350 is laid aside.

AMENDMENT NO. 4351

(Purpose: To extend the authority of the Secretary of the Army to carry out the Armament Retooling and Manufacturing Support (ARMS) initiative)

Mr. WARNER. Mr. President, I offer an amendment which extends the Department of Defense authority to conduct the armament retooling and manufacturing support initiative for past fiscal year 1996.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4351.

Mr. WARNER. 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 subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996,'' and inserting in lieu thereof ''During fiscal years 1993 through 1998''.

Mr. WARNER. Mr. President, I rise to offer this amendment to extend the Armament Retooling and Manufacturing Support [ARMS] Initiative. The ARMS program is intended to provide assistance to DOD ammunition depots in order for them to retool so that they can produce a commercial product while maintaining the industrial capacity to support the National Security Strategy. By producing commercial and defense products, the depots are able to utilize any excess infrastructure and operate more efficiently. Since the initiation of this program several years ago, it has been a remarkably successful defense conversion program.

Mr. President, the Committee recommended an authorization of $58.0 million for this program this year. While this should be sufficient authority to continue the program, this amendment would ensure that there is no question regarding this authority.

Mr. President, I ask my fellow Senators to support the ARMS program and vote to approve this amendment.

Mr. NUNN. Mr. President, I urge support of the amendment.

Mr. WARNER. I urge its adoption.

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

The amendment (No. 4351) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4352

(Purpose: To require a transfer to the Army of jurisdiction over certain lands in the Vernon Ranger District, Kisatchie National Forest, Louisiana)

Mr. NUNN. Mr. President, on behalf of Senators JOHNSTON and BREAUX, I offer an amendment that would direct the Secretary of Agriculture to transfer 85,000 acres of the national forest in Louisiana to the Secretary of the Army for use in connection with training and maneuver activities in connection with Fort Polk, LA.

I believe this amendment has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself and Mr. BREAUX, proposes an amendment numbered 4352.

The amendment is as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection

with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

Mr. JOHNSTON. Mr. President, it is with a great sense of urgency that I speak today with my good friend, the Senator from Louisiana [Mr. BREAUX], to bring to the attention of my colleagues an extremely important issue in my State of Louisiana.

Mr. President, since 1991, Fort Polk, Leesville, LA has been home to the Army's Joint Readiness Training Center, or the JRTC, and to elements of the Second Armored Cavalry Regiment. Fort Polk has the only combat training center in the continental United States dedicated to light infantry training. The National Training Center at Fort Irwin, CA, provides a somewhat comparable service to our men and women who train for armored units combat.

Each year, some 50,000 soldiers, sailors, airmen, and marines arrive at Fort Polk for rotational training in infantry maneuvers and joint operations. This involves special operation training, counterinsurgency operations, live fire, brigade defense, and brigade counterattack. The training received is unique, not only because of the terrain at Fort Polk, with its tree-covered grassy areas which are indigenous to western Louisiana, but the total realism this sort of training provides. Even to the extent that there is a complete field hospital set up to attend to simulated wounds and casualties. Our soldiers are given a certain level of comfort, knowing that if they are injured in combat, that they will be evacuated and receive treatment, quickly and efficiently.

Mr. President, I am proposing this amendment to increase the land area of Fort Polk, which will enable the Joint Readiness Training Center to train and maneuver over a larger land area. This is crucial to the continued usefulness of Fort Polk.

Some may ask, why is it necessary to provide additional land to Fort Polk? The answer, Mr. President, is fairly simple.

Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk and the JRTC currently have access to 40,000 acres of Forest Service land under an intensive-use permit but need additional access to the 45,000 acre limited-use permit parcel below it to meet its training requirements.

The total of 85,000 acres will enable the JRTC to conduct its primary mission—training infantry soldiers. Longer range weapons and sensors are changing the nature of land warfare. Greater ranges are now covered by a smaller force. A brigade will now maneuver in the space once used by a division. Our military must keep abreast of these changes, to maintain the utmost efficiency and to protect our troops in the event of real combat.

Some have raised concerns about how the Army would manage this new acreage. I submit that it would be substantially similar to how Fort Polk is currently managed, in full compliance with all laws and regulations. The Army has forest and land management plans for the Forest Service land it currently uses. When the transfer of land occurs, the Army will comply with all applicable Federal laws including NEPA. All existing land uses for fish and wildlife, hunting, cultural and natural resources management, forestry operations as well as private holdings will be followed.

Fort Polk is a good neighbor and steward of the natural resources they manage. The fort has received a nonjeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker. In less than 3 years the woodpecker population has almost doubled. Fort Polk

manages the forest using an ecosystem management approach rather than a commercial approach, i.e., the goal is to maximize a balanced ecology, not profit. The fort has reduced sediment loading, mapped all wetlands, and is in compliance with the Clean Water and Scenic Stream Act.

The fort is also a State Wildlife Management Area whose hunting seasons are adjusted to take into account training rotations. These practices will continue on the expansion area. An historic preservation plan has been completed and protection for known sites is in place. Curation facility meets State standards.

The fort is the winner of numerous environmental awards: Louisiana Association of Conservation Districts Good Land Use Award—first time awarded to a Federal facility. Second place winner, Secretary of Defense Natural Resources Conservation Award. U.S. Environmental Protection Agency, Region VI Beneficial Re-Use Award. National Park Service, Southeast Region Preservation Award. Environmentalist of the Year, Dr. Charles H. Stagg, Fort Polk, LA.

Let me go over some of the provisions of this amendment. Our amendment would provide 6 months for the Army and the Forest Service to come to an agreement on transfer of all or some portion of this property. The 6 months may be extended by another 6 months, by mutual agreement. The land transfers automatically if no agreement can be reached between the USDA and the Army.

The amendment does not allow for any live firings on transferred land, except on that land currently used for that purpose. It directs the Department of the Army to develop a management plan, and provides for the return of the property to the Agriculture Department if the land is no longer used by the Army for training purposes. The legislation would prohibit the Army from condemning any private inholdings.

This amendment has strong, broad support. The Army supports this initiative. There is overwhelming civic support, as the following communities and legislative bodies have passed resolutions supporting the transfer: Louisiana State Legislature; Vernon Parish, the local parish; Beauregard Parish; as well as the surrounding communities of Leesville, De Ridder, Alexandria, Pineville, Many, and Natchitoches.

Mr. President, Fort Polk is very important to Louisiana and to the Nation's overall military readiness and the Louisiana delegation overwhelmingly supports the transfer. The land transfer is critical to the fort's mission, light infantry training, and its future. The U.S. Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to learn from their mistakes is while at the Joint Readiness Training Center, not while in harm's way. Additional land will give the JRTC the resources it needs to properly train our Armed Forces to the highest level of readiness.

I ask unamious consent a letter from the Deputy Assistant Secretary of the Army to Mr. Lauffer of the Committee on Armed Services, be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, June 19, 1996.

GEORGE W. LAUFFER,
Deputy Staff Director, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. LAUFFER: The Department of the Army supports the legislation proposed by Senator J. Bennett Johnston, ''To require a transfer to the Army of jurisdiction over certain lands in the Vernon Range District, Kisatchie National Forest, Louisiana.'' The transfer would provide the Army with greater flexibility in accomplishing its training mission at Fort Polk, Louisiana.

Sincerely,

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army (Installations and Housing) OASA (I, L&E).

Mr. BREAUX. Mr. President, I rise today in support of the amendment I offered with Senator JOHNSTON transferring acreage in the Kisatchie National Forest to the Army at Fort Polk, LA. Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk, home of the Joint Readiness Training Center [JRTC], is very important to the Nation's overall military readiness and national security. It is the only place in the world where light infantry brigades are trained as a unit, complete with Air Force, Navy, and Marine Corps units. Between 50,000 and 64,000 troops are trained at Fort Polk every year. This amendment will enable Fort Polk to expand its training exercises while continuing its unique mission of providing our troops the best training possible.

At the JRTC, our troops participate in training scenarios that help prepare them for all type of missions, including combat, and the terrain in the Kisatchie Forest provides our troops ideal training area for this purpose. We need to ensure that Fort Polk's unique role in training our soldiers continues. Our goal is to train our troops effectively and in an environmentally sensitive way. This is an important point. Some concerns have been about the environmental impact this transfer would have but if you look at the Army's record over the past 5 years, this criticism is unfounded. Fort Polk is a good neighbor and steward of the natural resources they manage. Fort Polk has received a nonjeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker on the JRTC. In less than 3 years the woodpecker population has almost doubled. Fort Polk has also won several awards for its conservation and preservation efforts around the JRTC. Additionally, if this transfer occurs, the Army would comply with all applicable Federal laws including National Environmental Policy Act [NEPA].

This amendment would give the Forest Service and the Army 6 months to sit down and try to negotiate a transfer. Ideally, we would like this issue to be solved administratively and have both sides sit down and try to figure out a way to work this out. But if that can't happen, this amendment would automatically transfer the land. The JRTC can't wait a decade for this important transfer to happen. Additionally, the Secretary of Defense will seek to identify an equal number of acres, not required for military use, for conveyance to the Forest Service in exchange for this land. We also provide that if the Army no longer needs the land, it would be transferred back to the Forest Service.

All existing land uses for fish and wildlife, hunting, and forestry operations would remain.

I have also heard from private landowners who are concerned about the impact the transfer would have on them. Our amendment tries to address this concern by prohibiting the Army from expropriating any private property in the forest. The Army would still be able to enter into negotiations with willing sellers but could not condemn any private land.

To address the concerns of these groups and others, this amendment also provides for a period of public comment when the Army develops a management plan to ensure that the concerns of the local citizens are taken into account.

While there is some opposition to this transfer, there is also widespread support for it from the local communities. The transfer has been endorsed by the city councils in Leesville, DeRidder, Pineville, Many, Alexandria and Natchitoches, Beauregard Parish, the Vernon Parish Chamber of Commerce, and the Vernon Parish School Board. They understand that if the Army doesn't get this additional land, the future of Fort Polk and the surrounding communities could be affected. The fort has an annual economic impact in Louisiana of approximately $720 million.

Mr. President, the bottom line is that our Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to prepare for combat and other situations is during training at the JRTC, not while in harms way. The additional land we are seeking will give the JRTC the resources it needs to properly train our Armed Forces and make them ready to meet military challenges when they arise.

As importantly, we authorize this transfer with conditions attached which are sensitive to environmental and private property owners' needs. I

thank Senator JOHNSTON for his leadership and I urge adoption of the amendment.

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

The amendment (No. 4352) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4353

(Purpose: To authorize a land conveyance, Air Force Plant No. 85, Columbus, OH)

Mr. WARNER. Mr. President, on behalf of Senator DEWINE, I offer an amendment which would authorize the conveyance of approximately 240 acres from the former Air Force Plant No. 85 to the Columbus, OH, airport authority.

I believe this amendment has been cleared.

Mr. NUNN. It has been cleared. I urge the approval of the amendment. I urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, proposes an amendment numbered 4353.

The amendment is as follows:

At the end of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the ''airport parcel'' in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

Mr. DEWINE. Mr. President, this amendment provides for the transfer of 240 acres from the U.S. Air Force to the Port Columbus International Airport. The Columbus Airport Authority is seeking this transfer for the purpose of constructing a new 10,250-foot south runway. This amendment has been cleared by both the majority and minority side of the Armed Services Committee, the Air Force, and the General Services Administration.

I am pleased that Senator GLENN joins me in offering this amendment to facilitate this public benefit conveyance.

Mr. GLENN. Mr. President, I rise to endorse the amendment offered by my colleague from Ohio, Senator DEWINE, and I ask unanimous consent that I be added as an original cosponsor. This amendment conveys to the Columbus Municipal Airport Authority approximately 240 acres of land owned by the Air Force. This parcel is part of an Air Force industrial facility which has operated at the site for a number of years. In 1988 during consideration of the fiscal year 1989 Defense authorization bill, Congress directed that the entire parcel of more than 400 acres be sold, and the proceeds from the sale be used to pay for the environmental remediation of the property.

As a result of the 1988 legislation, the Air Force and the General Services Administration entered into an agreement to sell the property in 1992, with GSA acting as the Government's property manager. However, the Air Force and its contractors continued to use the facility until 1994. During this time, GSA made a determination after consulting with State and local authorities, that it would be in the best interest of all parties to divide the parcel into two pieces—a so-called industrial parcel and an airport parcel. GSA is currently marketing the industrial parcel and expects to complete the sale later this year. Since 1994 necessary actions, such as consultations with other Federal and DOD agencies, the State of Ohio Historical Preservation Office and some needed environmental remediation, have occurred.

When this amendment was originally brought to my attention, I had some concerns. In particular, I was concerned that the amendment would disrupt the planned sale of the industrial parcel. I was also concerned that the airport parcel be screened for other Federal interest. It is my understanding that in the absence of the 1988 legislation, the airport parcel would be eligible for conveyance to the Columbus Municipal Airport Authority as a public benefit conveyance. The amendment now accomplishes the goal of a public benefit conveyance, under conditions of a satisfactory Federal screen, without affecting the sale of the industrial property. It is also my understanding that this amendment will not alter the fact that the Air Force is liable for the environmental remediation of the site.

I am pleased to work with Senator DEWINE on this amendment, and I congratulate him for offering it.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 4353) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4354

(Purpose: To delete $25,000,000 from the North Atlantic Treaty Organization Security Investment Program; to add $6,600,000 for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and to add $10,800,000 for phase III construction of the Western Kentucky Training Site)

Mr. NUNN. Mr. President, I believe the next amendment will also have an amendment to it by Senator WARNER on behalf of Senator MCCAIN.

On behalf of Senator FORD, I offer an amendment which would delete $25 million for the NATO Security Investment Program, to add $6.6 million for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and $10.8 million for phase 3 of the construction of the Western Kentucky Training Site.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. FORD, proposes an amendment numbered 4354.

The amendment is as follows:

In the table in section 2101(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

Kentucky	Fort Campbell	$67,600,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a), and insert in lieu thereof ''$363,050,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,900,897,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$363,050,000''.

In section 2502, strike out ''$197,000,000'' and insert in lieu thereof ''$172,000,000''.

In section 2601(1)(A), strike out ''$79,628,000'' and insert in lieu thereof ''$90,428,000''.

Mr. FORD. Mr. President, I have an amendment that will provide $6.6 million for phase two construction of the

Consolidated Education Center at Fort Campbell, KY and provide $10.8 million for phase three construction of the Western Kentucky Training Site.

Not only are the costs of my amendments fully offset, but I know my colleagues will agree that because these two projects are already underway and because they represent an integral part of the training of our troops, continued funding is both appropriate and necessary.

This Congress has already invested $14.5 million into phase one of Fort Campbell's Education Center. Funding for the final phase, phase two, will provide additional needed classrooms, office space, and additional parking. As many of you may know, Fort Campbell has the largest educational program of any division-level installation in Forces Command. Funding for this last phase will assure we can take a state-of-the-art education program out of World War II-era buildings.

In addition, this Congress has dedicated funds to the first two phases of the Western Kentucky Training Site for a total of $11.1 million. Because this is a five-phase project, providing funding for phase three is critical to keeping this project on time and on track for completion.

The Western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky at the forefront of this country's military training. Last year, 16,000 soldiers trained there. But those numbers represent just the beginning in a long line of soldiers who will receive the best state-of-the-art training this country has to offer.

I believe this is an amendment my colleagues will have no trouble supporting.

AMENDMENT NO. 4355 TO AMENDMENT NO. 4354

(Purpose: To provide that funds may not be obligated or expended for the project if the project is not included in the current future-years defense program of the Department of Defense)

Mr. WARNER. I send to the desk on behalf of Senator MCCAIN an amendment to the Ford amendment, to provide the funds may not be obligated or expended until the Secretary of Defense certifies to Congress that the projects are included in current future-years defense program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 4355 to amendment No. 4354.

The amendment is as follows:

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECTS.—Subsection (a) applies to the following military construction project:

(1) Phase II, Construction, Consolidated Education Center, Ft. Cambpell, KY.

(2) Phase III, Construction, Western Kentucky Training Site.

Mr. MCCAIN. Mr. President, as my colleagues know, I have consistently opposed funding for military construction projects that were not requested by the administration and which do not meet the Senate's criteria for consideration of unrequested military construction projects.

Let me reiterate the criteria to which the Senate agreed 2 years ago. Each project not included in the administration's budget request is judged against four criteria, namely: (1) it is mission essential; (2) it is not inconsistent with any BRAC actions; (3) it is executable during the fiscal year; and (4) it is included in the Future Years Defense Program (FYDP). In addition, there should be a reduction in some other defense program to offset the increased funding for each project.

The bill before the Senate includes $600 million for unrequested military construction projects which, for the most part, meet the first four criteria. However, none of these projects were funded by an offsetting reduction in some other defense account. Therefore, they do not meet all of the Senate's established criteria.

The amendment offered by my colleague from Kentucky, Senator FORD, as originally proposed, does not meet all five criteria. The amendment does include an offsetting reduction in another defense account, which makes it unique among the projects included in this bill. But according to information provided to the Committee by the Department of Defense, the project is not included in the current FYDP.

I am pleased to note, however, that my colleague from Kentucky, Senator FORD, has agreed to accept an amendment to his amendment. The second-degree amendment would prohibit obligation of the funds for this project until the Secretary of Defense certifies that the project is in the FYDP. If that certification is received, the project will then meet all five of the Senate's criteria, and the funds will become available to proceed with the project.

Mr. President, subject to the conditions stated in the modified amendment, I have no objection to including this military construction project in the authorization bill. I appreciate very much the opportunity to work with my colleague from Kentucky. His willingness to work together to resolve this matter is greatly appreciated, and I thank him for his understanding of my position with respect to military construction add-ons.

Mr. GLENN. Mr. President, members of this chamber have heard the Chairman of the Readiness Subcommittee and me speak on several occasions in opposition to funding unrequested military construction projects. Once again, I rise to speak in opposition to this on-going practice. The amendment offered by the Senator from Kentucky would add additional funds for phase II of an Education Center at Fort Campbell and phase III of the Western Kentucky Training Range for the Army National Guard. I would like to voice my opposition to this amendment and express my support for the Chairman of the Readiness Subcommittee's second degree amendment which would require the Secretary of Defense to certify that these projects are in the military services' Future Years Defense Plan (FYDP) before obligating the construction funds.

During the Committee's markup of the defense authorization bill, the two projects addressed in the amendment were screened by the services to determine if the projects met the Committee's criteria. The services indicated, at that time, that the projects were not in the FYDP. However,, I understand that different information regarding these projects has been made available to the Committee. Given the conflicting data on these projects, I believe it is appropriate, as the Senator from Arizona's amendment would require, for the Secretary of Defense to certify information on these projects before the funds are released.

As I have stated before, I will continue to work with the Chairman of the Readiness Subcommittee to reverse the practice of adding millions of dollars to the budget for unrequested projects.

Mr. WARNER. I ask unanimous consent to have the second-degree amendment adopted as well as the underlying amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendment (No. 4355) was agreed to.

The amendment (No. 4354), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4356

(Purpose: To amend section 2821, relating to the transfer of lands at Arlington National Cemetery, VA, in order to place conditions on the transfer of certain lands)

Mr. NUNN. Mr. President, on behalf of Senators ROBB and WARNER, I offer an amendment which would modify section 2821 of S. 1745 to require the Secretaries of the Interior and the Army to submit summaries of the land-use plan, environmental assessment and cultural resources studies regarding the land transfer at Arlington Cemetery.

I believe this amendment has been cleared on the other side.

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, for himself, and Mr. WARNER, proposes an amendment numbered 4356.

The amendment is as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4356) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4357

(Purpose: To authorize funding for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program at the level requested by the President)

Mr. NUNN. Mr. President, I send to the desk an amendment by Senator LIEBERMAN from Connecticut that would authorize funding for the Corps surface-to-air missile, known as Corps SAM, at the level requested by the President. I am a cosponsor of this amendment. I believe it has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LIEBERMAN, for himself, and Mr. NUNN, proposes an amendment numbered 4357.

The amendment is as follows:

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996, by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

Mr. LIEBERMAN. Mr. President, I would like to propose an amendment to S. 1745 in order to correct an issue with important national security implications. Development of the corps-level surface to air theater missile defense system, called the Medium Extended Air Defense System [MEADS] is adversely affected by the current legislation. Unless the corrections, which I will describe in a moment, are made, the current provisions will likely halt the development of this important program.

First, let me address the necessity for MEADS. There are currently under development a number of theater missile defense systems. However, no system, except for MEADS, protects frontline troops in the corps' maneuver area. Hence, MEADS will fulfill an existing, urgent U.S. operational requirement for a rapidly deployable, highly mobile, robust air defense system designed to protect maneuver forces and expeditionary forces of the U.S. Army and Marine Corps. Both services are in strong agreement on the need for protection against short- to medium-range ballistic missiles and the full spectrum of air-breathing threats—aircraft, cruise missiles, and unmanned aerial vehicles. The urgency of the need for MEADS is testified to by the support of the Commanders-in Chief of Central Command, Atlantic Command, Korean Command and of course, the European Command/NATO. These operational commanders, as well as, the Commandant of the Marine Corps and the Chief of Staff of the Army are all on the record documenting the urgency of the requirement for this system.

It should be noted that this operational need will only become greater with time. Estimates of future threats include the increasing ability of both major and lesser powers, as well as, substate actors, to acquire and utilize the rapidly accessible and increasingly affordable ballistic and cruise missile technologies against our forward deployed units.

The operational need for MEADS has been made clear by our allies. In addition to our partnership with Germany and Italy, in developing a theater missile defense system, for forward deployed, mobile forces, other nations have expressed a strong interest in purchasing such a system to meet their own security requirements.

I must repeat this most essential point: no other planned theater missile defense system can satisfy operational requirements with respect to defending soldiers and marines deployed in the forward area of the theater.

The MEADS system has additional advantages other than this most important operational requirement. It is the most cost-effective approach to meeting the operational requirements for forward coverage in the theater. Two U.S. industry teams, Hughes/Raytheon and Lockheed/Martin/Loral, have been awarded contracts to participate in the first phase of the program, largely because their proposals effectively leverage technology used in current surface to air and air to air missile systems. Both of the U.S. industrial teams propose a system architecture based on proven components and technology.

The program is further leveraged by participation of two key Allies, Italy and Germany. Both countries require a modern system to replace their aging HAWK systems. As a footnote, there are 22 additional nations currently employing HAWK. Those other users will require a replacement system during the next decade. Both partner countries provide technical capabilities that significantly enhance the MEADS Program's access to the world's best technology.

As a result of the leveraging of technology and the significant contributions of Italy and Germany, the United States funding requirement for system development has been reduced from the

original $3.1 Billion baseline estimate to about $1.7 Billion. This accounting of costs does not include the revenue and employment benefits that will accrue due to the expected high demand for the purchase of this system.

Given all of these benefits, the current bill does two disruptive things to the MEADS development program. It reduces the program authorization by $10.8 millions and it prohibits the United States from contributing above 50 percent of the funding among her allies. On the face of it, these bill items do not seem very damaging. However, the international nature of the program makes these problems quite damaging. The difficulties in the current bill are due, I believe, to costing assumptions that are no longer valid. The biggest change from last year's authorization bill is the withdrawal of France from the international agreement. However, the bill appears to have inadvertently placed cost constraints on the MEADS project as if France were still in the agreement. Let me now lay out some of the adverse consequences of the current bill's language.

First, the proposed $10.8 million reduction in authorizations for fiscal year 1997 will mean greater overall costs to the U.S. for developing MEADS in the project definition-validation phase of the project. This is due to the obvious stretching out of the development time period.

Second, and more importantly, Germany and Italy are committed to the MEADS Program at the highest levels of government. Neither country views any other system as a viable alternative to meeting its national requirements. As of May 28, 1996, Germany, Italy and the United States have formally agreed upon terms for the program and have signed an international agreement governing the initial program definition and validation phase of the program. Incidently, this satisfies the Armed Services Committee Report's requirement for a Memorandum of Understanding [MOU] among the Allies before funds are obligated.

Of course the memorandum of agreement just described is much different than the one envisioned a year ago. The withdrawal of France from the partnership on MEADS means that the United States cannot meet the 50 percent ceiling on funding, required in the committee report, given the previously agreed upon percentages among the Allies on burden sharing. The restructuring—resulting from the withdrawal of France—results in cost shares, now, of 60 percent for the United States, 25 percent for Germany, and 15 percent for Italy. Previously planned on percentages were: 50 percent for United States, 20 percent for Germany, 10 percent for Italy, and 20 percent for France. All countries in the international agreement have picked up some of the burden that was once assigned to France.

At this point, I must make clear that the requirement for the Corps SAM capability is a unilateral one. The United States needs this capability now, and would need to fund now, with or without Allied participation. The benefits of the partnership are clear. Also, the higher percentage of costs now assumed by the United States also means an accompanying higher percentage of revenues gained from the sale of the weapon system to U.S. Allies.

Paradoxically, restructuring of the program will actually reduce the U.S. cost for the PD/V phase of the program by $4 million, despite the percentage change that I just described. With the pull-out of France, the participating nations have adjusted the scope of the program so that the costs for the development phase are reduced. The reasons are reduced duplication and redundancies, and the elimination of French-unique program requirements which are not demanded by the other participating countries.

Because MEADS is the first major system new start the United States has attempted as a cooperative program in some time, it has received a great deal of attention around the world. Our friends and allies see MEADS as the litmus test of U.S. resolve to carry through on our promise to improve our record in armaments cooperation. MEADS demonstrates that our defense industry can work in concert with the defense industries of other nations.

The committee's report sends a negative signal concerning MEADS. Difficulties in resolving this partnership will invariably impact on other future, international armament partnerships; our credibility will be damaged. Partnerships such as JSTARS for NATO are put at risk by the proposed actions with respect to MEADS.

The Senate Armed Services Committee recommended the program be reduced by $10.8 million, a reduction that makes the program outlined in the recently completed international agreement unexecutable. Given such a reduction, our Allied partners will almost certainly consider the MOU null and void. This, in combination with the 50 percent ceiling, is very debilitating for the success of further cooperative efforts.

In sum, the legislative provisions in the current bill, unless corrected, will likely halt the international agreement on MEADS, halt MEADS development, and cause other international cooperative defense efforts to become suspect.

I believe the amendment that I am proposing will address these issues while also addressing the Armed Services Committee's very valid concerns that cost overruns not emerge from the program. Instead of limitations on percentages with respect to burden sharing among the allies, I propose a spending cap, as outlined in the amendment. This spending cap meets the rightful concerns of the SASC that costs be controlled in the development of MEADS. The $10.8 million put back into the program in this amendment is offset by reducing funding in a catch-all program entitled ''Other Theater Missile Defense programs, projects, and activities.''

The amendment ensures that the United States complies with her obligations under the international agreement between the United States, Germany, and Italy. By doing so, we bolster our credibility among our allies, while maintaining the existence and effectiveness of an important defense development program for our front-line troops.

Mr. NUNN. I urge adoption of the amendment.

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

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4358

(Purpose: To prohibit certain actions relating to the reorganization of the Army ROTC pending a report on the Army ROTC)

Mr. WARNER. Mr. President, on behalf of Senators THURMOND, FORD, SARBANES, BREAUX, DOMENICI, SANTORUM, HOLLINGS, WARNER, and JOHNSTON, I offer an amendment that would prohibit the Secretary of the Army from closing any Reserve officer training corps units until a comprehensive study is complete and the results reported to the Congress of the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. BREAUX, Mr. DOMENICI, Mr. SANTORUM, MR. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON, proposes an amendment numbered 4358.

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

Mr. THURMOND. Mr. President, as an Army ROTC Program graduate and one who believes the program is vital to the national security of our Nation, I was disappointed to learn that the Army announced on May 20, 1996, that it will terminate the program at 31 universities and colleges throughout the Nation, including two in South Carolina.

I expect that many of my Senate colleagues have a strong affiliation for the ROTC Program and are prepared to speak to the merits of the program. I believe that many would echo the comments of Dr. Lee Vickers, the president of Francis Marion University who described the need for the ROTC Program as follows:

Service to one's community and to the Nation as one of the constituent values of the United States and one that is being heard more and more frequently throughout the higher education community these days. What more vital service can there be than that discipline, skills, and service learned by young men and young women fortunate enough to experience the leadership training of the ROTC Program? No one can easily deny the importance and the value of the present and future citizen-soldiers leaders that the ROTC Program has produced and continues to produce.

Mr. President, it troubles me that the Army terminated programs, not only at Francis Marion University, but also at Presbyterian College, and its two satellite programs at Lander University and at New Berry College. According to U.S. News and World Report Presbyterian College ranked second among 117 regional liberal arts colleges in the South. A key contributor to that reputation has been the ROTC Program which was started in 1919 with the activation of the Scottish Highlander Battalion. For 77 years, ROTC has been a respected and integral part of campus life at Presbyterian College, sending graduates to every major military campaign since World War I. To date, Presbyterian College has graduated 14 general officers and one Medal of Honor recipient and currently more than 100 Presbyterian College graduates serve in uniform.

Mr. President, when I asked the Army to tell me why these programs were being terminated, their answer was the requirements for commissioned officers has decreased and therefore the number of ROTC programs must be reduced. Although that answer may be rationale, the Army could not provide me with the criteria for selecting the ROTC programs to be terminated.

My amendment would require the Army to provide a report detailing the selection criteria and other information to justify the closure of the 31 ROTC units in 20 States. It would further require the Army to wait 180 days after submitting the report before initiating any action to reorganize the ROTC Program.

Mr. President, this is a reasonable amendment in view of the Army's action to terminate such an important program—a program that not only supports the security of our Nation but also impacts the lives of thousands of America's future leaders. I ask my Senate colleagues to show their support for the ROTC Program and adopt this amendment.

Mr. FORD. Mr. President, I rise in support of Senator THURMOND's amendment to the Defense Authorization bill to impose a temporary moratorium on college ROTC unit closures.

The current guidelines will adversely affect several universities across the country, including Murray State University in Kentucky, where the Army ROTC program is schedule for closure at the end of the 1996–97 school year.

Murray State has a long and distinguished ROTC tradition. Since its inception in 1952, over 1,000 ROTC graduates have passed through the program. Many of those graduates went on to serve this country with great distinction and honor both in times of war and peace.

Like ROTC programs across the country, the Army ROTC program at Murray State is not only an important component of the western Kentucky community, but of the entire armed services. And so, I urge my colleagues to support Senator THURMOND's amendment.

Mr. President, I ask unanimous consent that a letter from the president of Murray State University, Kern Alexander, be printed in the RECORD.

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

MURRAY STATE UNIVERSITY,
OFFICE OF THE PRESIDENT,
Murray, KY, June 17, 1996.

Hon. WENDELL FORD,
U.S. Senate, Senate Russell Office Bldg., Washington, DC.

DEAR SENATOR FORD: The Department of the Army has recently announced that the ROTC program at Murray State University will be closed at the end of the 1996/1997 school year. I am seeking your support and assistance in reversing this decision.

ROTC at Murray State University is an integral part of our campus. With over a thousand graduates since 1952, our ROTC program has a long and distinguished history. Many of the Army officers commissioned through our program have served their country with great honor in war and peace. It is important to our country and our Army that future commissioned officers understand and represent the regional values of the soldiers that they will lead in the various components of the Total Army.

As described in the attached fact sheet, our ROTC program has made a threefold enrollment increase in the last three years and has every expectation of fulfilling the requisite enrollment and commissioning goals in the future. We have initiated several dynamic programs to improve recruiting and retention.

I understand that shrinking defense resources will require the closure of several other regional ROTC programs to include Southeast Missouri University and the University of Tennessee at Martin. Given our historic support of ROTC, close proximity to Fort Campbell, excellent ROTC support facilities, and the academic excellence of our University, we could easily accommodate students from these other schools. In fact, we could easily become a primary commissioning source for Army nurses, a commissioned officer specialty of great demand.

I have made a personal commitment to the support of ROTC and intend to see the program flourish. I look forward to your assurance of commitment to this proposal.

Sincerely,

KERN ALEXANDER,
President.

Attachment.

FACT SHEET—REASONS TO KEEP MSU ROTC

1. We serve 38 counties in Western Kentucky plus we receive a large number of students from Northwest Tennessee, Southern Illinois, Indiana, and Southwest Missouri.

These students come to MSU for its high academic standing (top quartile of small regional liberal arts universities by *U.S. News and World Report*) as well as our rural setting.

With the closure of University of Tennessee at Martin, a large portion of West Tennessee and Western Kentucky would be excluded from participation in ROTC in a regional university.

MSU could cover both areas meeting the needs of rural families coupled with our border county agreements to provide in-state tuition.

2. MSU has tripled its overall enrollment over the past three years. We have commissioned nine lieutenants for the past two years, project nine for the next school. Enrollment numbers in ROTC have increased along with the enrollment figures for the University due to the faculty taking ownership of the program and recruiting.

3. We have taken great strides toward attracting ROTC students:

Ten $1,000 dorm scholarships for ROTC scholarship students.

Free room for all four-year ROTC scholarship students who attend MSU.

Ten guaranteed positions in our Nursing Program.

Due to this good rapport between ROTC and Nursing we have requested to be designated a Center for Nursing Excellence.

Nursing elective credit for Nurse Summer Training Program.

Academic Minor in ROTC.

Process of gaining General Education Credit for ROTC courses.

Extensive promotion of ROTC in University publications, brochures, and videos.

4. No other class gives students the education in leadership as does ROTC. We stress oral and written communication, self-confidence, and development of leadership skills.

5. ROTC provides between $250,000–$300,000 annually to MSU and the City of Murray in stipends, scholarships, salaries, and operating and recruiting funds. This money is

spent in restaurants, movie theaters, MSU's Bookstore, electric company, gas stations, and in MSU's general accounting office for tuition.

6. ROTC attracts top notch students and provides national marketing for MSU by having a program on campus. Additionally, it helps attract and promotes solid academic performance in athletes and minorities. (Currently 20% female, 10% African American, and 15 athletes enrolled.)

7. MSU has a strong tradition of providing officers for four state National Guard units—Kentucky, Tennessee, Illinois and Indiana. Additionally, numerous officers have played significant roles in the U.S. Army Reserve—most notable, Major General (Retired) Lindsay Freeman who was Commander of the 100th Training Division out of Fort Knox, Kentucky.

8. Long tradition of ROTC at MSU:

Has been an academic program since 1952.

Commissioned over 1,039 officers.

Produced three General officers.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4358) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4359

(Purpose: To provide service credit for service as senior ROTC cadets and midshipmen in the Simultaneous Membership Program)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, I offer an amendment which would provide service credit for longevity and pay to individuals who simultaneously are senior ROTC cadets or midshipmen and members of the Selected Reserve under the Simultaneous Membership Program.

I believe this amendment has been cleared on both sides of the aisle. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 4359.

The amendment is as follows:

At the end of subtitle A of title V add the following:

SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(2) Section 2107(g) of such title is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(3) Section 2107a(g) of such title is amended by inserting '', other than enlisted service performed after August 1, 1979, as a member of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

Mr. BYRD. Mr. President, I propose an amendment that will modify Titles 10 and 37 of the United States Code. This amendment will correct a long-overlooked enlisted service period of selected military members. This amendment allows creditable service for military members who are serving, or have served as enlisted members of our National Guard and Reserve, while also earning a commission through the Simultaneous Membership Program [SMP]. Since the program's inception in 1979, a select number of enlisted soldiers have not received longevity credit for honorably performed duty that they so justly deserve. SMP cadets are enlisted soldiers with contracts and service obligations, they are deployable assets to their units, they are military occupational service qualified, and they are subject to all the regulations and reviews of any other enlisted soldier. this enlisted concurrent service must be creditable for all purposes. I urge my colleagues to support this worthy amendment.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 4359) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4360

(Purpose: To authorize the Secretary of the Army to accept less than full reimbursement of costs under the agreement for instruction of civilian students at the Foreign Language Center of the Defense Language Institute)

Mr. NUNN. Mr. President, on behalf of Senator BOXER, I offer an amendment which would authorize the Secretary of the Army to accept less than full reimbursement costs under the agreement for instruction of foreign students at the Foreign Language Center of the Defense Language Institute.

I believe the amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. BOXER, proposes an amendment numbered 4360.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

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

The amendment (No. 4360) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 4361

(Purpose: To provide additional pension security for spouses and former spouses of civil service employees with respect to the military service of such employees)

Mr. NUNN. Mr. President, on behalf of Senator MOSELEY-BRAUN, I offer an amendment which would provide that a former spouse of a military retiree whose military retired pay is part of a divorce settlement would continue to receive the amount of money directed by court order if the military retiree becomes an employee of the Federal Government and has military service count toward Civil Service retirement benefits.

I believe the amendment has been cleared.

Mr. WARNER. The Senator is correct.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 4361.

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court

order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

Ms. MOSELEY-BRAUN. Mr. President, the amendment I am offering to the Department of Defense authorization bill would protect the military pension benefits awarded to a spouse upon divorce in cases where the retiree rolls the military pension into a civil service pension.

The Uniformed Services Former Spouses' Protection Act of 1982 provides that a court may only treat a military retirees ''disposable'' retired pay as marital property, and award no more than 50 percent of that amount to the former spouse in a divorce. The definition of disposable retired pay includes, among other deductions, a government pension.

The allowed deductions can leave former wives without pension benefits. For example, if an ex-husband leaves the military and enters the civil service, he can choose to waive his military retired pay and instead, have his military service counted in figuring his civilian retirement benefits. This leaves him without military retired pay and thus leaves his ex-wife without any of the pension benefits she was awarded by the court.

This amendment would merely require the transfer of the court award to the Government retirement system at the same time as the military retirement credits are transferred to the Government retirement system.

A woman's access to pension income determines, in no small part, the kind of life she will live in her older years. For a former military spouse, her access to her husband's pension can mean the difference between poverty and security.

Women married to men serving in the military are often prevented from earning pensions of their own, because they must live on or near a base, transfer from location to location, or live overseas in order to keep their family together. These requirements lessen job opportunities and limit job tenure.

Without working full-time, earning a decent salary, and spending many years at a particular job, it is nearly impossible to secure a pension at retirement. This amendment would provide women, divorced after many years of marriage, with a share of the pension earned during that marriage.

On May 14, I introduced the ''Women's Pension Equity Act of 1996,'' as a first step toward making pension law simpler and more equitable for women. The bipartisan legislation begins to tackle the problems created by a pension system that is not designed for working women, either those in the workforce or in the home. This amendment is one piece of that legislation.

In the population as a whole, women make up 60 percent of seniors over 65—but 75 percent of the elderly poor. Unmarried, widowed, and divorced women are particularly apt to be living in poverty. Nearly four times as many widows live in poverty as married women of the same age.

Too many elderly women spend their retirement years in poverty because less than one-third of all female retirees have pensions, and the majority of those that do, earn less than $5,000 a year. Women who are widowed or divorced are particularly hard hit. The current pension laws are often confusing and illogical, and leave widows and divorced women without any of the pension benefits earned by their husbands over many years of marriage. It is estimated that nearly 80 percent of women who are poor as widows were not poor before their husbands died.

I am keenly aware that we must address broader issues as well. And we will address them. We should focus on making participation in private pension plans easier, and not the game of roulette which all too often leaves people surprised at their retirement. This amendment is one step in the right direction, however, and I urge my colleagues to join me in supporting this amendment today.

The women, now divorced, who have spent their lives married to men in the military, should not spend their retirement years in poverty because of a loophole in the law.

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

The amendment (No. 4361) was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENTS OF THE SELECT COMMITTEE ON INTELLIGENCE, EN BLOC

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments to S. 1745, offered by the Select Committee on Intelligence, be considered and agreed to, en bloc, and considered original text for the purpose of further amendment.

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

The committee amendments were agreed to.

AMENDMENT NO. 4254

(Purpose: To improve the committee amendments)

Mr. WARNER. Mr. President, I ask unanimous consent that Senator Thurmond be allowed to modify the committee amendments in more than one place with amendment No. 4254; that no further amendments be in order to the Intelligence Committee amendments; and that the Thurmond modification be deemed to be agreed to.

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

The amendment (No. 4254) was deemed agreed to, as follows:

On page 219, line 11, insert '', for the Secretary's consideration,'' after ''of Defense''.

On page 223, strike out lines 1 and 2 and insert in lieu thereof the following:

''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

On page 223, strike out line 17 and all that follows through page 224, line 2 and insert in lieu thereof the following:

''(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

Mr. THURMOND. Mr. President, for approximately the last 7 weeks, the Armed Services Committee and the Select Committee on Intelligence have been engaged in negotiations in an attempt to settle differences between the two committees on a range of intelligence reform measures in both the Defense authorization bill and the Intelligence authorization bill. I am pleased to report that most of our differences have been worked out. With regard to the Defense authorization bill, all our areas of difference have been completely settled.

Mr. President, on May 13, 1996, S. 1745, the Defense authorization bill, was referred to the Select Committee on Intelligence on sequential referral. This unprecedented action has delayed consideration of the Defense authorization bill and, in my view, made it more difficult to work out sound compromises in a timely manner. Although I have been clear and consistent in expressing my willingness to negotiate, I have made it equally clear that I would not be coerced into accepting bad compromises simply because the Defense authorization bill had been taken hostage.

The Intelligence Committee reported S. 1745 out of committee on June 11, 1996, with a series of proposed amendments. With three relatively minor exceptions, I support the Intelligence

Committee's amendments. With regard to the three areas where I do not agree with the Intelligence Committee's amendments, we have nonetheless worked out agreements. It is my intention to offer three perfecting amendments to the package of Intelligence Committee amendments. These have been cleared with the Intelligence Committee. Overall, therefore, I believe that we have an acceptable agreement.

Let me briefly describe the three areas that are the subject of the amendment that I will offer along with Senator NUNN.

The Intelligence Committee amendment would strike several sections from the Defense authorization bill that do not relate directly to the National Imagery and Mapping Agency. It also would insert a new section 906 relating to the role of the Director of Central Intelligence in the appointment and evaluation of the heads of certain intelligence agencies within the Department of Defense. With one exception, I do not oppose these changes. The amendment offered by myself and Senator NUNN would modify the Intelligence Committee language having to do with performance evaluations. In my view the Director of Central Intelligence should not be in the business of writing performance evaluations for the heads of defense agencies. The DCI himself has confirmed that this would be inappropriate. The alternative that Senator NUNN and I have offered would allow the DCI to provide input for consideration by the Secretary of Defense in preparation for his annual evaluations of the Defense Department intelligence agency heads. This would make it clear that the authority to write such evaluations resides with the Secretary of Defense, but that the views of the DCI must be taken into account.

The amendment offered by the Intelligence Committee makes a number of changes to the Armed Services Committee's reported legislation establishing the National Imagery and Mapping Agency. For the most part, these changes are the product of agreements that we have reached with the Select Committee over the last few weeks, with two exceptions. I will briefly describe these areas and the changes that the Thurmond/Nunn amendment will make.

First, the Intelligence Committee would strike the reference in the establishment clause to the National Imagery and Mapping Agency being a combat support agency. Since there are ambiguities regarding this issue in title 10 of the United States Code, and since the Department of Defense and the Joint Chiefs of Staff have insisted on NIMA being a combat support agency, the amendment that I am offering with Senator NUNN will restore the language on combat support to the establishment clause. Our amendment would also clarify that the new agency will also have ''significant national missions'' to make absolutely clear that it serves more than tactical military operations.

Second, the Intelligence Committee proposes a waiver of the cap on three star general officers for the director of the National Imagery and Mapping Agency, if the director is a military officer. The Armed Services Committee has a long standing position in opposition to providing waivers to this cap for defense agency heads. Senator NUNN and I simply propose to eliminate this waiver, while leaving the Intelligence Committee's language regarding the director otherwise unchanged.

Mr. President, given that the amendment offered by Senator NUNN and myself is agreed to between the two committees, it would be my recommendation that the Intelligence Committee amendment, as modified also be adopted. I believe that Senator NUNN and I have proposed reasonable and justifiable adjustments to the Intelligence Committee amendment. It is my intention to oppose any effort to undermine the agreements that have been reached between the two committees, either on the floor or in conference.

Mr. SPECTER. Mr. President, the Select Committee on Intelligence has been engaged over the last year in an intense examination of the Intelligence Community and its role in the post-cold-war world. The Intelligence Authorization Act for fiscal year 1997 reflects the conclusions of the Committee and its proposals for renewal and reform of U.S. intelligence and I hope the Senate will have an opportunity to vote on these proposals in the near future. Similarly, the National Defense Authorization Act for fiscal year 1997, as reported by the Armed Services Committee contained a number of intelligence reform provisions, including authorization for a major reorganization of the intelligence community through the creation of a new agency, the National Imagery and Mapping Agency, as well as a number of provisions directly conflicting with the committee's efforts this year to make substantial improvements in the management and operation of U.S. intelligence activities. In order to consider these provisions in the context of our overall reform effort, the Intelligence Committee sought referral of the Defense bill, pursuant to the Committee's charter, Senate Resolution 400.

After careful review, including extensive discussions and negotiations at the staff and member level with the Armed Services Committee and with the Director of Central Intelligence, the Deputy Secretary of Defense, and the Vice Chairman of the Joint Chiefs of Staff, the committee voted to report the bill with amendments on June 11—well before the expiration of the 30 days of session allotted in Senate Resolution 400 for consideration upon referral.

PRIOR COMMITTEE ACTION

These amendments to the National Defense Authorization Act, along with the Intelligence Authorization Act for fiscal year 1997, S. 1718, reflect the conclusions this committee has reached through 6 years of efforts aimed at making the U.S. intelligence community operate more effectively, more efficiently, and with greater accountability in light of the significant changes in the world over the last decade. In 1994, this effort led Congress, at the urging of Senator WARNER, Senator GRAHAM, and others, to establish a Commission on the Roles and Capabilities of the U.S. Intelligence Community—the ''Aspin-Brown Commission''—to conduct a ''credible, independent, and objective review'' of U.S. intelligence. The Commission was given a deadline of March 1, 1996, with the expectation that its report would inform a legislative debate resulting in enactment of needed changes during this Congress.

Armed with the Commission's report and enlightened by the committee's own examination, including numerous hearings, briefings, and interviews, the Select Committee on Intelligence voted on April 24, 1996, to report S. 1718, the Intelligence Authorization Act for fiscal year 1997, containing a number of measures to improve policy guidance to the intelligence community, strengthen the DCI's ability to manage the community on behalf of all intelligence consumers, and enhance the ability of the Congress and the American public to ensure that the secrecy necessary for the conduct of intelligence does not prevent the vigilance and oversight necessary for an effective democracy. The Armed Services Committee took the bill on a 30-day sequential referral as they have done every year since the establishment of the Select Committee on Intelligence.

On May 13, the Armed Services Committee reported out S. 1745, the National Defense Authorization Act for fiscal year 1997, which included a number of provisions for intelligence reorganization, including the creation of a new national imagery agency and a new structure for military intelligence under a Director of Military Intelligence [DMI]. The bill also included a number of other provisions that directly conflicted with the reform attempts of the Intelligence Committee contained in S. 1718. The Intelligence Committee requested referral of the bill to consider these intelligence provisions, pursuant to section 3(b) of Senate Resolution 400, which provides for referral to the Committee of any legislation containing provisions within its jurisdiction for up to thirty days, not counting days on which the Senate is not in session.

DISCUSSIONS WITH ARMED SERVICES COMMITTEE

During the weeks of negotiations that followed, the Intelligence Committee agreed to a number of changes in S. 1718 to address concerns raised by the Armed Services Committee about protecting the equities of the Secretary of Defense and the Joint Chiefs of Staff. Notwithstanding that the objective of the reform provisions in S.

1718 was to improve the quality of intelligence provided to all consumers, including the Department of Defense, the Armed Services Committee did not want any change that might diminish the current authority of the Secretary of Defense, who now controls about 85 percent of the intelligence community budget. The Intelligence Committee is concerned that the current arrangement, under which the Director of Central Intelligence is responsible for ensuring the nations intelligence needs are met effectively and efficiently yet has direct authority over only the CIA—which represents only a small portion of the intelligence budget—has led to problems. One clear example is the recent revelations regarding several billion dollars at the National Reconnaissance Office (NRO) in funds that were never expended and were carried forward year after year.

As the current DCI John Deutch, who was formerly Deputy Secretary of Defense, testified on April 24,

> [t]he Deputy Secretary of Defense has got a tremendous set of issues covering a much larger range of resources—10 times—managing ten times the resources * * * of the whole intelligence community. So to say that you are going to go to the deputy—and I am not talking about personalities—and say to the Deputy Secretary of Defense, why didn't you catch this, he's going to say, well, I count on the DCI to keep track of this and to let the Secretary of Defense know. So in some sense, if we are going to say that the Director of Central Intelligence does not view himself or herself as being responsible for the NRO, fundamentally nobody will be.

The Director of Central Intelligence is in a unique position to balance the cost and effectiveness of intelligence programs throughout the government. It makes sense to hold this person responsible for ensuring that the various elements of the intelligence community are more responsive to this national objective then to parochial, turf-driven goals that too often typify bureaucracies. Yet he lacks the authority needed to accomplish this objective, particularly with regard to the intelligence elements within the Department of Defense. The DCI can be given enhanced authority without removing the elements of the intelligence community from the various agencies in which they reside or interfering with the ability of those agency heads to manage their departments, i.e., without creating a ''Department of Intelligence.'' The reform provisions in the Intelligence Authorization Act for Fiscal Year 1997 were designed to accomplish this goal.

This fundamental difference of opinion over the need to strengthen the authority of the DCI to match his responsibility as the overall manager of US intelligence made reaching consensus with the Armed Services Committee over its provisions in the DOD bill and the provisions in the Intelligence bill difficult. However, both sides made accommodations and ultimately resolved all but a few issues, agreeing to changes in both bills. On June 6, the Armed Services report S. 1718 with amendments that reflected the consensus and one remaining area of disagreement. The next week, on June 11, the Intelligence Committee reported S.1745, the DOD Authorization bill, with amendments that similarly reflected the compromises reached with Armed Services Committee. Subsequently, the Armed Services Committee proposed some changes to our amendments, which we agreed to.

The area of disagreement that remains is a provision in the Intelligence bill that gives the DCI the ability to make adjustments in the allocation of funds within the National Foreign Intelligence Program (NFIP) during the fiscal year to meet unexpected intelligence needs. Director Deutch, along with all former DCI's who testified before the Committee, publicly supported this enhanced authority as important to effective management of the national intelligence community. The DCI has the authority today to make the initial allocations within the NFIP in formulating the budget. However, when unforeseen requirements arise during the fiscal year and funds are available from a lower priority intelligence activity, the DCI does not have the authority to transfer those funds unless the affected agency head does not object. S. 1718 contained a provision to enhance the DCI's authority by shifting the burden to the affected agency to convince the President or his designee that the transfer is unwarranted. The Armed Services Committee objected to giving the DCI this authority and amended S. 1718 to delete the provision.

With the exception of this reprogramming issue, the Committee believes the consensus reached by the two committees preserves significant elements of the reform effort and significantly enhances the ability of the DCI to manage intelligence activities. In addition, the Committee is comfortable that, with the changes agreed upon, the DCI will have the ability to ensure that a new National Imagery and Mapping Agency will be responsive to the needs of all national customers.

Specifically, the amendments we have agreed upon to the National Defense Authorization Act will strike provisions that were in direct conflict with the reform efforts in the Intelligence Authorization Act, a number of which would have seriously hampered the ability of the Intelligence Community to function even under existing mechanisms. For example, our amendments strike a prohibition on any non-DOD employee obligating DOD funds. This provision, apparently intended to ensure the DCI did not gain any additional budget execution authority, would have restricted non-DOD employees detailed to DOD intelligence agencies, such as NRO, from managing contracts or performing numerous other tasks they now commonly perform. It also would have interfered with transfers of funds under the Economy Act, which take places regularly when one agency performs a function of common concern on behalf of another agency for reasons of efficiency and effectiveness. In addition, our amendments mandate a larger and more formal role for the DCI in the appointment and evaluation of the heads of the key national agencies: NSA, NRO, and the new NIMA.

As I have noted, the Committee focused a good deal of effort on the provisions in the DOD bill that establish a new National Imagery and Mapping Agency—NIMA. Our amendments add statutory language giving the DCI clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. In addition, the Committee worked out language with Armed Services to ensure that NIMA's mission as stated in its establishment clause includes both combat support and its significant national missions. Finally, our Committee had concerns with the changes Armed Services had made to the provisions relating to the appointment and status of the Director of NIMA as worked out by the Administration. Our amendments restore the balance initially proposed by providing that (1) the Director of NIMA can be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA.

The past few weeks have not been easy, but I believe they have produced a good outcome for U.S. intelligence and the nation and, based on assurances that the leadership of the Armed Services Committee will do likewise, I wish to state my commitment to joining my colleagues in supporting prompt disposition of both bills, opposing any effort to undermine the agreements we have struck, and fully supporting the Senate positions in our respective conferences.

Mr. KERREY. Mr. President, the bill the Senate is now considering, S. 1745, the National Defense Authorization Act for fiscal year 1997, raises many issues essential to our national security. None are more important, however, than the Intelligence Committee's amendments regarding renewal and reform of the Nation's intelligence apparatus, intended to enable that apparatus to respond effectively to the security threats of today and tomorrow.

The amendments under consideration were added to the bill when the Select Committee on Intelligence considered it on sequential referral. All of these amendments have been accepted by the Senate Armed Services Committee during the course of negotiations between our two committees regarding the intelligence provisions in S. 1745 and in S. 1718, the Intelligence Authorization Act for fiscal year 1997.

I would like to make special mention of the Intelligence Committee's proposed amendments to the provisions of

S. 1745 relating to the new National Imagery and Mapping Agency, or NIMA. NIMA would be created by consolidating nearly a dozen agencies or offices within the Department of Defense and the Central Intelligence Agency, including the Defense Mapping Agency, the Central Imagery Office, CIA's National Photographic Interpretation Center, into a single agency within the Department of Defense. The creation of NIMA will reduce redundancies in the processing and analysis of imagery, ensure more challenging career opportunities for those in the imagery and mapping fields, and create an important synergy between mapping and imagery—allowing maps to leave the paper and attain all the benefits of today's digital technology.

The creation of NIMA has been jointly proposed by the Director of Central Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. The establishment of a single national imagery agency was also endorsed by the Brown Commission. Nevertheless, the creation of NIMA constitutes a major reorganization of U.S.C. intelligence activities and includes the transfer of several imagery-related offices out of the CIA and into the Department of Defense. Accordingly, the Intelligence Committee focused considerable attention on the specific provisions in S. 1745 that would establish NIMA and define its responsibilities. We concluded that these provisions need to be modified in several key respects.

Most important, the committee concluded that the role of the Director of Central Intelligence with respect to the tasking of imagery satellites should be clarified. The DCI must have clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. The DCI has such authority under existing executive orders and presidential decisions, but, in light of the establishment of NIMA as an agency of the Department of Defense, the Committee believes the DCI's authorities should be restated in statute. The committee has amended S. 1745 to include these authorities in both title 10, U.S. Code (together with other provisions establishing NIMA) and in the National Security Act of 1947 in title 50 (which specifies the DCI's authorities as director of the intelligence community).

The committee also focused on the provisions of S. 1745 that define the responsibilities of NIMA to support intelligence consumers outside the Department of Defense. These provisions are especially important because with the consolidation of most of the imagery-related activities of the intelligence community into an agency within the Department of Defense there is a risk that the imagery needs of non-DOD customers might not be met. We concluded that the language of the provisions is sufficient to protect the interests of national consumers but that the provisions should be moved from title 10 to title 50, where they are more appropriately placed since they relate to the authorities of the DCI rather than the organization of the Department of Defense.

The committee was also concerned that, as reported by the Armed Services Committee, the very first provision relating to NIMA in S. 1745 would have stated that NIMA ''is a combat support agency of the Department of Defense.'' The term ''combat support agency'' was first used in the Goldwater-Nichols Department of Defense Reorganization Act of 1986 to describe certain DOD agencies that have wartime support functions and that are subject to periodic review by the Chairman of the Joint Chiefs with respect to their combat readiness. The four defense agencies designated by Congress as combat support agencies in 10 U.S. 193 are the Defense Communications Agency, the Defense Intelligence Agency, the Defense Logistics Agency, and the Defense Mapping Agency.

When Congress passed the Goldwater-Nichols Act, it specifically declined to list the National Security Agency as a combat support agency because NSA serves customers outside the Department of Defense. Congress, however, subjected NSA to the same JCS review procedures as other combat support agencies but only with respect to its combat support functions. The Intelligence Committee believes that it would have been most appropriate to treat NIMA like NSA, i.e. not list NIMA as a combat support agency but subject it to JCS review with respect to its combat support functions. The Department of Defense and the Armed Services Committee, however, have insisted that NIMA be listed as a combat support agency because the Defense Mapping Agency was listed as a combat support agency.

Given that the Defense Mapping Agency will comprise the largest activity within NIMA, the Intelligence Committee has agreed to have NIMA listed as a combat support agency in 10 U.S.C. 193 for purposes of JCS review (but only with respect to its combat support functions). But we continue to believe that it would be a mistake to establish NIMA as a combat support agency in the very first sentence, even if subsequent statutory provisions specifically state that NIMA also has national missions. The implication would be left that NIMA's primary purpose is to provide combat support, and the imagery support to other customers might suffer as a result.

Accordingly, the Intelligence Committee reported S. 1745 with an amendment to the provision establishing NIMA that would delete the reference to NIMA's establishment as a combat support agency. The Armed Services Committee has proposed to reinsert the reference to NIMA's status as a combat support agency in the establishment provision but to add in the same sentence that NIMA has significant national missions. We would not object to this formulation because it emphasizes that NIMA has two equally important functions: combat support and support for national missions.

Our Committee also had concerns regarding the provisions relating to the appointment and status of the Director of NIMA. The legislative package drafted by the Administration to create NIMA provided that (1) the Director of NIMA could be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA. As reported by the Armed Services Committee, S. 1745 would have required that the Director of NIMA be a military officer and that the Secretary of Defense simply consult the DCI before recommending a nominee to the President. The Armed Services Committee's formulation would have prevented the President from appointing a civilian Director of NIMA (thus implying that NIMA performs exclusively military functions) and would have given the DCI only a minor voice in the appointment of the head of a critical national intelligence agency. The Armed Services Committee formulation was opposed by the DCI and by the Secretary of Defense. Accordingly, the two Committees agreed to amend the bill to revert to the Administration's proposal.

Finally, the two Committees agreed to delete from S. 1745 a provision that would have prohibited the Inspector General of the Central Intelligence Agency from conducting any inspection, investigation, or audit of NIMA without the written consent of DOD Inspector General.

We believe that, taken together, our amendments will help to clarify the responsibilities of the DCI with respect to the operation of NIMA and will serve to ensure that the imagery needs of consumers outside the Department of Defense are satisfied.

Mr. NUNN. Mr. President, I rise to support the agreement worked out by the Armed Services and Intelligence Committees on the provisions of our respective bills pertaining to the creation of a new DoD agency, the National Imagery and Mapping Agency known as NIMA, and the renewal and reform of the intelligence community.

By way of background, I want to note that the Armed Services and Intelligence Committees have been negotiating over a number of items in our respective authorization bills. In the course of these negotiations, a number of thorny issues have been settled and only one issue remains which relates to a provision in the Intelligence Authorization bill.

I want to make note of one issue in particular that we have worked out. That issue relates to the establishment of a new Department of Defense agency, called the National Imagery and Mapping Agency or NIMA, which combines the Defense Mapping Agency, the

Central Imagery Office, and the National Photographic Interpretation Center. NIMA will provide imagery intelligence and mapping support to both the Department of Defense and other agencies of the Government.

An issue arose concerning the designation of NIMA as a combat support agency. Under the agreement reached between our two committees, the new National Imagery and Mapping Agency will be designated in the agency's establishment clause as a combat support agency and it would also state that the Agency has significant national missions to meet the Intelligence Committee's concerns. Director Deutch, in a letter to Senator THURMOND dated June 6, 1996, stated in pertinent part that, and I quote, ''The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency.'' I ask unanimous consent that the entire text of Director Deutch's letter to Senator THURMOND be printed in the RECORD.

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

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, June 6, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: I write to underscore my previous statements to the leadership of the Select Committee on Intelligence and the Committee on Armed Services concerning legislation creating a National Imagery and Mapping Agency (NIMA) and permitting the collection of foreign intelligence on non-U.S. persons in support of U.S. law enforcement.

The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency. At the same time, it is equally important that there be a clear statement of its national mission and that the authorities of the Director of Central Intelligence to manage and support the national mission of NIMA be undiminished except as required to establish NIMA, i.e., the transfer of operational control of CIA employees and funds to NIMA. NIMA must be responsive to the direction of the Secretary and the Chairman of the Joint Chiefs in its combat support role, but it must also follow the direction of the DCI in matters of collection and tasking to satisfy NIMA's national mission. NIMA resource issues obviously affect both the military and national missions and, as the Administration's legislative proposal makes clear, should be decided jointly. I strongly affirm the statements I made on these points during our meeting of May 23, 1996 including the placement of statutory language in titles 10 and 50 of the U.S. Code.

I also believe, as I have indicated in our previous conversations, that it is important to clarify the authority of the Intelligence Community to provide assistance to law enforcement agencies outside the United States by collecting intelligence information on non-U.S. persons. Much progress has been made in this area over the last few years, but I believe it is important to give the Intelligence Community clear statutory authority to provide such assistance so that our agencies can work together in an efficient and effective manner. Both the Intelligence Community and the Department of Justice support the legislative clarification contained in Sec. 715 of S. 1718.

It is my strongly held view that the Intelligence Community can provide important assistance to law enforcement agencies outside the United States in a far more effective manner than would be the case if law enforcement agencies were to expand their activities into areas traditionally dealt with by the Intelligence Community.

For decades, the Intelligence Community, and the CIA in particular, have developed close working relationships with law enforcement agencies and intelligence services outside the United States. This network of contacts and relationships provides a rich environment from which information required by U.S. law enforcement agencies can be gleaned. There is no reason to replicate it with an extensive law enforcement presence outside the United States. Indeed, such a presence would be counterproductive because it would be confusing, duplicative and undermine longstanding intelligence relationships. It would permit local governments to play one U.S. Government agency off against another and would lead, in my view, to less information reaching the United States, not more.

If I can provide any additional information on these or other matters, please do not hesitate to contact me directly.

An original of this letter is also being sent to Ranking Minority Member Nunn and to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence.

Sincerely,

JOHN DEUTCH.

Mr. NUNN. I am pleased that we have been able to resolve our differences over the provisions in the Department of Defense authorization bill and I look forward to working with the Chairman and Vice Chairman of the Intelligence Committee on the one remaining issue relating to the Intelligence authorization bill. I urge the adoption of these amendments.

Mr. WARNER. Mr. President, I believe that it is the judgment of the managers that all matters relating to this bill that can be concluded on this day have been concluded. The Senate may now proceed to address the remaining matters.

Mr. NUNN. I concur with my friend from Virginia. I think we handled all the amendments we are able to handle now that have been cleared on both sides. We have a lot of amendments remaining, probably in the neighborhood of 50, 60 amendments on this bill. But there are an awful lot of them that are not relevant to this bill, and I hope they will be withdrawn or can be worked out. So I believe that today has been a productive day.

We have stayed on the defense bill by and large. The amendment that we took up that was not relevant to the defense bill was worked out, agreed to, and supported overwhelmingly in this body. So I think it has been a good day. I know Chairman THURMOND has put in a lot of hard hours. The Senator from Virginia has put in a lot of hard hours. We are working together. I think we can make further progress tomorrow. And with good luck, cooperation, good spirit, good will, we can finish this bill tomorrow night, if all that happens.

Mr. WARNER. Mr. President, I just do not know how many times the good Senator from Georgia and I have stood here and wished the Senate well. Let us do it once again. I do so on behalf of the distinguished chairman, Senator THURMOND.

Mr. NUNN. I thank the Senator. I can say, I have been here many times on defense bills when the light in the tunnel was not apparent at all, and I believe I saw a little glimmer earlier this evening.

Mr. WARNER. I am sure we did. I think we should also commend the respective leaders, Mr. LOTT and Mr. DASCHLE, because they indeed became engaged today to assist the matters.

Mr. NUNN. I agree.

Mr. WARNER. Mr. President, I ask unanimous consent that Senators have until the hour of 9:30 a.m., Thursday, in order to file second-degree amendments to the DOD bill.

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

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

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 one nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON AERONAUTICS AND SPACE FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 156

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 Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1995, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during fiscal year 1995. The National Aeronautics and Space Administration (NASA) successfully completed seven Space Shuttle flights. A Shuttle program highlight was the docking of the Shuttle Atlantis with the Russian space station *Mir*.

NASA launched three Expendable Launch Vehicles (ELV), while the Department of Defense (DOD) successfully conducted five ELV launches. These launches included satellites to study space physics, track Earth's weather patterns, and support military communications. In addition, there were 12 commercial launches carried out from Government facilities that the Office of Commercial Space Transportation (OCST), within the Department of Transportation (DOT), licensed and monitored.

NASA continued the search for a more affordable space launch system for the coming years with its Reusable Launch Vehicle program. NASA hopes to develop new kinds of launch technologies that will enable a private launch industry to become financially feasible.

In aeronautics, activities included development of technologies to improve performance, increase safety, reduce engine noise, and assist U.S. industry to be more competitive in the world market. Air traffic control activities focused on various automation systems to increase flight safety and enhance the efficient use of airspace.

Scientists made some dramatic new discoveries in various space-related fields. Astronomers gained new insights into the size and age of our universe in addition to studying our solar system. Earth scientists continued to study the complex interactions of physical forces that influence our weather and environment and reached new conclusions about ozone depletion. Agencies such as the Environmental Protection Agency (EPA), as well as the Departments of Agriculture and the Interior, used remote-sensing technologies to better understand terrestrial changes. Microgravity researchers conducted studies to prepare for the long-duration stays of humans that are planned for the upcoming International Space Station.

International cooperation, particularly with Russia, occurred in a variety of aerospace areas. In addition to the Shuttle-*Mir* docking mission and the Russian partnership on the International Space Station, U.S. and Russian personnel also continued close cooperation on various aeronautics projects.

Thus, fiscal year 1995 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 26, 1996.*

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–3135. A communication from the Assistant Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Pesticide Worker Protection Standard; Decontamination Requirements,'' (RIN2070–AC93); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3136. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork and pork products from Mexico transiting the United States, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3137. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to screening at privately owned bird quarantine facilities, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3138. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to viruses, serums, toxins, analogous products, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3139. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to 1996 amendment to cotton board rules and regulations adjusting supplemental assessment on imports, received on June 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3140. A communication from the Administrator and Executive Vice President of the Commodity Credit Corporation, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of two final rules including a rule entitled ''End-Use Certificate Program,'' (RIN 0560–AE37) received on June 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3141. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Pesticide Worker Protection Standard; Language and Size Requirement for Warning Sign,'' (RIN2070–AC93); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3142. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Notification Procedures for Pesticides Registration Modifications,'' (RIN2070–AC98); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3143. A communication from the Under Secretary for Food, Nutrition, and Consumer, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Automated Data Processing and Services; Reduction in Reporting Requirements,'' (RIN0584–AB92) received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3144. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule entitled ''Distance Learning and Telemedicine Grant Program,'' (RIN0572–AB77) received on June 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3145. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report relative to the assessment of whether major and non-major acquisition programs and achievements of cost performance, and schedule goals; to the Committee on Armed Services.

EC–3146. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report on payment of restructuring costs under defense contracts for fiscal year 1995; to the Committee on Armed Services.

EC–3147. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Securities Investor Protection Corporation for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3148. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled ''Joint Agency Policy Statement: Interest Rate Risk,'' received on June 21, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3149. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to flood damage reduction in the Chicago River; to the Committee on Environment and Public Works.

EC–3150. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to flood damage reduction in Molly Ann's Brook, New Jersey; to the Committee on Environment and Public Works.

EC–3151. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a final rule relative to endangered and threatened wildlife plants, (RIN1018–AC71) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3152. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a final rule entitled ''Importation, Exportation, and Transportation of Wildlife,'' (RIN1018–AB49) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3153. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Redwood National Park Bypass Project''; to the Committee on Environment and Public Works.

EC–3154. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three final rules entitled ''Approval and Promulgation of Air Quality Implementation Plans,'' (FRL5463–3, 5375–6, 5519–6) received on June 11, 1996; to the Committee on Environment and Public Works.

EC–3155. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Hazardous Air Pollutant List,'' (FRL5520–5, 5368–3) received

on June 13, 1996; to the Committee on Environment and Public Works.

EC–3156. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites,'' (FRL5520–2) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3157. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the rule entitled ''The Environmental Review for Renewal of Nuclear Power Plant Operating Licenses,'' received on June 7, 1996; to the Committee on Environment and Public Works.

EC–3158. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the seventh special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Foreign Relations.

EC–3159. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the Period ending March 31, 1996; to the Committee on Governmental Affairs.

EC–3160. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on June 19, 1996; to the Committee on Governmental Affairs.

EC–3161. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for May 1996; to the Committee on Governmental Affairs.

EC–3162. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1995 to March 31, 1996; to the Committee on Governmental Affairs.

EC–3163. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3164. A communication from the Public Printer of the Government Printing Office, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3165. A communication from the Regulatory Policy Official, National Archives (College Park), transmitting, pursuant to law, the report of a final rule concerning Audiovisual Records Management (RIN3095–AA18), received on June 25, 1996; to the Committee on Governmental Affairs.

EC–3166. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3167. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the rule entitled ''Agency Relationships with Organizations Representing Federal Employee and Other Organization,'' (RIN3206–AG38) received on June 24, 1996; to the Committee on Governmental Affairs.

EC–3168. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the final report on the District of Columbia fiscal year 1997 budget and Financial Plan; to the Committee on Governmental Affairs.

EC–3169. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to Indian country and detention facilities and programs (RIN1076–AD77), received on June 19, 1996; to the Committee on Indian Affairs.

EC–3170. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to leasing of tribal and allotted lands for mineral development, (RIN1076–AD82) received on June 29, 1996; to the Committee on Indian Affairs.

EC–3171. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar years 1994 and 1995; to the Committee on the Judiciary.

EC–3172. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled ''Sex Offenses Against Children: Findings and Recommendations Regarding Federal Penalties''; to the Committee on the Judiciary.

EC–3173. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled ''Adequacy of Federal Sentencing Guidelines Penalties for Computer Fraud and Vandalism Offenses; to the Committee on the Judiciary.

EC–3174. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–3175. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a final rule relative to affecting motions and appeals (RIN1125–AA01), received on June 21, 1996; to the Committee on the Judiciary.

EC–3176. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a final rule entitled ''Priority Dates for Employment-Base Petitions'' (RIN1115–AE24), received on June 21, 1996; to the Committee on the Judiciary.

EC–3177. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the interim final rule entitled ''Acquisition regulation; Department of Energy management and operating contracts,'' received on June 24, 1996; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–632. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, referred jointly, pursuant to the order of August 4, 1977, to the Committee on Governmental Affairs, and to the Committee on the Budget.

''HOUSE RESOLUTION NO. 341

''Whereas, The Federal Highway Revenue Act of 1956 and the Federal Airport and Airway Development Act of 1970 created the Federal Highway Trust Fund and the Federal Airport and Airway Trust Fund, respectively; and

''Whereas, These funds were established to deposit dedicated taxes and user fees to be used to construct and maintain a transportation infrastructure that is more safe and efficient than any nation in the world; and

''Whereas, The Federal Government has also established the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund maintained by taxes and user fees; and

''Whereas, Pennsylvanians paid approximately $635 million of the $14.7 billion paid into the Highway Trust Fund in 1994; and

''Whereas, The Highway Trust Fund balance has grown from $9.6 billion in 1983 to $21.4 billion in 1996, with the money being withhold as a way to make the Federal budget deficit appear smaller; and

''Whereas, By the year 2002, the cash balances with total $60.4 billion; and

''Whereas, The Federal Airport and Airway Trust Fund, with a balance of $11.4 billion in 1995, will grow to $17 billion in 2002 according to the President's proposed 1996–97 Federal budget; and

''Whereas, In Fiscal Year 1996–97 proposed transportation spending is reduced by $1 billion; and

''Whereas, The Federal Government is withholding and diverting billions of transportation trust fund dollars and delaying critically needed highway improvements; and

''Whereas, For nearly a decade Congress spent below the financial capacity of the trust funds while delaying critically needed highway improvements; and

''Whereas, Over $200 billion is needed to address current United States highway deficiencies; and

''Whereas, Pennsylvania infrastructure is in need of major repairs; and

''Whereas, Statistics show that for every $1 billion spent on infrastructure, 42,000 good high-wage jobs are created; and

''Whereas, Sound infrastructure is a major factor in business' decision on where to locate; therefore be it

''*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to remove the Transportation Trust Funds from the Unified Federal Budget and to release those revenues for transportation improvements; and be it further

''*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania support the efforts of Congress to vote on this issue in April 1996; and be it further

''*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.''

POM–633. A resolution adopted by the Board of Commissioners of the Town of Manteo, North Carolina relative to dredging projects and the Oregon Inlet; to the Committee on Appropriations.

POM–634. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 58

''Whereas, There are approximately 137,000 inmates incarcerated in California's 31 state prison facilities and 38 prison camps; and

''Whereas, The cost of housing one inmate in state prison in California for one year exceeds $21,000; and

''Whereas, The number of felons incarcerated in California's state prison system is expected to increase by 15,000 felons each year; and

''Whereas, Felons are often housed two per cell, and in double-bunked dormitory beds; and

''Whereas, The housing capacity within existing prisons is being rapidly filled with dangerous, violent, and repeat felons; and

''Whereas, All prison housing capacity in California will be exhausted by late 1998; and

''Whereas, Approximately 12 percent of all inmates incarcerated in California's state prison system are illegal, undocumented aliens; and

''Whereas, These illegal, undocumented aliens occupy the equivalent bed space of five prison facilities; and

''Whereas, Over the past 10 years, the budget of the California Department of Corrections has increased at an annual rate of about 8.1 percent, a much faster rate than budgets for other state agencies; and

''Whereas, Without this sizable illegal, undocumented alien population housed in California's state prison system, money that is currently being allocated to the California Department of Corrections could be used instead to build additional public schools and universities, or be appropriated to provide for increased public safety; and

''Whereas, It is the responsibility of the federal government to establish the nation's immigration policy; and

''Whereas, The federal government has been negligent in controlling the flow of illegal, undocumented aliens into the United States; and

''Whereas, The federal government has not adequately compensated the people of California for the costs incurred by the federal government's negligence in failing to control the flow of illegal, undocumented aliens into the United States; and

''Whereas, The undocumented inmates incarcerated in California's state prison system could be imprisoned within their country of origin at less expense to the people of California; and

''Whereas, The United States Constitution explicitly prohibits states from entering into a treaty with any foreign nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature requests the President of the United States, with United States Senate ratification, to make treaties with foreign governments to provide for the incarceration of illegal, undocumented alien prisoners in their respective countries of origin; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–635. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Veterans Affairs.

ENROLLED SENATE CONCURRENT RESOLUTION NO. 57

''Whereas, Oklahoma's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to their country; and

''Whereas, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

''Whereas, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

''Whereas, the radiation to which they were exposed is now and will continue eating away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

''Whereas, because their wounds were not of the conventional type and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical and disability benefits and did not receive a medal such as the Purple Heart; and

''Whereas, many atomic veterans have already died and others will die a horrible and painful death: Now Therefore, be it

''*Resolved by the Senate of the 2nd session of the 45th Oklahoma Legislature (the House of Representatives concurring therein):*

''That atomic veterans be recognized by the federal government.

''That the United States Senators and Representatives from Oklahoma propose or support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and propose or support legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans.

''That copies of this resolution be distributed to the President of the United States, the Vice President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairs of the United States House and Senate Veterans Affairs Committees, and each member of the Oklahoma Congressional Delegation.''

POM–636. A joint resolution adopted by the Legislature of the State of California; to the Committee on Judiciary.

''ASSEMBLY JOINT RESOLUTION NO. 44

''Whereas, In a complaint to the Los Angeles office of the United States Immigration and Naturalization Service (''the INS'') in 1991, INS Special Agent Phillip L. Bonner reported that his supervisors prevented him from investigating sewing shops that may have been using forced Thai labor; and

''Whereas, It has been reported that a Thai-speaking police officer in the Los Angeles Police Department reported, in an affidavit to the INS, an accurate description of the labor conditions that were subsequently discovered in the sewing shop raid in El Monte, California; and

''Whereas, Reports of that raid disclosed the existence of labor conditions involving the exploitation of undocumented immigrants through slavery and involuntary servitude in contravention of Section 6 of Article I of the California Constitution and the Thirteenth Amendment to the United States Constitution; and

''Whereas, The State of California encourages a cooperative effort for open communication between all state and federal agencies that are involved in the enforcement of fair labor standards; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature memorializes the United States Department of Justice and the United States Department of Labor to conduct jointly a full and comprehensive investigation of the events that led to the sewing shop raid in El Monte, California, coordinating that investigation with all agencies involved, including, but not limited to, the INS and the Division of Labor Standards Enforcement of the California Department of Industrial Relations; and be it further

''*Resolved,* That the United States Department of Justice and the United States Department of Labor are further memorialized to provide to the California Legislature a preliminary report of the results of that investigation within 30 days of the date this resolution is adopted, and a final report of the results of that investigation within 90 days after that date; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the President and Vice President of the United States, the United States Department of Justice, the United States Department of Labor, the United States Immigration and Naturalization Service, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the California Department of Industrial Relations, and the Los Angeles Police Department.''

POM–637. A petition adopted by the Legislature of the State of Maryland; to the Committee on the Judiciary.

''SENATE BILL 742

''Whereas, Traffic congestion imposes serious economic burdens in the Metropolitan Washington, DC area, costing commuters an estimated $1,000 each per year; and

''Whereas, the volume of traffic in the Metropolitan Washington, D.C. area is expected to increase by more than 70% between 1990 and 2020; and

''Whereas, the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the Metropolitan Washington, D.C. area contribute significantly to traffic congestion; and

''Whereas, the Woodrow Wilson Memorial Bridge serves as a vital link in the Interstate System and the Northeast corridor, and identifying alternative methods for maintaining the bridges is critical to addressing traffic congestion in the Metropolitan Washington, D.C. area; and

''Whereas, the Woodrow Wilson Memorial Bridge is the only drawbridge in the Metropolitan Washington, D.C. area on the Interstate System and the only segment of the Capital Beltway with less than six lanes and a remaining expected life of less than 10 years; and

''Whereas, the Woodrow Wilson Memorial Bridge was constructed by the Federal Government and is the only part of the Interstate System owned by the Federal Government; and

''Whereas, the Federal Government, in the past, paid 100% of the cost of building and rehabilitating the bridge and has a continuing responsibility to fund the future costs associated with the upgrading of the Potomac River crossing on Interstate 95, including the rehabilitation and reconstruction of the bridge; and

''Whereas, the Woodrow Wilson Memorial Bridge coordination committee is undertaking planning studies pertaining to the bridge, consistent with the National Environmental Policy Act of 1969 and other applicable Federal laws; and

''Whereas, the transfer of the ownership of the bridge to a regional authority under the terms and conditions of this compact would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the bridge; and

''Whereas, the authority should maximize the use of existing public and private sector entities to provide necessary project services, including management, construction, legal, accounting, and operating services, and not create a new bureaucracy or organizational structure; and

''Whereas, any material change to the bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

''Whereas, a commission of Federal, State, and local officials and transportation representatives has recommended to the Secretary of the U.S. Department of Transportation that the bridge be transferred to an

independent authority to be established by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia; now, therefore, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

''CHAPTER I

''WOODROW WILSON BRIDGE AND TUNNEL COMPACT

''General Compact Provisions

''Article I

''DEFINITIONS

''As used in the compact the following words shall have the following meanings:

''1. 'Bridge' means the existing Woodrow Wilson Memorial Bridge.

''2. 'Cost', as applied to the project, means the cost of acquisition of all lands, structures, rights-of-way, franchise, easements, and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of demolition of the current structure; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions, and improvements; the cost of all labor, materials, machinery, and equipment, financing charges, and interest of all bonds prior to and during construction and, if deemed advisable by the Woodrow Wilson Memorial Bridge and tunnel authority, of such construction; the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction, and the planning of the project in operation.

''3. 'Owner' includes all persons as defined in article 1, §19 of the code having any interest or title in and to property, rights, franchises, easements, and interests authorized to be acquired by this compact.

''4. 'Project' means the upgrading of the Interstate route 95 Potomac River crossing in accordance with the selected alternative developed by the Woodrow Wilson Bridge Coordinating Committee. ''Project'' includes on-going short-term rehabilitation and repair of the bridge and may include one or more of the following:

''A. Construction of a new bridge in the vicinity of the bridge;

''B. Construction of a tunnel in the vicinity of the bridge;

''C. Long-term rehabilitation or reconstruction of the bridge;

''D. Upon the bridges or within the tunnel described in subparagraphs A, B, and C, of this paragraph, or in conjunction with work on interstate Route 95 and other approach roadways as described in subparagraph E of this paragraph:

''(1) Work necessary to provide rights-of-way for a rail transit facility or bus or high occupancy vehicle lanes including the construction or modification of footings, piers, bridge deck, roadways, other structural support systems, and related improvements; and

''(2) The construction of travel lanes for high occupancy vehicles or buses;

''E. Work on Interstate Route 95 and other approach roadways if necessitated by, or necessary to accomplish, an activity described in subparagraphs A, B, or C, of this paragraph; and

''F. Construction or acquisition of any building, improvement, addition, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, roadway, or other facility that is necessitated by, or necessary to accomplish an activity described in this paragraph.

''Article II

''There is hereby created the Woodrow Wilson Memorial Bridge and Tunnel Authority, hereinafter referred to as the Authority.

''Article III

''The Authority shall be an instrumentality and common agency of the Commonwealth of Virginia, State of Maryland, and the District of Columbia, and shall have the power and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

''Article IV

''1. The Authority shall be governed by a board of nine voting members and two nonvoting members appointed as follows:

''a. Three members shall be appointed by and serve at the pleasure of the Governor of the Commonwealth of Virginia;

''b. Three members shall be appointed by the Governor of the State of Maryland, with the advice and consent of the Senate of Maryland, and shall serve at the pleasure of the Governor of the State of Maryland;

''c. Two members shall be appointed with the concurrence of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia;

''d. One member shall be appointed by the U.S. Secretary of Transportation; and

''e. Two additional members, who shall be non-voting members, shall be appointed by the Mayor of the District of Columbia.

''2. Members, other than members who are elected officials, shall have backgrounds in finance, construction lending, and infrastructure policy disciplines. At least one member of the board from Maryland and one member of the board from Virginia shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the bridge, bridges, or tunnel.

''3. No person in the employment of or holding any official relationship to any person or company doing business with the Authority, or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible for appointment as a member or to serve as an employee of the Authority or to have any power or duty or receive any compensation in relation thereto.

''4. The Chairperson of the Authority shall be elected from among the voting members on a biennial basis.

''5. The voting members may also elect a secretary and a treasurer, or a secretary-treasurer, who may be members of the Authority, and prescribe their duties and powers.

''6. A. Members appointed by the signatories shall serve a six-year term, except that each signatory shall make its appointments as follows:

''(1) The initial terms of the three members appointed solely by each Governor shall be as follows:

''(I) One member shall be appointed for a six-year term;

''(II) One member shall be appointed for a four-year term; and

''(III) One member shall be appointed for a two-year term.

''(2) The initial terms of the members appointed jointly by the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia shall be as follows:

''(I) One member shall be appointed for a six-year term; and

''(II) One member shall be appointed for a four-year term.

''(3) The initial terms of the nonvoting members appointed by the Mayor of the District of Columbia shall be as follows:

''(I) One member shall be appointed for a six-year term; and

''(II) One member shall be appointed for a four-year term.

''B. The term of the member appointed by the U.S. Secretary of Transportation shall be for two years.

''7. The failure of a signatory or the Secretary of Transportation to appoint one or more members shall not impair the Authority's creation when the signatories are in compliance with the other terms of the compact.

''8. Any person appointed to fill a vacancy shall serve for the unexpired term. A member of the Authority may not serve for more than two terms.

''9. The members of the Authority, including nonvoting members, if any, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

''10. Six voting members shall constitute a quorum and a majority of the quorum shall be required for any action by the Authority, with the following exceptions:

''a. Seven affirmative votes shall be required to approve bond issues and the annual budget of the Authority; and

''b. A motion may not be approved if all three members appointed solely by each Governor cast negative votes.

''11. Any sole source procurement of goods, services, or construction in excess of $250,000 shall require the prior approval of a majority of all of the voting members of the Authority.

''12. Members shall serve without compensation and shall reside in the Metropolitan Washington area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

''13. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time or consulting basis as in its judgment subject to the provisions of chapter I, article X of this compact, may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except as may be contained in this compact.

''14. A. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

''B. (1) The rules and regulations shall include, but shall not be limited to, an ethics code, public access to information, administrative procedures, and open meetings, and shall be consistent with similar practices currently adopted in Maryland, Virginia, and the District of Columbia.

''(2) The Authority may adopt regulations after publication of notice of intention to adopt the regulations published in a newspaper of general circulation in the Metropolitan Washington, D.C. area, and after an opportunity for public comment.

''(3) The Authority shall also publish a notice to adopt the regulations in the Maryland register.

''Article V

''Nothing in this compact shall be construed to amend, alter, or in any way affect the power of the signatories and their political subdivisions to levy and collect taxes on property or income or upon the sale of any material, equipment, or supplies or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof.

''Article VI

''This compact shall be adopted by the signatories in the manner provided by law. This compact shall become effective after the commonwealth of Virginia and the District of Columbia have adopted acts similar in substance to this act.

''Article VII

''1. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Chapter II, Article VI or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the other signatories.

''2. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this compact shall revert to the signatories and the federal government, as their interests may appear.

''Article VIII

''Each of the signatories pledges to each of the other signatories faithful cooperation in the development and implementation of the project.

''Article IX

''1. The Authority shall not undertake the ownership of the Bridge, or any duties or responsibilities associated therewith, nor undertake any of the responsibilities and powers provided in this compact until the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation including provisions governing the transfer of the bridge from the Federal Government to the Authority, and which shall provide for a contractual commitment by the Federal Government to provide Federal funding for the project including at a minimum, a 100% share for the following:

''A. The cost of the continuing rehabilitation of the bridge until such time as the project is operational;

''B. An amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the bridge with a comparable modern bridge designed according to current engineering standards;

''C. The cost of planning, preliminary engineering and design, right-of-way acquisition, environmental studies and documentation, and final engineering for the project; and

''D. A substantial contribution towards remaining project costs.

''2. Such federal funds shall be in addition to and shall not diminish the federal transportation funding allocated or apportioned to the Commonwealth of Virginia and the State of Maryland. Upon all parties' approval of this agreement, the Authority shall have sole responsibility for duties concerning ownership, construction, operation, and maintenance of the project. At least 30 days before the Governor of Maryland enters into an agreement under this article, the Governor shall submit the agreement to the Legislative Policy Committee for its review and comment.

''Article X

''1. Within a reasonable period after this compact becomes effective under article VI of this chapter, the authority shall prepare and submit to the Governors of the Commonwealth of Virginia and the State of Maryland. And the Mayor of the District of Columbia, a management plan that includes:

''A. An organizational structure;

''B. A staffing plan that includes job descriptions; and

''C. A proposed salary schedule consistent with existing salary schedules for similar positions in the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

''2. The authority shall not implement the provisions of this compact until the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia have approved the management plan.

''3. Subsequent to the approval of the management plan, the authority may increase the number of its employees and their salary levels, provided that such increases do not result in a 20 percent increase above the level in the approved management plan. Increases in excess of 20 percent shall require an amendment to the approved plan. A proposed amendment shall be submitted to, and approved by, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, prior to becoming effective.

''4. In the conduct of its responsibilities and duties, the authority shall maximize the use of existing public and private sector entities to provide necessary services, including management, construction, legal, accounting, and other services, as the authority may deem necessary.

''Article XI

''1. Except as provided herein, the Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees, and agents. For tort actions arising out of conduct occurring in Maryland, Maryland tort and sovereign immunity law shall apply. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Act shall be construed as a waiver by the State of Maryland, the Commonwealth of Virginia, or the District of Columbia of any immunity from suit.

''2. The United States district courts shall have original jurisdiction, concurrent with the courts of the Commonwealth of Virginia, the State of Maryland, and the District of Columbia, of all actions brought by or against the Authority. Any such action initiated in a state court or the Superior Court of the District of Columbia shall be removable to the appropriate United States district court in the manner provided by act of June 25, 1948, as amended (28 U.S.C. 1446).

''Article XII

''1. If any part or provision of this compact or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances, and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

''2. This compact shall be liberally construed to effectuate the purposes for which it is created.

''CHAPTER II

''WOODROW WILSON BRIDGE AND TUNNEL REVENUE BOND ACT

''Article I

''DEFINITIONS

''The definitions set forth in Chapter I, Article I of the Woodrow Wilson Memorial Bridge and Tunnel Compact shall also apply to this act.

''Article II

''BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION, NOT TO CONSTITUTE A DEBT OR PLEDGE OF TAXING POWER

''Revenue bonds, notes, or other evidence of obligation, issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds, notes, or other evidence of obligation, shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds, notes, or other evidence of obligation, under the provisions of this Act shall not directly or indirectly or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds, notes, or other evidence of obligation, shall contain a statement on their face substantially to the foregoing effect.

''Article III

''ADDITIONAL POWERS OF THE AUTHORITY

''Without in any manner limiting or restricting the powers heretofore given to the Authority, and contingent upon the execution of the agreement referred to in Chapter I, Article IX of this compact, the Authority is hereby authorized and empowered:

''1. To establish, finance, construct, maintain, repair, and operate the project;

''2. To assume full rights of ownership of the Bridge;

''3. Subject to the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia of the portions of the project in their respective jurisdictions, and in accordance with the recommendations of the Woodrow Wilson Memorial Bridge Coordinating Committee, to determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;

''4. To secure all necessary federal, state, and local authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;

''5. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;

''6. To adopt and amend rules and regulations to carry out the powers granted by this section;

''7. To acquire, by purchase or condemnation, in the name of the Authority; and to hold and dispose of real and personal property for the corporate purposes of the Authority;

''8. To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction, and accounting experts, and inspectors, attorneys, and such other employees as may be deemed necessary, and within the limitations prescribed in this Act, and to prescribe their powers and duties and to fix their compensation;

''9. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

''10. To issue revenue bonds, notes, or other evidence of obligation of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged, for their payment, and to refund its bonds, all as provided in this Act;

''11. To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;

''12. To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Act;

''13. To accept loans and grants of money, or materials or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, or any agency or instrumentality thereof;

''14. To adopt an official seal and alter the seal at its pleasure;

''15. Subject to Chapter I, Article IX, to sue and be sued, plead and be impleaded, all in the name of the Authority;

''16. To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this Act, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public;

''17. To enter into contracts with existing governmental entities in the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, or with private business entities for the purpose of allowing those entities to undertake all or portions of the project, including, but not limited to, design, engineering, financing, construction, and operation of the project, as the authority may deem necessary;

''18. To establish and maintain a police force, or to enter into a contract with an existing governmental entity in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia to provide police services, as the authority may deem necessary;

''19. To enter into partnerships or grant concessions between the public and private sectors for the purpose of:

''A. Financing, contructing, maintaining, improving, or operating the project; or

''B. Fostering development of new transportation related technologies to be used in the construction and operation of the project, utilizing the law of any signatory in the discretion of the authority;

''20. To carry out or contract with other entities to carry out maintenance of traffic activities during the construction of the project that are considered necessary by the authority to manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

''21. To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this Act.

''Article IV

''A. Acquisition of Property

''The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, rights-of-way, property, rights, franchises, easements, and other interests in lands, including lands laying under water and riparian rights, which are located within the Metropolitan Washington area, as the authority may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

''All counties, cities, towns and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at the Authority's request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

''Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, right, rights-of-way, franchises, easements, and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

''Whenever the Authority acquires property under this Article IV of Chapter II, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the provision of the state law of the signatory in which the property is located governing relocation and relocation assistance.

''In advance of undertaking any acquisition of property or easements in Maryland or the condemnation of such property, the Authority must obtain from the Maryland Board of Public Works approval of a plan identifying the properties to be obtained for the project. Condemnation proceedings shall be in accordance with the provisions of state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Nothing in this Act shall be construed to authorize the Authority to condemn the property of the Commonwealth of Virginia, the State of Maryland , or the District of Columbia.

''B. Procurement

''1. Except as provided in subsections 2, 3, and 6 of this Section B, and except in the case of procurement procedures otherwise expressly authorized by law, the Authority in conducting a procurement of goods, services, or construction shall: a. obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and b. use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement. In determining the competitive procedure appropriate under the circumstances, the Authority shall: a. solicit sealed bids if: (i) time permits the solicitation, submission, and evaluation of sealed bids; (ii) the award will be made on the basis of price and other price-related factors; (iii) it is not necessary to conduct discussions with the responding sources about their bids; and (iv) there is a reasonable expectation of receiving more than one sealed bid; or b. request competitive proposals if sealed bids are not appropriate under clause a. of this sentence.

''2. The Authority may use procedures other than competitive procedures if: a. the goods, services, or construction needed by the Authority are available from only one responsible source and no other type of goods, services, or construction will satisfy the needs of the Authority; b. the Authority's need for the goods, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or c. the goods or services needed can be obtained through federal or other governmental sources at reasonable prices.

''3. For the purpose of applying subsection 2.a of this section: a. in the case of a contract for goods, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the goods, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept: (i) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and (ii) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement. b. In the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the goods, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in: (i) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or (ii) unacceptable delays in fulfilling the Authority's needs.

''4. If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection 2.b. of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

''5. a. To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction. b. For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government. c. A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph a. of this subsection. d. In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

''6. The authority shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

''7. The Authority in its sole discretion may reject any and all bids or proposals received in response to a solicitation.

''8. In structuring ALL procurements the Authority shall comply with Federal laws, regulations or other Federal Requirements set forth in grant agreements or elsewhere, as they may be amended from time to time, governing minority business enterprise participation.

''Article V

''INCIDENTAL POWERS

''The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

''If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

''Any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as a part of the cost of the project.

''The Authority shall also have power to make regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called ''public utility facilities'') of any public utility in, on, along, over, or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the other of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

''Article VI

''PROJECT FINANCING

''The authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the authority for the purpose of paying all or any part of the cost of the project or of any portion or portions of the project. The principal of and the interest on the bonds shall be payable solely from the funds provided in this compact for the payment. Any bonds of the authority issued pursuant to this article shall not constitute a debt of the State of Maryland or any political subdivision of the State other than the authority, and shall so state on their face. Neither the members of the authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at a rate or rates and shall mature at any time not exceeding forty years from the date of the bonds, as may be determined by the authority, at any price and under any terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

''The Authority shall determine the form and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payments of principal and interest, which may be at any bank or trust company within or without the state of Maryland.

''In the event any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be the officer until the delivery of such bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds may be issued in a form as determined by the Authority. The Authority may sell the bonds in any manner, either at public or private sale, and for any price as it may determine will best effect the purposes of this compact.

''The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project and shall be disbursed in the manner and under the restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of the bonds or in the trust indenture securing the same.

''If the proceeds of the bonds of any issue shall be less than such cost by error of estimates or otherwise, additional bonds may be issued to provide the amount of such deficit and unless otherwise provided in the resolutions authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

''Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds that have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated, destroyed, or lost. Bonds may be issued under the provisions of this compact without obtaining the consent of any department, division, commission, board, bureau, or agency of the compact signatories, and without any provisions or requirements other than those proceedings, conditions, or things which are specifically required by this article.

''Article VII

''TRUST INDENTURE

''In the discretion of the Authority, any bonds, notes, or other evidence of obligation issued under the provisions of this Act may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State of Maryland. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

''Article VIII

''REVENUES

''The Authority is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

''Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient in combination with other revenues, if any, to pay (i) the cost of maintaining, repairing, and operating such project and (ii) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and, upon the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia, the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

''Tolls shall be set at rates such that revenues generated by the project shall not exceed that necessary to meet requirements under any applicable trust indenture for the project.

''Article IX

''TRUST FUNDS

''All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any

bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

''Article X

''REMEDIES

''Any holder of bonds, notes, or other evidence of obligation issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Maryland, the Commonwealth of Virginia, or the District of Columbia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of tolls.

''Article XI

''TAX EXEMPTION

''The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State of Maryland and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom, and the bonds, notes, or other evidence of obligation issued under the provisions of this Act, and the income therefrom shall at all times be free from taxation within the State of Maryland.

''Article XII

''BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION ELIGIBLE FOR INVESTMENT

''Bonds, notes, or other evidence of obligation issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State of Maryland and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds, notes, or other evidence of obligation are hereby made securities which may properly and legally be deposited with and received by any State of Maryland or municipal officer or any agency or political subdivision of the State of Maryland for any purpose for which the deposit of bonds, notes, or other evidence of obligation is now or may hereafter be authorized by law.

''Article XIII

''MISCELLANEOUS

''Any action taken by the Authority under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

''The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and operated by such force of police, toll-takers, and other operating employees as the Authority may in its discretion employ. The authority may enter into a contractual agreement with an existing governmental entity in Maryland or Virginia to provide these services. An Authority police officer shall have all the powers granted to a peace officer and a police officer of the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under the control of the Authority, and may not exercise these powers on any other property unless:

''(1) Engaged in fresh pursuit of a suspected offender;

''(2) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

''(3) Ordered to do so by the Governors of the State of Maryland, the Commonwealth of Virginia, or the Mayor of the District of Columbia, as the circumstances may require.

''All other police officers of the signatory parties and of each county, city, town, or other political subdivision of the State of Maryland through which the project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such project as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

''On or before the last day of August in each year, the Authority shall make an annual report of its activities for the preceding fiscal year to the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least one in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia, and the District of Columbia and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

''Any member, agent, or employee of the authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

''Any person who uses the project and fails or refuses to pay the toll provided therefore shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine not more than $100 or by imprisonment for not more than thirty days, or both.

''SECTION 2. And be it further enacted, That this Act may not take effect until a similar Act is passed by the Commonwealth of Virginia and the District of Columbia; that the Commonwealth of Virginia and the District of Columbia are requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; that the Department of Legislative Reference shall notify the appropriate officials of the Commonwealth of Virginia, the District of Columbia, and the United States Congress of the passage of this Act; and that upon the concurrence in this Act by the Commonwealth of Virginia and the District of Columbia and approval by the United States Congress, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative Reference.

''SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 1996.''

POM–638. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

''RESOLUTION

''Whereas, in a five-to-four decision on April eighteenth, nineteen hundred and ninety, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds; and

''Whereas, in *Missouri* v. *Jenkins* (110 Sup. Ct. 1651 (1990)), the United States Supreme Court held that a Federal court had the power to order an increase in State and local taxes; and

''Whereas, this unprecedented decision violates one of the fundamental tenets of the doctrine of separation of powers, that the members of the Federal judiciary should not have the power to tax; and

''Whereas, in response to this decision, several Members of Congress have introduced a constitutional amendment to re-establish a principle that has been well settled: judges do not have the power to tax; and

''Whereas, the passage of such constitutional amendment (first by a two-thirds majority in both Houses of Congress and then by three-fourths of the several States' legislatures or conventions) would serve not only to reverse in unfortunate decision, but also to reassert the legislature's constitutional role in maintaining a strong tripartite system of government, a system in which each of the branches is constrained by the others; and

''Whereas, such proposed constitutional amendment is a long overdue response to a federal judiciary that, in the pursuit of seemingly good ends, fails to recognize the constitutional limits on its power; and

''Whereas, in addition to being introduced in the United States Congress such constitutional amendment has also been proposed by several States; and

''Whereas, the test of such proposed constitutional amendment reads: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes''; and

''Whereas, such amendment seeks properly to prevent Federal courts from levying or increasing taxes without representation of the people and against the people's wishes; therefore be it

''*Resolved,* That the Massachusetts Senate hereby memorializes the United States Congress to propose and submit to the several States for ratification no later than January first, nineteen hundred and ninety-six, an amendment to the Constitution of the United States, the text of which amendment shall read; 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes'; and calls upon the Massachusetts Congressional Delegation to use immediately the full measure of its resources and influence in order to ensure the passage of such amendment to the Constitution of the United States, which provides that no court shall have the power to levy or increase taxes; and further proposes that the

legislatures of each of the several States comprising the United States which have not yet made similar requests apply to the United States Congress requesting enactment of such amendment to the United States Constitution; and be it further

''*Resolved,* That the copies of these resolutions be transmitted forthwith by the clerk of the Senate to the Vice President of the United States as the Presiding Officer of the Senate, the Speaker of the House of Representatives, each member of the Massachusetts Congressional Delegation, and the presiding officer and minority party leader in each House of the legislatures of each State in the Union.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes (Rept. No. 104–292).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1815. A bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes (Rept. No. 104–293).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

H.R. 1508. A bill to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park (Rept. No. 104–294).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 2070. A bill to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

H.R. 3121. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 160. A concurrent resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Doris B. Holleb, of Illinois, to be a Member of the National Council of the Humanities for a term expiring January 26, 2002.

Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2001.

Luis Valdez, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2000.

Levar Burton, of California, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board, for a term expiring October 12, 1998.

Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2000.

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT

To be medical director

Michael M. Gottesman
Harold W. Jaffe

To be senior surgeon

James F. Battey, Jr.

To be surgeon

Helene D. Gayle
Jeffrey R. Harris
Douglas B. Kamerow
Thurma G. McCann
Michael E. St Louis

To be senior assistant surgeon

Robert T. Chen
Susan L. Crandall
Ahmed M. Elkashef
Michael M. Engelgau
Richard L. Hays
Brockton J. Hefflin
Clare Helminiak
Kathleen L. Irwin
Connie A. Kreiss
Boris D. Lushniak
Douglas L. McPherson
Manette T. Niu
Robert J. Simonds
Jonathan T. Weber

To be senior assistant dental surgeon

Thomas T. Barnes, Jr.
Mitchel J. Bernstein
Brenda S. Burges
Deborah P. Costello
David A. Crain
Richard L. Decker
James V. Dewhurst III
Debra L. Edgerton
Paul J. Farkas
Janie G. Fuller
Kent K. Kenyon
Ruth M. Klevens
Edward E. Neubauer
Thomas A. Reese
Jose C. Rodriguez
Adele M. Upchurch

To be dental surgeon

Michael E. Korale

To be nurse officer

Cathy J. Wasem

To be senior assistant nurse officer

Donna N. Brown
Gracie L. Bumpass
Martha E. Burton
Annette C. Currier
Thomas E. Daly
Terence E. Deeds
Joseph P. Fink
Robert C. Frickey
Judy A. Gerry
Annie L. Gilchrist
Byron C. Glenn
Margaret A. Hoeft
Lorraine D. Kelwood
Mary M. Leemhuis
Susan R. Lumsden
Brenda J. Murray
Michael J. Papania
Monique V. Petrofsky
Patricia K. Rasch
Letitia L. Rhodes-Bard
Thomas M. Scheidel
Ruth A. Shults
Jerilyn A. Thornburg
Scott A. Vanomen
Ellen D. Wolfe

To be assistant nurse officer

Susan Z. Mathew
Terry L. Porter
Richard M. Young

To be senior assistant engineer officer

Terry L. Aaker
Cheryl Fairfield Estill
Debra J. Hassinan
Donald J. Hutson
Allen K. Jarrell
Jeffrey J. Nolte
Mutahar S. Shamsi
George F. Smith

To be assistant engineer officer

Nathan D. Gjovik

To be scientist

Deloris L. Hunter

To be senior assistant scientist

Anne T. Fidler
Patrick J. McNeilly
Helena O. Mishoe
Paul D. Siegel
William H. Taylor III

To be sanitarian

Thomas C. Fahres
Daniel M. Harper
Charles L. Higgins
Michael M. Welch

To be senior assistant sanitarian

Gail G. Buonviri
Larry F. Cseh
Alan J. Dellapenna, Jr.
Alan S. Echt
Thomas A. Hill
Florence A. Kaltovich
David H. McMahon
Nathan M. Quiring
David H. Shishido
Linda A. Tiokasin
Richard E. Turner
Berry F. Williams

To be veterinary officer

Stephanie I. Harris

To be senior assistant veterinary officer

Hugh M. Mainzer
Shanna L. Nesby
Meta H. Timmons

To be senior assistant pharmacist

Sarah E. Arroyo
Edward D. Bashaw
Charles C. Bruner
Vicky S. Chavez
Scott M. Dallas
Michele F. Gemelas
Terry A. Hook
Alice D. Knoben
Nancy E. Lawrence
Andrew J. Litavecz IV
Josephine A. Lyght
William B. McLiverty
M. Patricia Murphy
Anna M. Nitopi
Robert G. Pratt
Kurt M. Riley

To be assistant pharmacist

Gary L. Elam
James A. Good
Valerie E. Jensen
Kimberly D. Knutson
Sandra C. Murphy
Jill A. Sanders
Pamela Stewart-Kuhn

To be assistant pharmacist pharmacist

L. Jane Duncan

To be senior assistant dietitian

Celia R. Hayes
David M. Nelson

To be therapist

Michael P. Flyzik

To be assistant therapist

Mark T. Melanson

To be health services director

James H. Sayers

To be health services officer

Maureen E. Gormley

To be senior assistant health services officer

Corinne J. Axelrod
Deborah Dozier-Hall
William M. Gosman
Janet S. Harrison
Rebecca D. Hicks
Brian T. Hudson
Richard D. Kennedy
Edward M. McEnerney
Michael R. Milner
Anne M. Perry
Elizabeth A. Rasbury
Ray J. Weekly
Craig S. Wilkins

To be assistant health services officer

Willard E. Dause

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

John Christian Kornblum, of Michigan, to be an Assistant Secretary of State.

Barbara Mills Larkin, of Iowa, to be an Assistant Secretary of State.

Gerald S. McGowan, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998.

(The following is a list of all members of the nominees' immediate family and their spouses. Each of these persons has informed the nominee of the pertinent contributions made by them. To the best of the nominees knowledge, the information contained in this report is complete and accurate.)

A. Vernon Weaver, of Arkansas, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Arthur Vernon Weaver, Jr.

Post: U.S. Representative to the European Union.

Contributions, amount, date, and donee:

1. Self, $1,000, 9/19/91, Cong. Ray Thorton; $1,000, 9/19/91, Cong. Ray Thornton; $1,000, 3/5/93, Cong. Ray Thornton; $1,000, 6/28/94, Cong. Ray Thornton; $1,000, 4/12/95, Cong. Ray Thornton; $250, 7/10/95, Sen. Bob Dole; $1,000, 11/8/91, Clinton/Gore; $1,000, 8/31/95, Clinton/Gore; $644.90, 1/8/93, Sen. Larry Pressler; $355.10, 1/8/93, Sen. Larry Pressler; $144.80, 11/2/93, Sen. Larry Pressler; $210.30, 11/11/93, Sen. Larry Pressler.

2. Spouse: Joyce Weaver, $500, 5/16/90, Cong. Ray Thornton; $500, 8/12/90, Cong. Ray Thornton; $1,000, 3/5/93, Cong. Ray Thornton; $1,000, 4/12/95, Cong. Ray Thornton; $1,000, 11/8/91, Clinton/Gore; $1,000, 8/3/95, Clinton/Gore.

3. Children and spouses: Vanessa Weaver, (daughter age 40), $1,000, 9/95, Clinton/Gore. Daphne Weaver, (daughter age 37), $250, 9/95, Clinton/Gore.

Robert Katt, (husband of Vanessa Weaver), $1,000, 9/95, Clinton/Gore.

4. Parents: Arthur Vernon Weaver (deceased), and Geneviene Phillips Weaver (deceased).

5. Grandparents: Arthur B. Weaver, Sarah Banks Weaver, Sean Phillips, and Nellie Mae Phillips Strang (all deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: Beatrice Mae Fryen, none.

Madeleine May Kunin, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

Nominee: Madeleine May Kunin.

Post: Ambassador to Switzerland.

Contributions, amount, date, and donee:

1. Self: 1996—Clinton/Gore Campaign, $100; Emily's List, $125; Democratic Senate Campaign Committee, $50. 1995—Clinton/Gore Campaign, $100; Democratic Senate Campaign Committee, $50; Democratic Congressional Campaign Committee, $50; Democratic Congressional Campaign Committee, $50. 1994—Emily's List, $100; Vermont Democratic Party, $100. 1993—Howard Dean Campaign for Governor, $50; Democratic Congressional Campaign Committee, $50; Elaine Baxter for Congress, $50; Don Hooper for Senate, $50; Doug Racine for Lt. Governor, $50. 1992—Vermont Democratic Party, $200; Clinton for President, $100; Carol Mosley Braun, $50; Leahy for Senate, $25; Arnie Arneson for Governor, NH, $100; Howard Dean for Governor, $50; Women's Campaign Fund, $50; Clinton Inaugural Committee, $550; Lynn Yeakel for Senate, $50; Vermont Women's Political Caucus, $50; Barbara Boxer for Senate, $50; Hooper for VT Secretary of State, $50. 1991—Vermont Democratic Party, $100; Chittenden County Democratic Party, $50; Women's Political Caucus $50.

2. Spouse: (divorced).

3. Children and spouses: Names: Peter and Lisa Kunin, none, Julia Kunin, none, Adam Kunin, none Daniel Kunin, none.

4. Parents: (deceased).

5. Grandparents: (deceased).

6. Brothers and spouses: Names: Edgar May $100, 1992, Clinton Campaign; $150, 1993, Doug Racine Campaign.

7. Sisters and spouses: none.

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Harold W. Geisel.

Post: Mauritius.

Contributions, amount, date, and donee.

1. Self: Harold W. Geisel, none.

2. Spouse: Susan L. Geisel, none.

3. Children and Spouses: Names: Jacqueline J. Geisel (9) none, and Katherine L. Geisel (7) none.

4. Parents: Names: Gustav Geisel, none, and Stefi S. Geisel, none.

5. Grandparents: Names: Herman Geisel and Sophie Geisel, (deceased) and Sigfried Siegel and Fridel Siegel, (deceased).

6. Brothers and spouses: Names: Jerome M. Geisel, none, and Roseanne White Geisel, none.

7. Sisters and spouses: None.

Alan R. McKee, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Alan R. McKee.

Post: Kingdom of Swaziland.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses: Names: Amanda K. McKee, none, and Alexander B. McKee none.

4. Parents: T. Bonar McKee and Lois Ellen McKee (deceased).

5. Grandparents: Nora Reel and Daniel Reel: John and Isabel McKee, (All deceased.)

6. Brothers and spouses; Name: Harris B. McKee, $35, 1/29/94, Minnesota Moderate Republicans.

7. Sisters and spouses: None.

Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: Arlene Render.

Post: Republic of Zambia.

Contributions, amount, date, and donee.

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: (deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: none.

Marisa R. Lino, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: Marisa Rose Lino.

Post: Ambassador to Albania.

Contributions, amount, date, and donee.

1. Self: none.

2. Spouse: single.

3. Children and Spouses: none.

4. Parents: Luigi Lino, $10.00, Mar. 29, 1995, Democratic Nat'l Comm, $10.00, May 26, 1995, Democratic Nat'l Comm; Vida Lino, none.

5. Grandparents: Names: Antonio and Rosa Lino, Pasko and Emma Bego, (all deceased).

6. Brothers and Spouses: none.

7. Sisters and Spouses: Names: Silva Emma Prosak, none, and Steve Prosak, none.

John F. Hicks, Sr., of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Nominee: John F. Hicks, Sr.

Post: Eritrea.

Contributions, amount, date, and donee:

1. Self: John F. Hicks, none.

2. Spouse: Jacqueline M. Hicks, none.

3. Children and spouses; Names: Jocelyn F. Hicks (daughter), John F. Hicks, Jr. (son), none.

4. Parents: Names: Mack L. Hicks (father) (deceased); Annie H. Hicks (mother) (deceased).

5. Grandparents: Names: John Frederick and Addie Hicks (deceased—paternal grandparents); Stephen and Maggie Sherad (deceased—maternal grandparents).

6. Brothers and spouses: Names: Clarence and Rhonda Hicks, none; Osceola Hicks, none.

7. Sisters and spouses: Names: Katrina and James Goldsby, none; Joyce Hicks, none.

Avis T. Bohlen, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: Avis T. Bohlen.

Post: Ambassador to Bulgaria.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: David P. Calleo, $50, 1991—Friends of Les Aspin; $200.00, 1992—Tsongas for President.

3. Children and spouses: Not applicable.

4. Parents: Names: Charles Bohlen (deceased, 1973); Avis Bohlen (deceased, 1982).

5. Grandparents: Names: Charles Bohlen and Celestine Bohlen (deceased); George Thayer and Gertrude Thayer (deceased).

6. Brothers and spouses: Names: Charles Bohlen, $100, 1992—Becerra for Congress; $200, 1994—Doug Kahn; Jaye Scholl, None.

7. Sisters and spouses: Names: Celestine Bohlen, none; Vladimir Lebedev, none.

Leslie M. Alexander, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Leslie M. Alexander.

Post: Quito.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses: Names: Margaret, none; Natalia, none.

4. Parents: Names: Leslie M. Alexander, none; Ginette R. Alexander (deceased).

5. Grandparents: Names: Mr. and Mrs. L.M. Alexander (deceased); Mr. and Mrs. R. Chevalon (deceased).

6. Brothers and spouses: Names: Michael and Lorri Alexander, none; Bruce and Lisa Alexander, none; Steven Alexander, none.

7. Sisters and spouses: none.

Tibor P. Nagy, Jr., of Texas, a Career Member of the Senior Foreign Service, Class

of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Tibor Peter Nagy, Jr.

Post: Ambassador to Guinea.

Contributions, amount, date, and donee:

1. Self: Tibor P. Nagy, Jr., none.

2. Spouse: Eva Jane Nagy, none.

3. Children and spouses: Names: Tisza Ann, none; Peter William, none; Stephen Branson, none.

4. Parents: Names: Tibor Nagy, none; Zsuzsa Kovacs, none.

5. Grandparents: Names: Gyorgyi Kalman (deceased); Gyorgyi Emilia (deceased); Nagy Jozsef (deceased); Nagy Vilma (deceased).

6. Brothers and Spouses: Names: Redey Peter, none; Redey Jutka, none; Andras Goldinger, none.

7. Sisters and spouses: Name: Redey Jutka, none.

Donald J. Planty, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Nominee: Donald J. Planty.

Post: Guatemala.

Contributions, amount, date, and donee:

1. Self: Donald J. Planty, none.

2. Spouse: Regina E. Planty, none.

3. Children and spouses: Names: Rev. Donald J. Planty, Jr., none; Matthew D. Planty, none.

4. Parents: Names: Mark Planty, none; Donald E. Planty, none; Bernadette A. Planty, none.

5. Grandparents: Names: Nicholas Boliver (deceased); Ora Planty (deceased); Arletha Boliver (deceased); Cora Planty (deceased).

6. Brothers and spouses: Names: Brian and Kelly Planty, none; Brent and Linda Planty, none.

7. Sisters and spouses: Names: Elaine Planty, none; Karen and Steve Vout, none; Dawn Planty, none; Renee and Gary Davoy, none.

Dennis C. Jett, of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Dennise C. Jett.

Post: Lima, Peru.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Lynda Schuster, none.

3. Children and spouses: Names: Brian Jett, none; Allison Jett, Non.

Parents: Clifton Jett (deceased); Helen Jett, none.

5. Grandparents: Names: (deceased).

6. Brothers and spouses: Names: James and Evangeline Jett, Michael and Barbara Jett, and Paul Jett, none.

7. Sisters and spouses: none.

Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Nominee: Lino Gutierrez.

Post: Ambassador to Nicaragua.

Contributions, amount, date, and donee:

1. Self: Lino Gutierrez, none.

2. Spouse: Miriam Messina-Gutierrez, none.

3. Children and spouses: Names: Alicia Tio-Messina, none; Diana Lynn Gutierrez, none; Susana Marie Gutierrez, none.

4. Parents: Names: Lino Gutierrez (father) (deceased); Maria F. Gutierrez (mother), none.

5. Grandparents: Names: Lino Gutierrez, Eugenia Gutierrez, Luis Fernandez, Etelvina Fernandez (all grandparents deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: none.

Wendy Jean Chamberlin, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Wendy Chamberlin.

Post: Vientiane, Laos.

Contributions, amount, date, and donee:

1. Self: Wendy Chamberlin, none.

2. Spouse: John H. Hawes, none.

3. Children and spouses: Names: Chynna Hawes, none; Jade Hawes, none; Fabrizia Hawes, none; Christiana Hawes, none; Ceazere LaFranconia, none (husb. of Christiana); Alessia Kirkland, none; Kevin Kirkland, none (husb. of Alessia).

4. Parents: Names: Col. William C. Chamberlin, none; Beverly Mann Chamberlin, (deceased).

5. Grandparents: Names: Ann Mann (deceased); Admiral William Mann (deceased); Henry Barrett Chamberlin (deceased); Margaret Chamberlin (deceased).

6. Brothers and spouses: Names: Henry Barrett Chamberlin, none; Ruth Chamberlin, none (wife of brother Henry); Lt. Col. William Chamberlin, none; Shanta Chamberlin, none (wife of William).

7. Sisters and spouses: No sisters.

James Francis Creagan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nominee: James F. Creagan.

Post: Honduras.

Contributions, amount, date, and donee:

1. Self: James F. Creagan, none.

2. Spouse Gwyn Jonsson Creagan, none.

3. Children and spouses: Names: Sean M.A. Creagan, none; Kevin and Noemi Creagan, none.

4. Parents: Names: Mareta T. Creagan (deceased) James M. Creagan, none; Alice Svete Creagan, none.

5. Grandparents: Names: Carl Creagan (deceased); Mary Traxler (deceased); Leota Creagan (deceased).

6. Brothers and spouses: Names: Tom and Sue Creagan, none; David and Janet Creagan, none.

7. Sisters and spouses: Names: Judith Creagan Brown and Hank Brown, Jr., none.

Glen Robert Rase, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Nominee: Glen Robert Rase.

Post: Ambassador, Brunei Darussalam.

Contributions, Amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses: none.

4. Parents: Names: Robert F. Rase, none; Gloria R. Rase, none.

5. Grandparents: Names: Catherine Rase, none; Caroline Ready, none.

6. Brothers and spouses: none.

7. Sisters and spouses: Names: Carol Rase, none; Steven Frasier, none.

Thomas C. Hubbard, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Nominee: Thomas C. Hubbard.

Post: Philippines and Palau.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Joan M. Hubbard, none.

3. Children and spouses: Names: Lindley Taylor Hubbard, none; Carrie Hubbard, none.

4. Parents: Names: Thomas N. Hubbard (deceased); Rebecca Taylor Hubbard (deceased).

5. Grandparents: Names: Cato Taylor (deceased); Lolabelle Taylor (deceased).

6. Brothers and spouses: Names: Edward Dow Hubbard, none.

7. Sisters and spouses: Names: Piera Springstead, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the Congressional Records of May 9, and June 18, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of May 9, and June 18, 1996 at the end of the Senate proceedings.)

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America;

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald C. Masters, of the District of Columbia

U.S. INFORMATION AGENCY

Gail Milissa Grant, of Missouri

Patricia McMahon Hawkins, of New Hampshire

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Richard W. Loudis, of Florida

Mark Stewart Miller, of Florida

Allen F. Vargas, of New York

DEPARTMENT OF COMMERCE

Reginald A. Miller, of California

Judy R. Reinke, of Virginia

DEPARTMENT OF STATE

Juan M. Bracete, of Florida

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Karl Hampton, of the District of Columbia

UNITED STATES INFORMATION AGENCY

Susan Tebeau Bell, of South Carolina

Rebecca Tracy Brown, of California

Kate Marie Byrnes, of Florida

Margot Carrington, of Florida

Anne Sara Casper, of Nevada
Charles Gary Cole, of California
Lincoln D. Dahl, of Nevada
David Adams Duckenfield, of the District of Columbia
David Joseph Firestein, of Texas
Stefen Granito, of Florida
Marjorie R. Harrison, of Pennsylvania
Erik Anders Holm-Olsen, of New Jersey
Robert C. Howes, of Michigan
Tiffany Ann Jackson-Zunker, of California
Geraldine F. Keener, of California
Christine A. Leggett, of California
Deena Fathi Mansour, of Wyoming
Karen Morrissey, of Florida
George P. Newman, of New York
Thomas Joseph Nicholas Pierce, of Connecticut
Adele E. Ruppe, of Maryland
R. Stephen Schermerhorn, of Florida
Dana Cohn Shell, of California
Victoria L. Sloan, of Florida
Susan Nan Stevenson, of Florida
Scott D. Weinhold, of Wisconsin
Ivan Weinstein, of New Jersey
Richard Morgan Wilbur, of New York

DEPARTMENT OF STATE

Robert M. Anthony, of Oklahoma
Jonathan Jay Beighle, of Washington
Randy William Berry, of Colorado
Paul W. Blankenship, of Texas
Sharon T. Bowman, of New York
Frances Chisholm, of New Hampshire
Nancy Ann Cohen, of California
Marie Christine Damour, of Virginia
Nathaniel Pabody Dean, of the District of Columbia
Shwan Dorman, of New York
Christopher G. Dunnett, of Florida
Levon A. Eldemir, of California
Robert Frank Ensslin, of Florida
George H. Frowick, of California
Joanne Gilles, of New York
William Lewis Griffith, of New York
Alexander Grossman, of Texas
David C. Hermann, of Massachusetts
Andrew S. Hillman, of New York
Irma J. Hopkins, of Indiana
Mark Scott Johnsen, of California
Marc C. Johnson, of the District of Columbia
Christopher A. Landberg, of Washington
Scott D. McDonald, of Florida
Edward Vincent O'Brien, of Florida
Edward W. O'Connor, of Pennsylvania
Derrick Meyer Olsen, of Oregon
Michael Joseph Petrucelli, of Maryland
Patrick Robert Quigley, of Florida
Jennifer Ann Richter, of Pennsylvania
Cynthia Corbin Sharpe, of Texas
Kathleen S. Sheehan, of Massachusetts
Catherine Ann Shumann, of New Jersey
Raymond Daniel Toma, Jr., of Michigan
Pamela M. Tremont, of Texas
James J. Turner, of Maryland

The following-named Members of the Foreign Service of the United States Information Agency and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service on the United States of America:

Amanda L. Blanck, of Missouri
Patrick W. Boyden, of Indiana
Bruce W. Brett, of Virginia
David H. Cannon, of California
Robert W. Chapman, of Virginia
Richard K. Choate, of Virginia
Collette M. Christian, of Oregon
Jennifer N.M. Coile, of Wyoming
Daniel Keith Hall, of Virginia
James L. Harris, of Virginia
Mary Heintzelman, of the District of Columbia
Maureen Matter Howard, of Washington
Michael J. Hughes, of Virginia
Michael C. John, of Virginia
Patricia Kozlik Kabra, of California
Andrew M. Langenbach, of Virginia
David Kent Mason, of Virginia
Maryann McKay, of California
Andrea Linda Meyer, of Pennsylvania
Cynthia L. Morrow, of Virginia
Duc Tan Ngo, of Virginia
Jean T. Olson, of Florida
Robert E. Orkosky, of Virginia
Elizabeth C. Pokorny, of Virginia
Laura B. Pramuk, of Colorado
Ann M. Roubachewsky, of Maryland
Norville B. Spearman, Jr., of California
Karen Sullivan, of New York
Kurt N. Theodorakos, of Virginia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion in the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Terence Flannery, of Virginia
Laron L. Jensen, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Dolores F. Harrod, of New Hampshire
James L. Joy, of Florida
David K. Katz, of California
George W. Knowles, of Florida
Kay R. Kuhlman, of Florida
John L. Priamou, of the District of Columbia
George F. Ruffner, of Pennsylvania

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Justin Emmett Doyle, of New York
Hector Nava, of California

DEPARTMENT OF COMMERCE

Craig B. Allen, of Wisconsin
Robert M. Murphy, of Washington

DEPARTMENT OF STATE

David M. Buss, of Texas
Patricia M. Haslach, of Oregon

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

David John Clark, of Texas
Amy Renneisen Fawcett, of Tennessee
James B. Gaughran, of Virginia
Michael J. Greene, of Washington
Philip D. Horschler, of California
Virginia Howell Poole, of Virginia
Claude Wilbur Mark Reece, of Virginia
Caroline Truesdell, of New York
Ruth F. Woodcock, of Florida
Albert Obiri Yeboah, of Virginia

DEPARTMENT OF AGRICULTURE

Sharon A. Bylenga, of Florida

DEPARTMENT OF COMMERCE

Ann M. Bacher, of Florida
Nancy K. Charles-Parker, of Virginia
David K. Schneider, of Virginia
Dale N. Tasharski, of Tennessee

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Linda F. Archer, of California
Frank G. Carrico, Jr., of Texas
James M. Fluker, of New York
Rosemary D. Gallant, of Virginia
Kenneth H. Keefe, of Florida
James M. McCarthy, of Maryland

DEPARTMENT OF STATE

Michael Jonathan Adler, of Maryland
Stefanie Amadeo, of New Jersey
Mary Ruth Avery, of Florida
Daniel Karl Balzer, of Ohio
Douglas Covell Bayley, of Wisconsin
Mark D. Bysfield, of Missouri
Paul M. Cantrell, of California
Robin Lisa Dunnigan, of California
Monica Elizabeth Eppinger, of Arizona
Jill Marie Esposito, of New York
Nicholas A. Ferro, of Virginia
Michael Edward Garrote, of Pennsylvania
Pamela L. Gomez, of Texas
Brian A. Goggins, of the District of Columbia
Deborah Zamora Grout, of New Mexico
Helen Hamilton Hahn, of Florida
Ruth Mary Hall, of Virginia
Scott Ian Hamilton, of Illinois
Richard Alan Hinson, of Florida
Gerard Thomas Hodel, of New York
Dirk J. Hofschire, of Nebraska
Todd Michael Huizinga, of Michigan
Donald Emil Jacobson, of California
Catherine Elias Kay, of Illinois
Michael Christopher Keays, of California
Kristina A. Kvien, of California
Christopher John Lamora, of Rhode Island
Jeanne M. Maloney, of Tennessee
Colette A. Marcellin, of Texas
Michael John Mates, of Washington
Ann Barrows McConnell, of California
Jennifer Allyn McIntyre, of Maryland
Kellie A. Meiman, of Georgia
Elizabeth Inga Millard, of Virginia
Douglas Alan Morris, of Nebraska
W. Patrick Murphy, of New Hampshire
Courtney R. Nemroff, of Pennsylvania
Matthew A. Palmer, of Massachusetts
Sooky Wynne Park, of Maryland
Richard Carlton Paschall, III, of North Carolina
Sarah S. Penhune, of Massachusetts
Mark Stephen Prokop, of Connecticut
Charles Randolph, IV, of Connecticut
Thomas Metzger Ramsey, of New York
Howard Verne Reed, of New York
Walter Scott Reid, III, of Virginia
Sonja Kay Rix, of New York
William Vernon Roebuck, Jr., of North Carolina
Ava L. Rogers, of Louisiana
Marilynn Williams Rowdybush, of Ohio
Paul M. Simon, of Florida
Sherry Lynn Steeley, of Pennsylvania
Gregory William Sullivan, of Florida
Joseph F. Tilghman, of Connecticut
Donna Visocan Vandenbroucke, of Virginia
Steven Craig Walker, of Hawaii
Deirdre M. Warner, of Pennylvania
Robert Forrest Winchester, of California
James A. Wolfe, II, of California

The following-named Members of the Foreign Service of the Departments of Commerce and State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Rebecca Arends, of Virginia
Kathleen T. Austin, of the District of Columbia
Frank Joseph Babetski, of Virginia
Bartholomew Louis Barbessi, of New York
Allison M. Beck, of Virginia
Jemile L. Bertot, of Connecticut
Harry Arthur Blanchette, of Florida
Lillian A. Braman, of Virginia
Ron A. Braverman, of New Jersey
Mary Kathleen Bryla, of the District of Columbia

Guillermo Santiago Christensen, of Virginia
David F. Davison, of Virginia
Paul J. DeFrancesco, Jr., of Ohio
Catherine I. Ebert-Gray, of Colorado
David J. Fineman, of Virginia
Clarence Franklin Foster, Jr., of Virginia
Dennis David Grabulis, of Virginia
Richard Jason Grimes, of Virginia
Brian Gibbs Gunderson, of Virginia
Kent Frendon Hallberg, of Virginia
Jerry Hersh, of New York
Sallie Marie Hicks, of Virginia
Tyrena L. Holley, of the District of Columbia
Jon Clarke Hooper, of Virginia
Horace P. Jen, of Virginia
Jennifer J. Jordan, of Virginia
Scott H. Jung, of Maryland
Kurtis Michael Kessler, of Virginia
Mark A. LaBrecque, of Virginia
Kristine R. Lansing, of Virginia
Michael W. Liikala, of California
Douglas M. Littrel, of Virginia
Frank J. Manganiello, of Virginia
Mark J. Martin, of Virginia
Kevin Bruce McKinney, of Virginia
Marion K. McMahel, of Maryland
Tara K. Nathan, of Virginia
Geraldine H. O'Brien, of Virginia
Henry Oppermann, of Maryland
Homer C. Pickens III, of Virginia
Phyllis Marie Powers, of Texas
Christopher C. Rand, of Virginia
Helen Patricia Reed-Rowe, of Maryland
William Rodman Regan, of Virginia
Cornelio Rivera III, of Virginia
Fed A. Schellenberg, of Virginia
David D. Shilling, of Maryland
James B. Sizemore, of Virginia
Mary Emerson Slimp, of Virginia
Amy Katherine Stamps, of Virginia
Andrea Robin Starks, of Maryland
Revalee Stevens, of the District of Columbia
Louis V. Surgent, Jr., of Maryland
Dwayne Leo Therriault, of Virginia
Michael S. Tulley, of California
Bruce G. Valentine, Jr., of Virginia
Randall R. Videgar, of Virginia
Anthony David Watt, of Wyoming
Ann G. Webster, of Virginia
Helga L. Weisto, of Maryland
David S. Wick, of Delaware
Robert T. Yurko, of Maryland

TREATY DOC 104–24 AGREEMENT CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS (EXEC. REPT. 104–20)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with Annexes (''The Agreement''), which was adopted at United Nations Headquarters in New York by Consensus of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995 (Treaty Doc. 104–24), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 42 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

TREATY DOC 104–27 INTERNATIONAL NATURAL RUBBER AGREEMENT, 1995 (EXEC. REPT. 104–21)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995 (Treaty Doc. 104–27), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 68 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

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. SIMPSON:

S. 1907. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1909. A bill to require the offer in every defined benefit plan of a joint and 2/3 survivor annuity option and to require comparative disclosure of all benefit options to both spouses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HELMS:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. D'AMATO:

S. Res. 272. A resolution to amend Senate Resolution 246; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

THE CHILDREN'S PRIVACY PROTECTION AND PARENTAL EMPOWERMENT ACT OF 1996

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support this simple but strong legislation to protect our children.

This bill, which I introduce with Senator BOXER, would provide three simple protections:

First, the bill would prohibit commercial list brokers from selling personal information about children under 16 to anyone, without first getting the parent's consent.

All kinds of information about our children—more facts than most of us might think or hope for—is rapidly becoming available through these list brokers. It is only a matter of time before this information begins to fall into the wrong hands.

Recently, a reporter in Los Angeles was easily able to purchase parent's names, birth months and addresses for 5,500 children aged 1–12 in a particular neighborhood. The reporter used the name of a fictitious company, gave a nonworking telephone number, had no credit card or check, and identified herself as ''Richard Allen Davis,'' the notorious murderer of Polly Klaas. When ordering the list, the company representative simply told her, ''Oh, you have a famous name,'' and sent her the information COD. This is simply unacceptable.

Second, the bill would give parents the authority to demand information from the list brokers who traffic in the personal data of their children—brokers will be required to provide parents with a list of all those to whom they sold information about the child, and must also tell the parent precisely what kind of information was sold.

If this personal information is out there, and brokers are buying and selling it back and forth, it is only reasonable that we allow parents to find out what information has been sold and to whom that information has been given.

Finally, this bill would prohibit list brokers from using prison labor to input personal information. This seems like common sense to most of us, but unfortunately the use of prison labor is not currently prohibited.

Mr. President, I ask unanimous consent that a May 6, 1996, Wall Street Journal article be printed in the RECORD. This recent Wall Street Journal article described the terrible experience of Beverly Dennis, an Ohio grandmother who filled out a detailed marketing questionnaire about her buying habits for a mail-in survey. She filled out the questionnaire when she was told that she might receive free product samples and helpful information. Rather than receiving product information, however, she soon began to receive sexually explicit, fact-specific letters from a convicted rapist serving time.

The rapist, writing from his prison cell, had learned the very private, intimate details about her life because he was keypunching her personal questionnaire data into a computer for a subcontractor. Ms. Dennis received letters with elaborate sexual fantasies, woven around personal facts provided by her in the questionnaire. This bill would have prevented the situation from ever occurring.

This bill is really very simple. Some marketing companies may be unhappy that the Government is trying to legislate how they do business, but we have to weigh the safety and well-being of our children against the small inconvenience of requiring parental consent in these cases. Given the rapidly changing nature of the marketing business and the ways in which child molesters and other criminals operate, this bill is an important step in protecting our kids from those who would do them harm.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1908

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 ''Children's Privacy Protection and Parental Empowerment Act of 1996''.

SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING TO PERSONAL INFORMATION ABOUT CHILDREN.

(a) IN GENERAL.—Chapter 89 of title 18, United States Code, is amended by adding at the end of the following:

§ 1822. Sale of personal information about children

''(a) Whoever, in or affecting interstate or foreign commerce—

''(1) being a list broker, knowingly—

''(A) sells, purchases, or receives remuneration for providing personal information about a child knowing that such information pertains to a child without the consent of a parent of that child; or

''(B) conditions any sale or service to a child or to that child's parent on the granting of such a consent;

''(2) being a list broker, knowingly fails to comply with the request of a parent—

''(A) to disclose the source of personal information about that parent's child;

''(B) to disclose all information that has been sold or otherwise disclosed by that list broker about that child; or

''(C) to disclose the identity of all persons who whom the list broker has sold or otherwise disclosed personal information about that child;

''(3) being a person who, using any personal information about a child in the course of commerce that was obtained for commercial purposes, has directly contacted that child or a parent of that child to offer a commercial product or service to that child, knowingly fails to comply with the request of a parent—

''(A) to disclose to the parent the source of personal information about that parent's child;

''(B) to disclose all information that has been sold or otherwise disclosed by that person about that child; or

''(C) to disclose the identity of all persons to whom such a person has sold or otherwise disclosed personal information about that child;

''(4) knowingly uses prison inmate labor, or any worker who is registered pursuant to title XVII of the Violent Crime Control and Law Enforcement Act of 1994, for data processing of personal information about children; or

''(5) knowingly distributes or receives any personal information about a child, knowing or having reason to believe that the information will be used to abuse the child or physically to harm the child;

shall be fined under this title or imprisoned not more than one year, or both.

''(b) A child or the parent of that child with respect to whom a violation of this section occurs may in a civil action obtain appropriate relief, including statutory money damages of not less than $1,000. The court shall award a prevailing plaintiff in a civil action under this subsection a reasonable attorney's fee as a part of the costs.

''(c) As used in this section—

''(1) the term 'child' means a person who has not attained the age of 16 years;

''(2) the term ''parent'' includes a legal guardian;

''(3) the term 'personal information' means information (including name, address telephone number, social security number, and physical description) about an individual identified as a child, that would suffice to physically locate and contact that individual; and

''(4) the term 'list broker' means a person who, in the course of business, provides mailing lists, computerized or telephone reference services, or the like containing personnel information of children.''

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 18, United States Code, is amended by adding at the end the following new item:

''1822. Sale of personal information about children.''.

[From the Wall Street Journal, May 6, 1996]

PRIVACY ISSUE RAISED IN DIRECT-MAIL CASE

(By James P. Miller)

Beverly Dennis thought she'd receive free product samples through the mail when she filled out a detailed Metromail Corp. questionnaire about her buying habits. Instead, she got a disturbing letter from an imprisoned rapist.

Although Ms. Dennis didn't know it at the time, prison inmates were processing data from the questionnaires for the direct-marketing unit of R.R. Donnelley & Sons Inc. The ''highly offensive, sexually graphic and threatening'' letter came from a Texas inmate who learned about her life while keypunching data from the questionnaires, according to a lawsuit Ms. Dennis filed last month in state court in Travis County, Texas.

The suit accuses Metromail of fraud for not telling Ms. Dennis that prisoners would process the surveys and alleges that the disclosure of personal information to violent criminals constitutes and ''intentional or reckless disregard'' of her safety. The suit seeks class-action status on behalf of all consumers whose privacy interests were allegedly injured in the same way.

The inmate's 12-page letter ''referred to the magazines of interest to Ms. Dennis, her interest in physical fitness, the fact that she is divorced, her income level, her birthday, and the personal care products she uses,'' according to her lawsuit. In one chilling passage quoted in the lawsuit, the convict spun out a sexual fantasy involving a brand of soap Ms. Dennis had mentioned in the survey.

The 1994 episode underscores the dangers of giving prison inmates access to highly personal information about consumers. ''It's an important case,'' says Marc Rotenberg, of the Electronic Privacy Information Center in Washington, a privacy advocacy group. ''It goes right to the question of privacy safeguards in the marketing industry.''

Mr. Rotenberg, who teaches privacy law at Georgetown University, says the ''novel questions'' raised by the suit include ''how you establish harm in the misuse of personal information, as well as what the appropriate limitations are'' when handling personal data.

Michael Lenett, an attorney with the Cuneo Law Group in Washington, D.C., who is representing Ms. Dennis, says the defendants ''would have had to know that disclosure of personal private information to convicted felons would run a very serious risk of possible harm.''

A Donnelly spokesman says senior management didn't know that prisoners were entering the data because the work was handled through a contractor. Senior management learned of the arrangement when Ms. Dennis received the letter and ''we ordered it stopped,'' he says. Using prisoners to handle consumer data, he says, ''wasn't Metromail's policy then, it isn't now, and it never will be.'' He said he couldn't comment on the suit's specific allegations.

The suit names as defendants Metromail and its parent, along with the Texas Department of Criminal Justice. Also named is closely held Computerized Image & Data Systems Inc., the tiny Roslyn Heights, N.Y., concern that contracted to process Metromail's survey data and then subcontracted the work to the Texas prison system.

A spokesman for the Texas correctional system said prisoners still process data, but declined comment on the suit. A Computerized Image official said he couldn't immediately respond, but he said the company no longer uses prisoners to process data.

Inmates in the prison systems of more than a dozen states routinely process data, answer 800-number calls for information, even work as telemarketers. Electronic Privacy's Mr. Rotenberg says the suit will probably shed some light on the questions of how much sensitive consumer information is being handled by prisoners, and how adequate the safeguards are.

Metromail gathers information about consumers through a variety of sources, such as new-car registrations, birth notices and title transfers. It sells the lists to commercial customers, such as telemarketers.

Ms. Dennis provided the information about herself in response to Metromail circulars that suggested national grocery-product concerns were prepared to send free product samples and coupons to consumers who got on Metromail's ''Shopper Mail list'' by filling out the questionnaire.

If it said [on the circular] it would be sent to a prison, I certainly wouldn't have filled it out,'' the Ohio grandmother said in an interview, adding that when she received the letter, she was ''terribly frightened.''

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Utah [Mr.

HATCH], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania.

S. 1687

At the request of Mr. KERRY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1687, a bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1730

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1730, a bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1871

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1871, a bill to expand the Pettaquamscutt Cove National Wildlife Refuge, and for other purposes.

S. 1890

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1890, a bill to increase Federal protection against arson and other destruction of places of religious worship.

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1890, supra.

AMENDMENT NO. 4090

At the request of Mr. HELMS, his name was added as a cosponsor of amendment No. 4090 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4165

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4165 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4166

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4166 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4266

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of amendment No. 4266 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4266 proposed to S. 1745, supra.

SENATE RESOLUTION 271—ORIGINAL RESOLUTION REPORTED EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution:

S. RES. 271

Whereas under the Sino-British Joint Declaration on the Question of Hong Kong of 1984, the People's Republic of China will assume sovereignty over Hong Kong on July 1, 1997.

Whereas both the People's Republic of China and Great Britain committed themselves to the Joint Declaration's explicit provisions for Hong Kong's future;

Whereas the Joint Declaration is a binding international agreement registered at the United Nations that guarantees Hong Kong a ''high degree of autonomy'' except in defense and foreign affairs, an elected legislature, an executive accountable to the elected legislature, and an independent judiciary with final power of adjudication over Hong Kong law;

Whereas the United States-Hong Kong Policy Act of 1992 expresses the support of the United States Congress for full implementation of the Joint Declaration and declared that—

(1) the United States has a ''strong interest in the continued vitality, prosperity, and stability of Hong Kong'';

(2) ''the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong'';

(3) ''a fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves''; and

(4) ''human rights also serve as a basis for Hong Kong's continued economic prosperity'';

Whereas on September 17, 1995, the Legislative Council was elected for a 4-year term expiring in 1999;

Whereas the election of Hong Kong's legislature is the cornerstone of the principle that the people of Hong Kong shall enjoy ''one country, two systems'' after the Government of the People's Republic of China assumes sovereignty over Hong Kong; and

Whereas the Government of the People's Republic of China and its appointed Preparatory Committee have announced their intention to abolish the elected Legislative Council and appoint a provisional legislature: Now, therefore, be it

Resolved, That (a) the Senate finds that—

(1) respect for Hong Kong's autonomy and preservation of its institutions will contribute to the stability and economic prosperity of the region; and

(2) the United States has an interest in compliance with treaty obligations.

(b) It is the sense of the Senate that—

(1) the People's Republic of China and the United Kingdom should uphold their international obligations specified in the Joint Declaration, including the commitment to an elected legislature in Hong Kong after June 30, 1997;

(2) the establishment of an appointed legislature would be a violation of the Joint Declaration, and the People's Republic of China should allow the Legislative Council elected in September 1995 to serve its full elected term; and

(3) the President and the Secretary of State should communicate to the People's Republic of China and to the Hong Kong government and Legislative Council the full support of the United States for Hong Kong's autonomy and the interest of the United States in full compliance by both the People's Republic of China and Great Britain with the Joint Declaration as a matter of international law.

SEC. 2. As used in this resolution, the term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

SEC. 3. The Secretary of State shall transmit a copy of this resolution to the President and the Secretary of the Senate.

SENATE RESOLUTION 272—TO AMENDMENT SENATE RESOLUTION 246

Mr. D'AMATO submitted the following resolution; which was considered and agreed to:

S. RES. 272

Resolved, That Senate Resolution 246, 104th Congress, agreed to April 17, 1996, is amended in section 1(1)(A), by inserting before the semicolon ''incurred during the period beginning on May 17, 1995, and ending on February 29, 1996, or during the period beginning on April 17, 1996, and ending on June 17, 1996''.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

KYL AMENDMENTS NOS. 4278–4280

(Ordered to lie on the table.)

Mr. KYL submitted three amendments intended to be proposed by him to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities to the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 4278

At the end of subtitle C of title II, add the following:

SEC. 237. DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS UNDER THE ABM TREATY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The threat posed to the national security of the United States, the Armed Forces, and our friends and allies by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(2) The deployment of theater missile defense systems will deny potential adversaries the option of threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction as a way of offsetting the operational and technical advantages of the United States Armed Forces and the armed forces of our coalition partners and allies.

(3) Although technology control regimes and other forms of international arms control agreements can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation and should not be viewed as alternatives to missile defense systems and other active and passive measures.

(4) The Department of Defense is currently considering for deployment as theater missile defense interceptors certain systems determined to comply with the ABM Treaty, including PAC3, THAAD, Navy Lower Tier, and Navy Upper Tier (also known as Navy Wide Area Defense).

(5) In the case of the ABM Treaty, as with all other arms control treaties to which the United States is signatory, each signatory bears the responsibility of ensuring that its actions comply with the treaty, and the manner of such compliance need not be a subject of negotiation between the signatories.

(b) SENSE OF SENATE.—It is the sense of the Senate that the theater missile defense systems currently considered for deployment by the Department of Defense comply with the ABM Treaty.

(c) DEPLOYMENT OF SYSTEMS.—The Secretary of Defense may proceed with the development, testing, and deployment of the theater missile defense systems currently considered for deployment by the Department of Defense.

AMENDMENT NO. 4279

At the appropriate place, insert:

Subtitle ____—National Missile Defense

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Defend America Act of 1996''.

SEC. 262. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 263. NATIONAL MISSILE DEFENSE POLICY.

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that—

(1) is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 264. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 263(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or a combination of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C^3).

SEC. 265. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 264(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C³ elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 264(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 264(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 264(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

SEC. 266. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.

Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 264(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in section 264(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 264(a).

SEC. 267. POLICY REGARDING THE ABM TREATY.

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 262 and the policy established in section 263, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 264.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

SEC. 268. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

AMENDMENT NO. 4280

At the end of subtitle C of title II, add the following:

SEC. 237. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

JEFFORDS (AND PELL) AMENDMENT NO. 4281

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to amendment No. 4112 submitted by Mr. FORD to the bill, S. 1745, supra; as follows:

On page 1, strike lines 6 through 8, and insert the following: 7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

MCCAIN AMENDMENT NO. 4282

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4237 submitted by Mr. SHELBY to the bill, S. 1745. supra; as follows:

In matter proposed to be inserted, insert after ''Depot'' the following: ''(the inclusion of which in the text of this section shall constitute a repeal of section 2466 of title 10, United States Code)''.

MCCAIN AMENDMENT NO. 4283

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4154 submitted by Mr. HELMS to the bill, S. 1745. supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

In section 1031(a), strike out ''The Secretary of Defense'' and insert in lieu thereof ''Subject to subsection (e), the Secretary of Defense''.

At the end of section 1031, add the following:

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and material provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by the Government of Mexico.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or material will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or material; and

(iii) the equipment and material will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel access, subject to the terms and conditions specified in section 505 of the Foreign Assistance Act, to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel.

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equal to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit end use monitoring of equipment and materiel provided as support by United States Government personnel for use by the Government of Mexico subject to the terms and conditions specified in section 505 of the Foreign Assistance Act.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Foreign Relations of the Senate.

(B) the Committees on National Security and International Relations of the House of Representatives.

MCCAIN AMENDMENT NO. 4284

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4132 submitted by Mr. EXON to the bill, S. 1745, supra; as follows:

Instead of the matter proposed to be added, add the following:

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsection (b), the Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln

Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Air National Guard may not provide services under subsection (a) until the Air National Guard and the authority enter into an agreement under which the authority reimburses the Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided:

(1) to the extent that such services cannot reasonably be provided by a source other than the Department;

(2) to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

MCCAIN AMENDMENT NO. 4285

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4204 submitted by Mr. HARKIN to the bill, S. 1745, supra; as follows:

In lieu of the matter to be stricken in section 305(a), strike ''$14,526,000 may be made available to'' and insert in lieu thereof ''not more than $14,526,000 may be made available to''.

In lieu of the matter to be inserted in section 305(b), insert the following ''search and rescue and disaster relief missions.''.

After 305(b) add:

''(c) DEPARTMENT OF DEFENSE INSPECTOR GENERAL INVESTIGATION.—The Inspector General of the Department of Defense shall conduct an investigation into the lobbying activities of the Civil Air Patrol in order to determine if federally provided funds are being used to lobby the Congress of the United States''.

MCCAIN AMENDMENT NO. 4286

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4139 submitted by Mr. HEFLIN to the bill, S. 1745, supra; as follows:

In matter proposed to be inserted, insert after ''Depot'' the following: ''(the inclusion of which in the text of this section shall constitute a repeal of section 2466 of title 10, United States Code)''.

KYL AMENDMENT NO. 4287

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out section 231 and insert in lieu thereof the following new section:

SEC. 231. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds—

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

MCCAIN AMENDMENTS NOS. 4288—4291

(Ordered to lie on the table.)

Mr. MCCAIN submitted four amendments intended to be proposed by him to amendment No. 4116 submitted by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4288

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.''

AMENDMENT NO. 4289

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''Notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program. Nothing in this section shall be construed as requiring the Department of Defense to transfer any equipment under this authority.''

AMENDMENT NO. 4290

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''Notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program.''

AMENDMENT NO. 4291

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program.''

FAIRCLOTH AMENDMENT NO. 4292

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the following:

SEC. 223. SOUTHERN OBSERVATORY FOR ASTROPHYSICAL RESEARCH PROJECT.

Of the total amount authorized to be appropriated under section 201(4), $3,000,000 is available for the Southern Observatory for Astrophysical Research (SOAR) project of the Defense Advanced Research Projects Agency.

COHEN (AND LOTT) AMENDMENT NO. 4293

Mrs. HUTCHISON (for Mr. COHEN, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 124 and insert in lieu thereof the following:

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance

procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

SANTORUM (AND KYL) AMENDMENT NO. 4294

Mr. NUNN (for Mr. SANTORUM, for himself and Mr. KYL) proposed an amendment to the bill, S. 1745, supra; as follows:

At an appropriate place in the bill, add the following:

SEC. . COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) Funds authorized by section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

THURMOND AMENDMENT NO. 4295

Mrs. HUTCHISON (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

''(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

''(B) In the administration of subparagraph (A), the following officers shall not be counted:

''(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.''.

FEINSTEIN AMENDMENT NO. 4296

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

LOTT AMENDMENT NO. 4297

Mrs. HUTCHISON (for Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title V add the following:

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).''.

DORGAN (AND CONRAD) AMENDMENT NO. 4298

Mr. NUNN (for Mr. DORGAN, for himself and Mr. CONRAD) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 393, after line 23, add the following:

SEC. 2828. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under the subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

THOMAS AMENDMENT NO. 4299

Mrs. HUTCHISON (for Mr. THOMAS) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, and Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

ROBB (AND WARNER) AMENDMENT NO. 4300

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

CHAFEE AMENDMENT NO. 4301

Mrs. HUTCHISON (for Mr. CHAFEE) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

FEINSTEIN AMENDMENT NO. 4302

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget a request for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

BROWN AMENDMENT NO. 4303

Mrs. HUTCHISON (for Mr. BROWN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

WELLSTONE AMENDMENT NO. 4304

Mr. NUNN (for Mr. WELLSTONE) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VII add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

DOMENICI AMENDMENT NO. 4305

Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

HEFLIN (AND SHELBY) AMENDMENT NO. 4306

Mr. NUNN (for Mr. HEFLIN, for himself and Mr. SHELBY) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 1102(a)(2), strike out ''during fiscal year 1997''.

LOTT AMENDMENT NO. 4307

Mrs. HUTCHISON (for Mr. LOTT) proposed an amendment to the bill, S. 1645, supra; as follows:

At the end of subtitle E of title X add the following:

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

THURMOND AMENDMENTS NOS. 4308–4309

Mrs. HUTCHINSON (for Mr. THURMOND) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4308

At the end of subtitle C of title I add the following:

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines)

shall not be taken into account in the application of the limitation in subsection (a).''.

AMENDMENT NO. 4309

At the end of section 634, add the following:

(e) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

KENNEDY (AND COATS) AMENDMENTS NOS. 4310–4311

Mr. NUNN (for Mr. KENNEDY, for himself and Mr. COATS) proposed two amendments to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such program so as to benefit communities in the vicinity of military installations.

AMENDMENT NO. 4311

At the end of subtitle F of title X, add the following:

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) FINDING.—The Senate makes the following findings:

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

THURMOND AMENDMENT NO. 4312

Mrs. HUTCHINSON (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting '', subject to subsection (e),'' after ''to employ such number of civilians, and''; and

(2) by inserting after subsection (d) the following:

''(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

''(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.''.

HATFIELD (AND WYDEN) AMENDMENT NO. 4313

Mrs. HUTCHISON (for Mr. HATFIELD, for himself and Mr. WYDEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3162. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States, regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

MURKOWSKI AMENDMENT NO. 4314

Mrs. HUTCHISON (for Mr. MURKOWSKI) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 3158 and insert in lieu thereof the following new section 3158:

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 4315

Mr. NUNN (for Mr. SIMON, for himself and Mr. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII add the following:

SEC. 2828. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

SMITH (AND GREGG) AMENDMENT NO. 4316

Mrs. HUTCHISON (for Mr. SMITH, for himself and Mr. GREGG) proposed an amendment to the bill, S. 1745 supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

GORTON AMENDMENTS NOS. 4317–4318

Mrs. HUTCHISON (for Mr. GORTON) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4317

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at

the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

AMENDMENT NO. 4318

At the end of title XXVI of the bill, insert the following:

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

''(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.''.

THURMOND AMENDMENTS NOS. 4319–4320

Mrs. HUTCHISON (for Mr. THURMOND) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4319

At the end of subtitle F of title X, add the following:

SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

AMENDMENT NO. 4320

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

KYL (AND BINGAMAN) AMENDMENT NO. 4321

Mrs. HUTCHISON (for Mr. KYL, for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

LEAHY (AND BOXER) AMENDMENT NO. 4322

Mr. NUNN (for Mr. LEAHY, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be

available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

THURMOND AMENDMENTS NOS. 4323–4324

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4323

In section 301(1) strike ''$18,147,623,000'' and insert in lieu thereof ''18,295,923,000''.

In section 201(4) is reduced by $148,300,000.

AMENDMENT NO. 4324

In section 3131(e), in the matter preceding paragraph (1), strike out ''section 3101'' and insert in lieu thereof ''section 3101(b)(1)''.

In section 3131(e)(1), strike out ''and'' after the semicolon.

In section 3131(e)(2), strike out the period at the end and insert in lieu thereof ''; and''.

At the end of section 3131(e), add the following:

(3) not more than $100,000,000 shall be available for other tritium production research activities.

In section 3132(a), strike out ''requirements for tritium for'' and insert in lieu thereof ''tritium requirements for''.

CONRAD AMENDMENT NO. 4325

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out subtitle C of title II, and insert in lieu thereof the following:

Subtitle C—Ballistic Missile Defense

SEC. 231. GENERAL POLICY.

The Secretary of Defense shall initiate preparations that would enable the deployment of an affordable national missile defense system that would be operational by 2003.

SEC. 232. SYSTEM REQUIREMENTS AND ARCHITECTURE.

(a) SYSTEM REQUIREMENTS.—The national missile defense system authorized shall be a system that—

(1) is effectively capable of defending all 50 States against a limited ballistic missile attack;

(2) complies with the arms and control treaties applicable to the United States;

(3) can reach initial operational capability within six years after the date of the enactment of this Act;

(4) limits cost by maximizing use of existing infrastructure and technology;

(5) is capable of reliably countering a nearly simultaneous attack composed of, at most, five warheads; and

(6) is fully consistent with current United States strategic defense policy and acquisition strategy.

(b) SYSTEM ARCHITECTURE.—The national missile defense system authorized under subsection (a) shall consist of the following components:

(1) An interceptor system that—

(A) utilizes kinetic kill vehicles atop intercontinental ballistic missiles in existence on the date of the enactment of this Act that are launchable from silos existing on such date; and

(B) is capable of defending all 50 States from a single field of ground-based interceptors.

(2) Early warning radars and other fixed ground-based radars that are in existence on the date of the enactment of this Act or are based on existing designs, upgraded as necessary.

(3) Space-based sensors in existence on such date.

(4) To the maximum extent possible, battle management, command, control, and communications systems that are in existence on such date.

SEC. 233. PLANNING AND DEVELOPMENT ACTIVITIES BEFORE EMERGENCE OF NEED FOR DEPLOYMENT.

The Secretary of Defense shall—

(1) initiate or continue the planning that is necessary to achieve, consistent with the requirements set forth in section 232(a), initial operational capability of a national missile defense system described in section 232(b); and

(2) plan to conduct an integrated systems test of such a system within three years after the date of the enactment of this Act.

SEC. 234. REPORT ON THREAT AND NECESSARY DEFENSES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President or the Secretary of Defense shall submit to Congress a report on—

(1) the threat of—

(A) a limited, unauthorized ballistic missile attack on the United States; or

(B) a limited, accidental ballistic missile attack on the United States; and

(2) the defenses necessary to counter the limited threat.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed description of the extent of—

(A) the existing threat of attack by rogue foreign states; and

(B) the existing threat of an unauthorized or accidental attack by a foreign state that is an established nuclear power.

(2) A detailed description of the probable development of the threat and a discussion of the reliability of the evidence supporting that description.

(3) A discussion of whether, in order to defend the United States effectively against the limited threat—

(A) it is sufficient to deploy a system capable of defending against five warheads nearly simultaneously; or

(B) it is necessary to deploy a more robust system with up to 100 interceptors.

(4) A discussion of any adjustments to the other elements of the missile defense program of the Department of Defense that are necessary in order to accommodate deployment of the necessary system (taking into consideration projections regarding the technological evolution of the emerging ballistic missile threat).

(c) FORM OF REPORT.—A report under this section may be submitted in classified form.

SEC. 235. SENSE OF CONGRESS REGARDING MODIFICATION OF THE ABM TREATY.

It is the sense of Congress that—

(1) some level of consultation between the parties to the ABM Treaty (as well as other arms control agreements) could be necessary to implement a limited national missile defense provided for under this subtitle; and

(2) the President should undertake such consultations to agree, in a manner that does not necessitate advice and consent of the Senate, upon a limited redefinition or clarification of the ABM Treaty as it relates to the deployment of a limited national missile defense described in section 232.

SEC. 236. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

ROBB (AND WARNER) AMENDMENT NO. 4326

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

CONRAD AMENDMENT NO. 4327

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 1062, add the following:

(d) RETENTION OF B–52H AIRCRAFT.—Notwithstanding any other provision of law, the Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft at least until the later of—

(1) the date that is five years after the date of the enactment of this Act; or

(2) the date on which the START II Treaty enters into force.

CONRAD AMENDMENT NO. 4328

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 4236 submitted by Mr. KYL to the bill, S. 1745, supra; as follows:

Beginning on the first page, strike out line and all that follows and insert in lieu thereof the following:

Subtitle —Ballistic Missile Defense

SEC. 1. GENERAL POLICY.

The Secretary of Defense shall initiate preparations that would enable the deployment of an affordable national missile defense system that would be operational by 2003.

SEC. 2. SYSTEM REQUIREMENTS AND ARCHITECTURE.

(a) SYSTEM REQUIREMENTS.—The national missile defense system authorized shall be a system that—

(1) is effectively capable of defending all 50 States against a limited ballistic missile attack;

(2) complies with the arms control treaties applicable to the United States;

(3) can reach initial operational capability within six years after the date of the enactment of this Act;

(4) limits cost by maximizing use of existing infrastructure and technology;

(5) is capable of reliably countering a nearly simultaneous attack composed of, at most, five warheads; and

(6) is fully consistent with current United States strategic defense policy and acquisition strategy.

(b) STYSTEM ARCHITECTURE.—The national missile defense system authorized under subsection (a) shall consist of the following components:

(1) An interceptor system that—

(A) utilizes kinetic kill vehicles atop intercontinental ballistic missiles in existence on the date of the enactment of this Act that are launchable from silos existing on such date; and

(B) is capable of defending all 50 States from a single field of ground-based interceptors.

(2) Early warning radars and other fixed ground-based radars that are in existence on the date of the enactment of this Act or are based on existing designs, upgraded as necessary.

(3) Space-based sensors in existence on such date.

(4) To the maximum extent possible, battle management, command, control, and communications systems that are in existence on such date.

SEC. 3. PLANNING AND DEVELOPMENT ACTIVITIES BEFORE EMERGENCE OF NEED FOR DEPLOYMENT.

The Secretary of Defense shall—

(1) initiate or continue the planning that is necessary to achieve, consistent with the requirements set forth in section 2(a), initial operational capability of a national missile defense system described in section 2(b); and

(2) plan to conduct an integrated systems test of such a system within three years after the date of the enactment of this Act.

SEC. 4. REPORT ON THREAT AND NECESSARY DEFENSES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President or the Secretary of Defense shall submit to Congress a report on—

(1) the threat of—

(A) a limited, unauthorized ballistic missile attack on the United States; or

(B) a limited, accidental ballistic missile attack on the United States; and

(2) the defenses necessary to counter the limited threat.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed description of the extent of—

(A) the existing threat of attack by rogue foreign states; and

(B) the existing threat of an unauthorized or accidental attack by a foreign state that is an established nuclear power.

(2) A detailed description of the probable development of the threat and a discussion of the reliability of the evidence supporting that description.

(3) A discussion of whether, in order to defend the United States effectively against the limited threat—

(A) it is sufficient to deploy a system capable of defending against five warheads nearly simultaneously; or

(B) it is necessary to deploy a more robust system with up to 100 interceptors.

(4) A discussion of any adjustments to the other elements of the missile defense program of the Department of Defense that are necessary in order to accommodate deployment of the necessary system (taking into consideration projections regarding the technological evolution of the emerging ballistic missile threat).

(c) FORM OF REPORT.—A report under this section may be submitted in classified form.

SEC. 5. SENSE OF CONGRESS REGARDING MODIFICATION OF THE ABM TREATY.

It is the sense of Congress that—

(1) some level of consultation between the parties to the ABM Treaty (as well as other arms control agreements) could be necessary to implement a limited national missile defense provided for under this subtitle; and

(2) the President should undertake such consultations to agree, in a manner that does not necessitate advice and consent of the Senate, upon a limited redefinition or clarification of the ABM Treaty as it relates to the deployment of a limited national missile defense described in section 2.

SEC. 6. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

GREGG AMENDMENTS NOS. 4329–4330

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4329

Strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity

or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4330

At the appropriate place, insert:

SEC. ___. CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

MCCAIN AMENDMENT NO. 4331

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike sections 321 through 330 of S. 1745.

DOMENICI AMENDMENTS NOS. 4332–4339

(Ordered to lie on the table.)

Mr. Domenici submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4332

In the table in section 2101(a), insert after the item relating to Fort Polk, Louisiana, the following new item:

New Mexico	White Sands Missile Range.	$10,000,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a) and insert in lieu thereof ''$366,450,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,904,297,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$366,450,000''.

AMENDMENT NO. 4333

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,813,356,000''.

AMENDMENT NO. 4334

In section 103(3), strike out ''$5,880,519,000'' and insert in lieu thereof ''5,889,519,000''.

AMENDMENT NO. 4335

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,791,356,000''.

AMENDMENT NO. 4336

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,687,542,000''.

AMENDMENT NO. 4337

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,679,542,000''.

AMENDMENT NO. 4338

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,687,542,000''.

AMENDMENT NO. 4339

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,789,356,000''.

MCCAIN AMENDMENT NO. 4340

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1745. supra; as follows:

Amend section 322 of S. 1745 by striking out the current language and inserting in lieu thereof ''Section 2466 of title 10, United States Code, is repealed.''.

THE CHURCH ARSON PREVENTION ACT OF 1996

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 4341

Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. KOHL, Mr. SARBANES, Mr. NUNN, Ms. MOSELEY-BRAUN, Mr. THURMOND, Mr. EXON, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Mr. STEVENS) proposed an amendment to the bill (H.R. 3525) to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Church Arson Prevention Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

(3) Changes in Federal law are necessary to deal properly with this problem.

(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.

SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (c) of this section'' and inserting ''subsection (d)'';

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively;

(3) by striking subsection (b) and inserting the following:

''(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

''(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).'';

(4) in subsection (d), as redesignated—

(A) in paragraph (2)—

(i) by inserting ''to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section,'' after ''bodily injury''; and

(ii) by striking ''ten years'' and inserting ''20 years'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;'';

(5) in subsection (f), as redesignated—

(A) by striking ''religious property'' and inserting ''religious real property'' both places it appears; and

(B) by inserting '', including fixtures or religious objects contained within a place of religious worship'' before the period; and

(6) by adding at the end the following new subsection:

''(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.''.

SEC. 4. LOAN GUARANTEE RECOVERY FUND.

(a) IN GENERAL.—

(1) IN GENERAL.—Using amounts described in paragraph (2), the Secretary of Housing and Urban Development (referred to as the ''Secretary'') shall make guaranteed loans to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism in accordance with such procedures as the Secretary shall establish by regulation.

(2) USE OF CREDIT SUBSIDY.—Notwithstanding any other provision of law, for the cost of loan guarantees under this section, the Secretary may use not more than $5,000,000 of the amounts made available for fiscal year 1996 for the credit subsidy provided under the General Insurance Fund and the Special Risk Insurance Fund.

(b) TREATMENT OF COSTS.—The costs of guaranteed loans under this section, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(c) LIMIT ON LOAN PRINCIPAL.—Funds made available under this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $10,000,000.

(d) TERMS AND CONDITIONS.—The Secretary shall—

(1) establish such terms and conditions as the Secretary considers to be appropriate to provide loan guarantees under this section, consistent with section 503 of the Credit Reform Act; and

(2) include in the terms and conditions a requirement that the decision to provide a loan guarantee to a financial institution and the amount of the guarantee does not in any way depend on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF INCLUSION IN LIST OF CRIMES ELIGIBLE FOR COMPENSATION.

Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended by inserting ''crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code,'' after ''includes''.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years 1996 and 1997 such sums as are necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 844 of title 18, United States Code.

SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.

The first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking ''for the calendar year 1990 and each of the succeeding 4 calendar years'' and inserting ''for each calendar year''; and

(2) in subsection (c), by striking ''1994'' and inserting ''2002''.

SEC. 8. SENSE OF THE CONGRESS.

The Congress—

(1) commends those individuals and entities that have responded with funds to assist in the rebuilding of places of worship that have been victimized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue the rebuilding process with maximum financial support from private individuals, businesses, charitable organizations, and other non-profit entities.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

FORD (AND BROWN) AMENDMENT NO. 4342

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) the Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that—

(i) there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites; and

(ii) no alternative technology can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

(3) No funds authorized to be appropriated by section 107 (other than the funds referred to in paragraph (1)) that remain available for obligation on January 1, 1997, may be obligated after that date unless—

(A) the funds referred to in that paragraph have been transferred to the executive agent for use for the pilot program; and

(B) the pilot program has commenced.

COHEN AMENDMENT NO. 4343

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXXIII, add the following:

SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $110,000,000 during the five-fiscal year period ending September 30, 2001;

(2) $260,000,000 during the seven-fiscal year period ending September 30, 2003; and

(3) $440,000,000 during the nine-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons.
Cobalt	9,902,774 pounds.
Columbium Carbide	21,372 pounds.

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Columbium Ferro	249,395 pounds.
Diamond, Bort	91,542 carats.
Diamond, Stone	3,029,413 carats.
Germanium	28,207 kilograms.
Indium	15,205 troy ounces.
Palladium	1,249,601 troy ounces.
Platinum	442,641 troy ounces.
Rubber	567 long tons.
Tantalum, Carbide Powder	22,688 pounds contained.
Tantalum, Minerals	1,748,947 pounds contained.
Tantalum, Oxide	123,691 pounds contained.
Titanium Sponge	36,830 short tons.
Tungsten	76,358,235 pounds.
Tungsten, Carbide	2,032,942 pounds.
Tungsten, Metal Powder	1,181,921 pounds.
Tungsten, Ferro	2,024,143 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury and used to offset the revenues lost as a result of the amendments made by subsection (a) of section 4303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 658).

(2) This section shall be treated as qualifying offsetting legislation for purposes of subsection (b) of such section 4303.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) DEFINITION.—The term ''National Defense Stockpile'' means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

LOTT AMENDMENT NO. 4344

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) Of the funds provided by Section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the navy, consistent with Navy's requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

EXON (AND OTHERS) AMENDMENT NO. 4345

Mr. EXON (for himself, Mr. KOHL, Mr. BINGAMAN, Mr. LEVIN, Mr. DORGAN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. HARKIN) proposed an amendment to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions to this Act is $263,362,000,000.

THURMOND (AND NUNN) AMENDMENT NO. 4346

Mr. THURMOND (for himself and Mr. NUNN) proposed an amendment to the bill, S. 1745, supra; as follows:

After section 3, add the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 4347

Mr. WELLSTONE (for himself, Mr. BUMPERS, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, and Mr. PELL) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. . TRANSFERS FOR EDUCATION AND EMPLOYMENT ASSISTANCE PROGRAMS.

(a) EDUCATION PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Education—

(1) $577,000,000, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a), relating to Federal Pell Grants;

(2) $158,000,000, to carry out part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.), relating to Federal Perkins Loans; and

(3) $71,000,000, to carry out part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), relating to Federal Direct Stafford/Ford Loans.

(b) EMPLOYMENT ASSISTANCE PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Labor—

(1) $193,000,000, to provide employment and training assistance to dislocated workers under title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.);

(2) $246,000,000, to carry out summer youth employment and training programs under part B of title II of the Job Training Partnership Act (29 U.S.C. 1630 et seq.);

(3) $25,000,000, to carry out School-to-Work Opportunities programs under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 2101 et seq.); and

(4) $40,000,000, to carry out activities, including activities provided through one-stop centers, under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

GLENN AMENDMENT NO. 4348

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 1022(a), strike out ''. Such transfers'' and insert in lieu thereof '', if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence''.

NUNN (AND OTHERS) AMENDMENT NO. 4349

Mr. NUNN (for himself, Mr. LUGAR, Mr. DOMENICI, Mr. DASCHLE, Mr. BIDEN, Mr. GRAHAM, Mr. LIEBERMAN, and Mr. SPECTER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of division A, add the following new title:

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1996''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological, and chemical weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

(16) Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

(17) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

(20) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(21) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

(22) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(25) Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(26) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1303. DEFINITIONS.

In this title:

(1) The term ''weapon of mass destruction'' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term ''highly enriched uranium'' means uranium enriched to 20 percent or more in the isotope U–235.

Subtitle A—Domestic Preparedness

SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the ''lead official''.

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a ''hot line'') to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as ''Metropolitan Medical Strike Force Teams'') to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

''§ 382. Emergency situations involving chemical or biological weapons of mass destruction

''(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

''(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

''(1) that poses a serious threat to the interests of the United States; and

''(2) in which—

''(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

''(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

''(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

''(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

''(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

''(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

''(i) Arrest.

''(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

''(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

''(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

''(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

''(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

''(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

''(f) DELEGATIONS OF AUTHORITY.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

''(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''382. Emergency situations involving chemical or biological weapons of mass destruction.''.

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.—Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.''.

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

''§ 175a. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

''175a. Requests for military assistance to enforce prohibition in certain emergencies.''.

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

''§ 2332d. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

''2332d. Requests for military assistance to enforce prohibition in certain emergencies.''.

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1321. UNITED STATES BORDER SECURITY.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;

(B) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and

(C) materials and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the

Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1322. NONPROLIFERATION AND COUNTER-PROLIFERATION RESEARCH AND DEVELOPMENT.

(a) ACTIVITIES AUTHORIZED.—The Secretary of Defense and the Secretary of Energy are each authorized to carry out research on and development of technical means for detecting the presence, transportation, production, and use of weapons of mass destruction and technologies and materials that are precursors of weapons of mass destruction.

(b) FUNDING.—(1)(A) There is authorized to be appropriated for the Department of Defense for fiscal year 1997, $10,000,000 for research and development carried out by the Secretary of Defense pursuant to subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development carried out by the Secretary of Energy pursuant to subsection (a).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out ''importation or exportation of,'' and inserting in lieu thereof ''importation, exportation, or attempted importation or exportation of,''; and

(2) in subsection (b)(3), by striking out ''importation from any country, or the exportation'' and inserting in lieu thereof ''importation or attempted importation from any country, or the exportation or attempted exportation''.

SEC. 1324. CRIMINAL PENALTIES.

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

SEC. 1325. INTERNATIONAL BORDER SECURITY.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting '', fissile material suitable for use in nuclear weapons,'' after ''other weapons''.

SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk–7 and Krasnoyarsk–26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or

separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the ''Demilitarization Enterprise Fund'' under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.

(a) PROGRAM EXPANSION AUTHORIZED.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) PLAN REQUIRED.—(1) The Secretary shall develop and periodically update a plan for the cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the Joint Chiefs of Staff in the coordination.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program under paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.

(a) FUNDING.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military programs of the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. TRANSFER AUTHORITY.

(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) DUTIES.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, [$2,000,000] is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the ''Committee'') is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

SEC. 1353. ADDITIONAL CERTIFICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) OPERATIONS AND MAINTENANCE, DEFENSE-WIDE.—The total amount authorized to be appropriated under section 301(5) is reduced by $85,000,000.

PRESSLER (AND DASCHLE) AMENDMENT NO. 4350

Mr. WARNER (for Mr. PRESSLER, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 316, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the ''South Dakota''.

WARNER AMENDMENT NO. 4351

Mr. WARNER proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996,'' and inserting in lieu thereof ''during fiscal years 1993 through 1998''.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4352

Mr. NUNN (for Mr. JOHNSTON, for himself and Mr. BREAUX) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie

National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

DEWINE (AND GLENN) AMENDMENT NO. 4353

Mr. WARNER (for Mr. DEWINE, for himself and Mr. GLENN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the ''airport parcel'' in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

FORD AMENDMENT NO. 4354

Mr. NUNN (for Mr. FORD) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 2101(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

Kentucky	Fort Campbell	$67,600,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a), and insert in lieu thereof ''$363,050,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,900,897,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$363,050,000''.

In section 2502, strike out ''$197,000,000'' and insert in lieu thereof ''$172,000,000''.

In section 2601(1)(A), strike out ''$79,628,000'' and insert in lieu thereof ''$90,428,000''.

McCAIN AMENDMENT NO. 4355

Mr. WARNER (for Mr. McCAIN) proposed an amendment to amendment No. 4354 proposed by Mr. FORD to the bill, S. 1745, supra; as follows:

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECT.—Subsection (a) applies to the following military construction project:

(1) Phase II Construction, Consolidated Education Center, Ft. Campbell, KY

(2) Phase III, Construction, Western Kentucky Training Site.

ROBB (AND WARNER) AMENDMENT NO. 4356

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

LIEBERMAN (AND NUNN) AMENDMENT NO. 4357

Mr. NUNN (for Mr. Lieberman, for himself and Mr. NUNN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program to, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

THURMOND (AND OTHERS) AMENDMENT NO. 4358

Mr. WARNER (for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. BREAUX, Mr. DOMENICI, Mr. SANTORUM, Mr. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title V, add the following:

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

BYRD AMENDMENT NO. 4359

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title V add the following:

SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(2) Section 2107(g) of such title is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(3) Section 2107a(g) of such title is amended by inserting '', other than enlisted service performed after August 1, 1979, as a member of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

BOXER AMENDMENT NO. 4360

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

MOSELEY-BRAUN AMENDMENT NO. 4361

Mr. NUNN (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

BURNS AMENDMENT NO. 4362

Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 2, line 13, strike out ''$37,323,000'' and insert in lieu thereof ''$20,723,000''.

On page 3, line 11, strike out ''$53,709,000'' and insert in lieu thereof ''$44,809,000''.

On page 6, line 24, strike out ''September 30, 2001.'' and insert in lieu thereof ''September 30, 2001: *Provided*, That of the amount made available under this heading, $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. 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 Wednesday, June 26, 1996, to conduct a markup of S. 1317, the Public Utility Holding Company Act of 1995.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, June 26, 1996, session of the Senate for the purpose of conducting a hearing on S. 1726, the Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1996.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. 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 Wednesday, June 26, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1804, a bill to make technical and other changes to the laws dealing with the territories and freely associated States of the United States; oversight considering the law enforcement initiative in the Commonwealth of the Northern Mariana Islands; and S. 1889, a bill to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 26, 1996 beginning at 10 a.m. in room SH–215, to conduct a markup on S. 1795.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 2 p.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 10:30 a.m. to hold a business meeting to vote on pending items.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 9:30 a.m. for a markup.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 10 a.m. for a hearing on Senate Resolution 254, sense of the Senate regarding the reopening of Pennsylvania Avenue.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 9:30 a.m. to conduct a hearing on amendments to the Indian Child Welfare Act [ICWA]. The hearing will be held in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources

be authorized to meet in executive session during the session of the Senate on Wednesday, June 26, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on FEC reauthorization, oversight, and campaign finance reform.

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

ADDITIONAL STATEMENTS

FEDERAL MINERAL WITHDRAWAL IN THE COOKE CITY, MT AREA

● Mr. BURNS. Mr. President, I rise today to bring to the attention of the Senate two thoughts. No. 1, which is the inconsistency with which the present administration deals with land use policy decisions. No. 2, the concept of balance in dealing with land use policy.

Earlier this month the Bureau of Land Management and the Forest Service announced that they propose to withdraw from mineral entry approximately 19,100 acres in the area surrounding Cooke City, MT. This follows a pledge made by the President to disallow mineral entry into this area for a period of 2 years.

This is an area that is surrounded by lands which already protect the land in question. Congress has previously acted to create a National Park and a Wilderness area to protect the fragile lands in this area. Now the Secretary of the Interior wants to put more land in Montana out of reach for the people of Montana.

In the statement that the Secretary included with the proposal, he has stated in numerous locations that it is the policy of Federal agencies to foster and encourage private enterprise in the development of stable domestic mining. The document also discusses that there will not be any effect on valid existing claims, referring to the New World Mine site presently under study by the Federal land management agencies and the States of Montana and Wyoming.

The purpose of this proposal is exactly the opposite. Before the States can finish their purposed action on mining in this area, the Federal Government steps in to say that they know what is best for everybody. They state that they will consult with local communities on the process. Yet when it comes to the final process they give little or no credit to the words and thoughts of the people that will be most directly impacted by their actions.

All this is stated very clearly in a letter written by Mr. David Rovig of Montana. His letter sets forth a precise description of the inconsistencies in the proposal put forth by Secretary Babbitt.

Mr. President, I ask that the letter by Mr. Rovig be printed in the RECORD following my statement.

In recent years our Government has fallen prey to the actions of special interest groups that seek to exempt others of the future they are so privileged to have lived. If we are to increase the stability of our country and to develop our future we need to open our minds and eyes to balance, and not close the door on development. We need to be prepared to use our resources to protect the land. These are the aims that the Government needs to seek. It is the goal of the State of Montana to find sound science in the development of the resources my State has been so blessed with.

Work is being done in Montana to protect the future and the land. What Montana seeks is work and jobs to move into the future.

The letter follows:

ROVIG MINERALS, INC.,
Billings, MT, June 21, 1996.

Senator CONRAD BURNS,
Dirksen Senate Office Building,
Washington, DC.

DEAR CONRAD: I am writing this letter on behalf of the Montana Mining Association in my position as President.

I was recently made aware of a Bureau of Land Management and Forest Service action (see attachments) whereby they propose to withdraw from mineral entry approximately 19,100 acres in the Cooke City area. This administrative action is purportedly being undertaken at the request or direction of Secretary Bruce Babbitt of the Department of the Interior. It follows on the heels of President Clinton's promise, catering to the environmental community, that this area would be suspended from mineral entry for a period of two years. I think you know the history of this hoax—the President flew over the area at 10,000 feet and then determined in a secret meeting with multiple environmental groups that he would save the area from the nasty miners.

The continued effort now being foisted on us by the Bureau of Land Management and the Forest Service is a very expensive attempt to appease environmental groups with taxpayer money while in reality accomplishing nothing. Cooke City sits in the middle of a multi-million acre area of previously withdrawn wilderness and national parks. The 19,000 or 20,000 acres represented is one of the very few areas in this gigantic enclave where any degree of free enterprise can be pursued. The Bureau of Land Management, the Forest Service, the Secretary and the environmental community keep trying to portray the Cooke City area as a forgotten or overlooked part of their personal preserve. The reality is that the New World Mining district was specifically excluded when Yellowstone Park was formed by virtue of the fact that it was an active mining district. Furthermore, in the 1970's when the Absaroka-Beartooth Wilderness Area was formed, it was again specifically excluded by virtue of its intense mineral potential. That mineral potential still exists today as demonstrated by the reserves recently drilled out by Crown Butte Mines, Inc.

In the government support information, the following statement was made, ''The withdrawal has been proposed by the Secretary of the Interior to maintain, to the extent practical, resource values in the area and on adjacent lands in Yellowstone National Park and the Absaroka-Beartooth Wilderness Area.'' It is obvious from this statement that the Secretary has redefined resource values to exclude mineral resources. Yet in the accompanying information sheet dated June 1996, we see the following paragraph: ''Under the Mining and Mineral Policy Act, it is the policy of all Federal agencies to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries; and the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs.''

There are many other inconsistencies in the government's position such as the statement: ''The withdrawal would not affect those lands in the area for which there are valid existing rights of mineral entry or any other associated rights, such as access to private land or existing mineral claims.''

This is inconsistent since the very concept of mineral entry allows for the staking of mill site claims to help develop a mining claim. Under Babbit's proposal new mill site claims would not be allowed thus denying owners of valid existing mineral rights, their other associated rights. The information sheet makes the absurd statement that: ''The New World Mine proposal, being analyzed by the Gallatin National Forest, is not considered as a 'connected action' to the withdrawal proposal and will not be considered in the analysis. The New World Mine proposal applies to an area for which there were valid rights established prior to the proposed withdrawal.''

Anyone who has followed the proposed development of the New World Mine knows very well that the withdrawal issue would never have arisen were it not for Clinton's secret meeting with the environmentalists. Of course, the New World Mine proposal should be considered a connected action, and the very fact that its multi-volume Environmental Impact Statement has been written to cover the very heart of the proposed withdrawal demands that it be considered as a connected action, thus proving the district's mineral viability.

Even if you accept the position that this proposed activity will not affect existing mining activities and claims, then you must seriously question why the government wants to take this very expensive multi-year action to withdraw the surrounding ground. Another major consideration is the concept of administrative withdrawals on our ever dwindling mineral resource locales. The prospector and the wildcatter cannot find their minerals where no minerals exist. We must be allowed to look in those places where geologic conditions allow for the presence of commercial minerals. Already thousands of acres of highly prospective mineral locations have been lost to the bureaucratic procedures that simply do not recognize the incredible importance of minerals to this country's past, present and future. There are no great nations that do not have near self-sufficiency for their mineral needs.

I hope that through the budget process, or some of the other magic that goes on in Washington, you can stop this wasteful and unnecessary proposal but, if not, I plead for you to work with us to ensure that a degree of logic and common sense is incorporated in the procedure. This would include review of the studies by the United States Bureau of Mines, the United States Geological Survey and various states agencies. It must also consider how small this area is when compared to the vast wilderness and park system

that surrounds it. It is clear to me that if Babbitt's mineral withdrawal succeeds there will be subsequent steps to pick away at the area until it ultimately would be consumed by the wilderness system.

As a matter of standing policy, the Montana Mining Association is opposed to administrative withdrawals of any lands from mineral entry. In this instance, the egregious violation of the intent of the withdrawal procedure for the sole purpose of mollifying preservationist interests solidifies our resolve. We firmly believe that the continual hijacking of established procedures to achieve political ends must stop. Please help us help ourselves and the country to thwart this effort.

Very truly yours.

DAVID B. ROVIG.●

GLEN GENSEAL AND SPRINGFIELD'S NEW KOREAN WAR MEMORIAL

● Mr. SIMON. Mr. President, the community of Springfield, IL, recently dedicated a new Korean War Memorial which features, inscribed in stone, this poem, written by Glen Genseal in tribute to our fallen soldiers in Korea:

MY BRAVE YOUNG MEN

(by Glen Genseal)

I took a walk in the park of my old home town
Hardly noticing anything that was around.
Just this day, I don't know why,
I looked at the cannon and stone war plaque when passing by.

There were name upon names written on the plaque
Of brave young men who never came back.
A certain guilty feeling came over me,
I didn't know why, but I was soon to see.
Off in the distance, I thought I heard
Soldiers marching to cadence and time.
I blinked my eyes, shook my head,
Looked at the plaque,
And here's what it said:

Take a good look at my brave young men as they go marching by,
I want you to hear all their widows and mothers cry.

I want you to touch each salty tear,
And feel each heartache, that will never disappear.

Look into the lost eyes of every wife, mother, and dad,
Then gently squeeze the small hand of each fatherless child
That war has left so sad.

Oh my friend, never forget as you walk by,
The sacrifice of my brave young men who had to die.

Let it be known and always ever so plain,
That my brave young men did not die in vain.

America will always be the home of the brave,
America will always be the land of the free.

Because of the life of each young man
Whose name, written in blood, is upon me.

God bless America and my brave young men.

Mr. President, Tracy Johnson, who has done a superb job for the people of Illinois and for me in my office in Springfield, is the daughter of Glen Genseal. She is proud of her father and of his contribution to this lasting and fitting memorial to those who served and died in Korea, and I am proud of them both.

SURGING TAX BURDEN UNDER PRESIDENT CLINTON

● Mr. ABRAHAM. Mr. President, under President Bill Clinton, the Federal tax burden as a percentage of national income has risen to the second highest level in American history. As reported by economist Bruce Bartlett, according to the U.S. Department of Commerce, in the first quarter of 1996 Federal taxes consumed 20.5 percent of gross domestic product. Only during periods of war and other unique economic circumstances has the tax burden risen to such levels. For instance, at the height of World War II in 1945, and of the Vietnam war in 1969, Federal taxes took only 20.1 percent and 20.3 percent of GDP, respectively. During the late 1970's and early 1980's, double-digit inflation and a Tax Code that was not indexed for inflation pushed the tax burden to an all-time high of 20.8 percent of GDP. President Clinton's 1993 tax increase—the biggest tax increase in the history of the world—is largely responsible for raising the tax burden from 19.2 percent of GDP in President Bush's last year to today's 20.5 percent of GDP. In my view, there is absolutely no justification for imposing such a heavy tax burden on the American people. We ought to let American people keep more of what they earn so that they can do more for their families and communities. And the best way to accomplish this is to reduce income tax rates for everyone by at least 15 percent.

I ask that Mr. Bartlett's Detroit News editorial be printed in the RECORD immediately following my remarks.

The editorial follows:

[From the Detroit News, June 24, 1996]

A SURGING RECORD OF CLINTON TAX LOAD

(By Bruce Bartlett)

Recently released data show federal taxes continuing their relentless upward trend. As I have previously reported, federal taxes consumed 20.4 percent of the gross domestic product (GDP) last year—the second highest level in American history.

According to the U.S. Department of Commerce, however, in the first quarter of 1996 federal revenues have risen by another 0.1 percent to 20.5 percent of GDP. As the figure indicates, federal revenues have now risen by 1.5 percentage points of GDP during the Clinton administration.

This works out to an increase of just over 0.1 percent of GDP every quarter Bill Clinton has been in office. On this basis, we can anticipate that by the fourth quarter of 1996 federal revenues will equal their all-time high of 20.8 percent.

The Congressional Budget Office now estimates that gross domestic product will amount to $7,584 billion in 1996. Thus if revenues were simply to return to the level they were at when Bill Clinton took office, we would have to cut taxes by $114 billion this year. And every quarter that tax revenues as a share of GDP rise another 0.1 percent, we must increase the size of the tax cut by an additional $7.6 billion.

Predictably, the Clinton administration is hostile to the idea of a tax cut. With the sole exception of John F. Kennedy, no Democratic president in history has ever proposed a major tax cut. Democrats always want to hold on to every last dollar of the taxpayers' money—no tax cut is ever as valuable to them as the equivalent amount of government spending.

Even if they were convinced that a tax cut was justified, it is always ''unfair'' to cut tax rates because that means that those who pay the most taxes get a bigger tax cut. That is why Democrats like tax credits, because they are tax equivalent of government spending. Republicans, by contrast, have historically supported tax rate reductions and increases in tax exemptions, which allow people to keep more of their own money.

Republicans in Congress, therefore, committed a fatal error when they made the $500 child credit the centerpiece of their tax plan. It essentially is Democratic tax policy. As a result, the differences between the two parties on the central issue of taxation have become blurred.

Moreover, the Republicans' obsession with balancing the budget at all costs has blinded them to the need for a tax cut vastly larger than the minuscule $122 billion over six years that they have proposed in their latest budget. They should be talking about a tax rate reduction of at least 15 percent across the board.●

LT. COL. BRYAN T. LAWLER

● Mr. GRASSLEY. Mr. President, I rise today to honor a gentleman of outstanding character and dedication to his country. Lieutenant Colonel Bryan T. Lawler of Eldora, IA has served in the U.S. Air Force for 22 years and will retire from active duty on August 1, 1996.

Colonel Lawler's military education in 1974, when he attended and graduated from the Minuteman Missile Launch Officer training course. Subsequently, after graduating in the top third of the class from Squadron Officer's school, Bryan Lawler's education culminated with a Juris Doctor degree from the University of Iowa's College of Law. He had been competitively selected for the Funded Legal Education Program and graduated with high distinction. Colonel Lawler also attended the Air Command and Staff College.

During his 22 years of service, Colonel Lawler put his Iowa Hawkeye law degree to exemplary use. He served in the base legal office at Seymour-Johnson AFB, defense counsel at RAF Upper Heyford in the United Kingdom, and Utility Legislation Counsel at Tyndall AFB in Florida. He also served as the Staff Judge Advocate at Moody AFB. He continued his service overseas, being stationed, again, in the United Kingdom and in Saudi Arabia. While in Saudi Arabia Colonel Lawler was selected to serve as one of the legal advisors who investigated the shootdown of two U.S. Army helicopters in Northern Iraq. The Colonel finishes his distinguished career as Deputy Staff Judge Advocate for the Headquarter Fifteenth Air Force at Travis AFB.

Because of his outstanding achievements during his services with the U.S.

Air Force, Lieutenant Colonel Lawler has been honored with the Meritorious Service Medal with two Oak Leaf Clusters, the Joint Commendation Medal, and the Air Force Commendation Medal with two Oak Leaf Clusters. Bryan Lawler's military service reflects hard work, pride, and efficiency. The work done by Colonel Lawler in the service of his country is greatly appreciated. I know that all Iowans and all Americans join me in expressing their thanks for a job well done.

Mr. President, I would like to quote the words of one of Colonel Lawler's fellow officers. I believe that these words describe the Colonel well. ''Colonel Lawler has been a leader, guiding hundreds of young people who have learned and themselves succeeded under his steady influence. Few members of the Department are as well respected, admired and liked by his superiors, peers and subordinates as is Colonel Lawler.''

Mr. President, I sincerely congratulate Lieutenant Colonel Bryan T. Lawler on his service with the U.S. Air Force. He is the type of officer that our military needs. I wish him the best of luck in the years to come.●

VICE PRESIDENT GORE ON THE 40TH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

Mr. DASCHLE. Mr. President, today the President of the Senate, the Vice President of the United States, AL GORE, Jr., issued a statement commemorating the 40th anniversary of the Interstate Highway System. His statement is fitting, not only because of the unparalleled significance the Interstate Highway System holds for every American, but also because of the key role in the development of that system played by the Vice President's father, Al Gore, Sr. I ask unanimous consent that the Vice President's statement be printed in the RECORD and commend it to my colleagues' and the public's attention.

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

STATEMENT BY VICE PRESIDENT AL GORE COMMEMORATING THE 40TH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM, JUNE 26, 1996

This week marks the 40th anniversary of the historic legislation that created our nation's Interstate Highway System. Tonight, at the Zero Milestone Market on the Ellipse, there will be an event to honor the four visionary Americans who made it possible: President Dwight Eisenhower; Congressman Hale Boggs; former Federal Highway Administrator Frank Turner; and my hero, my mentor, one of Tennessee's finest sons and one of America's greatest Senators . . . my father, Senator Al Gore, Sr.

The Interstate Highway System has meant so much to our country. Its creation led to an unprecedented period of national growth and prosperity. It increased safety and dramatically reduced traffic fatalities. And it enhanced our national defense and security.

The Interstate Highway System has literally changed the way we work and even the way we live. But it has done something else, too—something that can't be measured by statistics or dollar signs.

The Interstate Highway System unified our great and diverse nation. As President Clinton has said, it ''did more to bring Americans together than any other law this century.'' And by so doing, it gave our citizens—and still gives our citizens 40 years and about 44,000 miles later—the very freedom that defines America.

Inherent in our Bill of Rights—whether the freedom of religion or press—is the freedom of mobility . . . to go where we please, when we please. Families driving to our national parks on vacation, mothers coming home from work, fathers taking their children to baseball games . . . all depend on the Interstate Highway System—a system that has paved the way not only to the next destination, but to opportunity itself.

A highway to opportunity—that is America. And that is the freedom, I am proud to say, made possible in part by my father's dedication. I'm equally proud to continue that tradition—inspired by him—by working to connect all Americans to the 21st century's highway to opportunity, the information superhighway.

I was always amazed how the voice that called me to the dinner table or reminded me to do my homework could be the same voice that argued so eloquently in the Senate for what can only be described as the greatest public works project in the history of the United States of America. And on this, the 40th anniversary of that accomplishment, I would like to thank my father, Senator Al Gore, Sr.

On behalf of all Americans, I would like to thank him for the Interstate Highway System that, in his words, is truly an ''object of national pride.'' And I would like to thank him, personally, for teaching me both what it means to be a dedicated public servant and a dedicated father.

SECURITY AT THE WHITE HOUSE

Mr. WARNER. Mr. President, yesterday's Washington Post contained a very interesting op-ed piece written by William T. Coleman, Jr., former Secretary of Transportation in the Ford administration, who is chairman of the NAACP Legal Defense and Education Fund. I have known, through the years, this distinguished public servant very, very well. He enjoys the confidence and respect of the broadest possible spectrum here in the Nation's Capital, certainly of this Senator.

Mr. President, he was addressing the serious problem with respect to security at the White House, and I point out that he is a Republican. He goes into considerable detail on the issue recently voted on in the Senate, the closing of Pennsylvania Avenue. I voted against that Sense of the Senate Resolution. I feel that matters relating to security, such as the closing of Pennsylvania Avenue, no matter the considerable inconvenience to many citizens and in particular citizens from my State of Virginia, contiguous to the Nation's capital, should best be left to those who are responsible for decisions relating to security.

Quite frankly, in my State, my vote was not popular because of the inconvenience to those utilizing Pennsylvania Avenue for transportation to and from their places of employment and the like. I cast a vote to table that resolution.

Today, in our newspapers and on television, we have seen the absolutely tragic news about the bombing in Saudi Arabia. Mr. President, the first thought in my mind is a great sense of compassion, of course, for the families, for the victims, those who have lost their lives, those who are injured. How many times I and others, including the presiding officer and the distinguished chairman of the Armed Services Committee, have reminded the American public of the risk taken every day by men and women of the Armed Forces. They volunteer to go beyond our shores to provide that framework of security, together with our allies, such that we can enjoy what we are doing here today—freedom of speech and every other type of freedom guaranteed by our Constitution. We honor the great sense of obligation that these men and women have and the generations that have preceded them and worn the uniforms, knowing they take risks of varying levels once they depart the shores of our United States.

I think we should take a lesson from that tragedy as it relates to security and the type of weapon employed by those terrorists; namely, a truck, from outward appearances being a fuel truck. I consulted today with the intelligence staff of the Department of Defense. I think it can be said that a fuel truck was carefully reconfigured and the contents carefully put in by expert individuals. It was not some back-garage type of manufacturing job by persons in that region.

The article by Mr. Coleman is relevant to the tragedy within the last 24 hours in Saudi Arabia. Terrorism against our men and women of the Armed Forces abroad, in my judgment, is directly related to the issue regarding Pennsylvania Avenue and the house of the President of the United States, which is the public property of every citizen in this country. I ask unanimous consent this article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. EXON. Will the Senator yield?

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

Mr. EXON. I would like to say a few things complimenting my friend from Virginia on the remarks he made.

Mr. WARNER. Take such time as the Senator desires.

Mr. EXON. While the Senator from Virginia and I have not always agreed on all subjects, we have agreed on more than we have disagreed on. I could not help but ask for a moment, if I might, to congratulate the Senator from Virginia for his very thoughtful remarks with regard to the security of the White House. I voted against the resolution when it came up because I thought it was ill-advised.

I believe it is safe to say that what happened, the tragedy that happened to our people serving the United States

overseas with the terrorist attack yesterday, if it can happen in Dhahran, Saudi Arabia, it can happen even more easily at an open Pennsylvania Avenue, 1600 Pennsylvania Avenue.

I thank the Senator for his thoughtful comments and remarks.

Mr. WARNER. I thank my colleague.

Also, I feel the President of the United States, President Clinton, has addressed thus far this tragedy in Dhahran in an exemplary manner. He has dispatched all known resources in this country to analyze how this could have happened, and I was told by the Department of Defense a short time ago, every possible means of medical care and logistics are en route by air to the scene to help those many, many who are still suffering in the hospital.

EXHIBIT 1

[From the Washington Post, June 25, 1996]

KEEP THE AVENUE CLOSED

(By William T. Coleman, Jr.)

When the Secret Service first described to us its proposal to eliminate vehicular traffic from two busy blocks of Pennsylvania Avenue, I and the five other persons serving as outside advisers to the Treasury Department's White House Security Review were dead set against it. We were all well aware that the presidency carries with it inevitable risks: Certainly, this president has been far more vulnerable on his two trips to the Middle East than he would ever be in the White House.

Moreover, as longtime Washington area residents and commuters, we were concerned about the effects on the city. We were also mindful of the public's possible reaction to restricting access to the people's house, and with this in mind, we consulted three of the four living former presidents.

But in the final analysis—and unfortunately much of that analysis cannot be made public because it concerns sensitive security matters—it became clear to us: The evidence unequivocally established that the No. 1 threat to the president in the White House, and to all those who work and visit there, would be an explosive-laden truck driven right up to the White House gates. A limousine, a large car, a station wagon, a bus would also have the capacity to carry such dangerous devices. And in fact all of these vehicles have been used to deliver explosives in one place or another in the world.

Surely those clamoring for the reopening of Pennsylvania Avenue to vehicular traffic cannot believe that the risks are imaginary [editorial, May 22; op-ed, June 8]. The increase in fanatical terrorism, foreign and domestic, the availability of powerful explosives and the proliferation of information explaining how to build explosive devices yield a potent mix that can no longer be ignored.

The recommendation we finally made to the Treasury Department was based on the realization that failure to adopt the Secret Service's proposal would undercut the service's responsibility to protect the first family and the government's responsibility to protect the people who visit or work in or near the White House.

Eliminating vehicular traffic from those two blocks of Pennsylvania Avenue was not a response to any of the specific events that precipitated the review. That is to say it was not intended simply to prevent another plane crash or an assault by a gunman. Our mandate from the beginning was to review all aspects of White House security. In fact our recommendation and Secretary Robert Rubin's decision were made prior to the tragic incident in Oklahoma City. But that tragedy, as well as the earlier bombing of the World Trade Center, painfully underscored the reality we must face.

Having served as secretary of transportation in the Ford administration, I was especially concerned about the transit implications of this act. So were the other advisers. All six of us racked our brains, our imaginations and our experience to come up with a solution that would keep some vehicular traffic on that segment of Pennsylvania Avenue. In the end, however, we determined that there was no feasible way to do it.

Nevertheless, the White House remains one of the most accessible executive residences and offices in the Western World. While the avenue is closed to motor vehicles, it is more open than ever to pedestrians. (And I do sense a weakness in the critics' argument that barring vehicles limits or thwarts the chances of out-of-town visitors to see the White House. I doubt that many who visit Washington to see the president's home content themselves with merely passing by in a car, tax or bus.)

The security situation changes, and not always for the worse. American schoolchildren, for example, no longer have to go through drills to prepare for nuclear attack. On the other hand, we all now take for granted metal detectors at airports, and are becoming accustomed, reluctantly, to presenting photographic identification before boarding a plane. In the 1980s, access to the Capitol, the home of the people's Congress, was restricted to pedestrians in response to threats of Libyan-sponsored terrorism. Then as now, many Washingtonians grumbled about the traffic disruption, and complained that the deployment of Jersey barriers created a concrete perimeter around the Capitol grounds. We now take that change for granted.

The Jersey barriers currently blocking Pennsylvania Avenue are indeed unsightly. But they are temporary measures, to be employed only until a permanent redesign can be accomplished. The Park Service's proposed design shows that protecting the White House will not require unsightly barricades. The federal government should move quickly to implement a permanent plan.

Although only a handful of individuals will know the specific facts underlying our recommendation, anyone who reads the newspapers or watches television news will recognize that Secretary Rubin made the right decision.

ADMIRAL BERNARD A. CLAREY REMEMBERED

Mr. WARNER. Mr. President, America lost a great hero this week. That was Admiral Bernard A. Clarey, former Commander in Chief of the Pacific Fleet. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the New York Times article detailing his extraordinary career.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, when it was my privilege to serve in the Department of Defense between the years 1969 and 1974 in the posts of Under Secretary and Secretary of the Navy, Admiral Clarey was Vice Chief of Naval Operations. The No. 2 man under the CNO, who at that time was Adm. Thomas Moorer; Admiral Clarey subsequently was transferred, and I had the privilege of cutting his orders, to the position of Commander in Chief of all U.S. Forces in the Pacific, one of the most important commands. Admiral Zumwalt had become the CNO, and together we decided that Admiral Clarey was the best qualified flag officer in the Navy to take on this post at the time of the very serious conflict in Vietnam.

I had the privilege of working very closely with this distinguished naval officer in both his capacity as Vice Chief and as Commander in Chief of the Pacific Forces. I say with the greatest humility that I looked upon him as one might look upon an older brother. He was an extraordinary man, decorated with the second highest decoration of the United States Navy, the Navy Cross, in three separate instances, for his heroism during World War II, and he earned his distinguished naval record ever since graduating from the U.S. Naval Academy in 1934.

I remember so well in the fall of 1972, during a very intense period of the war in Vietnam, I, as Secretary, went out to, as we called it in those days, ''West Pac,'' with Admiral Clarey. We proceeded to the theater of operations in Vietnam. We stopped several times inland, and then we proceeded to visit each of the ships off the coast of Vietnam in a period of 72 hours. My recollection is that we visited some 24 ships, being lowered by helicopter onto the deck of each ship to make our brief inspection, but mainly to commend the sailors for their service to country and the cause of freedom. We then completed our trip and returned to the United States.

I recall very vividly that we participated in a Christmas service offshore on the bow of one of our larger cruisers, which at that very moment was conducting operations to rescue airmen who had been shot down during the night in bombing missions.

Admiral Chick Clarey was a man whom I shall always identify as the epitome of what every sailor aspires to be. His wife, Jean, was wonderful with him—no finer Navy Wife ever existed. I pay him his final salute as he goes on to his just rewards.

I yield the floor.

EXHIBIT 1

[From the New York Times]

FORMER PACIFIC FLEET COMMANDER DIES

Adm. Bernard A. Clarey, a former vice chief of naval operations who commanded America's naval might in the Pacific as the country sought to extricate itself from the quagmire of war in Indochina, died on Saturday at Tripler Hospital in Honolulu. He was 84 and lived in Honolulu, where he retired in 1973 as commander in chief of the Pacific Fleet.

The cause was a heart attack, his family said.

In 1968, President Lyndon B. Johnson gave Clarey his fourth star and appointed him vice chief, the No. 2 spot in the Navy's uniformed hierarchy. But when Adm. Elmo R. Zumwalt became chief of Naval Operations two years later, he chose his own closest

aides and Clarey assumed the Pacific command in Hawaii.

It was a familiar duty station for Clarey, who had survived the attack on Pearl Harbor as executive officer on the submarine Dolphin. But now, in December 1970, he took charge of the entire Pacific Fleet, including its vessels off Vietnam and naval-air operations over North Vietnam.

The assignment put him in a sensitive position. American military strength in the war had peaked at nearly 550,000 in 1969; the country was racked by mass demonstration's and peace negotiations in Paris proceeded fitfully despite the raids on the North. And racial conflict aboard the Pacific Fleet led to a congressional inquiry.

Bernard Ambrose Clarey was born in Oskaloosa, Iowa, and graduated from the Naval Academy in 1934. He trained at Submarine School in New London, Cohn., in the late 1930s.

After his baptism of fire at Pearl Harbor, he went on a war patrol in the Marshall Islands aboard the Dolphin. Rising in rank and command, he continued on patrol duty in various parts of the Pacific and was one of the early commanders in the highly damaging forays against Japanese shipping late in the war, He was awarded three Navy Crosses for valor.

He was back in combat in the Korean War as executive officer on the heavy cruiser Helena, earning a Bronze Star. Further duty tours took him to Washington, back to Pearl Harbor, and to Norfolk where he planned NATO training exercises and took part in high-level conferences.

Recalled to the Pentagon in 1967, he served as director of Navy Program Planning and Budgeting in the Office of Chief of Naval Operations until his appointment as vice chief the next year.

After his retirement from the Navy he worked as vice president of the Bank of Hawaii for Pacific Rim Operations.

Clarey is survived by his wife of 59 years, Jean Scott Clarey; two sons, Rear Adm. Stephen S. Clarey, retired, of Coronado, Calif., and Michael O. Clarey of Scarsdale, N.Y.; a brother, William A. of Peoria, Ill; a sister, Janice Bracken of Paramus, N.J.; five grandchildren, and one great-granddaughter.

THE BOMBING OF THE UNITED STATES MILITARY BASE IN SAUDI ARABIA

Mr. ABRAHAM. Mr. President, I rise today to express my sincere condolences to the families and friends who lost their loved ones in the horrible terrorist act which took place at the Khobar Towers housing facility in Dhahran, Saudi Arabia. My prayers and thoughts are with the victims and with those who lost their loved ones or who had their loved ones injured by this terrorist attack. And, like every Member of this Senate, I am fully supportive of United States and Saudi cooperative efforts to ensure that those terrorists who committed this crime will be apprehended and prosecuted to the fullest extent of the law.

Our top priority today and always ought to be the protection and safety of all the citizens of our country wherever they may reside or are stationed. We are all very proud of the American servicemen and women who serve and represent our country all over the world. We must do everything we rightfully can to prevent future tragedies of this sort and to see to it that the perpetrators of this terrible act are brought to justice.

When incidents like this occur, we in the United States become acutely aware of the highly sensitive position that we, as Americans, are often in at home and abroad. Whether it is a foreign or domestic terrorist, we must unfortunately take extra precautions and institute extra security measures to protect ourselves.

The administration has greatly emphasized how the Saudi Government has acted with urgency and professionalism in assisting with our response to this tragedy. I believe this highlights the deep and significant relationship the United States does have, and must continue to maintain with the Saudi Government, bilaterally, and in conjunction with our other gulf allies. Just as the United States has steadfastly refused to bow to terrorism, so to must we preserve and sustain this critical bilateral relationship in order to continue to fight against terrorism.

IN HONOR OF T.H. BELL, FORMER SECRETARY OF EDUCATION

Mr. BENNETT. Mr. President, today in Utah, memorial services will be held in Salt Lake City for Terrel Howard Bell, who passed away on Saturday. Since I cannot be there, I would like to make a few remarks to honor him. While he is best known inside the beltway as the Secretary of Education in the Reagan Administration, his time in Washington comprised only a small period of a lifetime of dedication to education.

The words, ''A Nation at Risk'' mark the legacy of T.H. Bell. Commissions come and commissions go in Washington. Most have long been forgotten. However, I believe most of us would recognize the blunt assessment of American education contained in the report by The National Commission on Excellence in Education, the creation of then Secretary T. H. Bell:

> Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . .
>
> . . .[T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. . .. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves.

This warning got the attention of America and started the wheels of reform moving.

The life of T.H. Bell was marked by an interest and passion for education. He believed that anybody who got a good education could accomplish whatever they wanted. This belief drove him to spend his life working to ensuring a good education was provided in public schools first in Idaho, Wyoming, Utah, and then the entire United States.

His belief in opportunity was not a mere philosophy based on a good idea he had read about, but was based on his own life experiences. He was born in Lava Hot Springs, Idaho in 1921. His father died in a mining accident when he was 8, and his mother, left penniless during the Depression, supported the family and they never did have much. Attending college, while his dream, was not a foregone conclusion given the financial challenges he experienced growing up.

In his own words, he shared his uncertainty about succeeding in college:

> When my senior year in high school came along, my mother had succeeded in her long campaign to get me to make the impossible happen. I was going to leave Lava Hot Springs for college. Since we had no money at all, I was compelled to attend Albion State Normal School, a teachers training institution, but my love of my hometown school made it easy for me to accept that necessity. If I could make it, I was going to be a teacher. So I hoped as I labored, full of doubts and fearful of the possibility of failure. . ..
>
> Each term I attended seemed likely to be my last. My borrowed textbooks, threadbare clothing, skimpy meals, and constant apprehensiveness that I was not college material caused me—indeed drove me—to study with a dogged passion and urgency.

He attended Albion State Normal School, beginning in 1940. After serving in the Marines during World War II, he became a high school science teacher. At age 25, he became superintendent of schools in Rockland, ID. He also held that position in Afton, WY, and Ogden, UT. He then served as Utah's state schools chief from 1963 to 1970, and then moved on to Washington, DC, to work in education under President's Nixon and Ford as Deputy Commissioner and then Commissioner of Education in the Department of Health, Education, and Welfare.

He took office as President Ronald Reagan's Education Secretary in 1981, where the landmark report, ''A Nation at Risk'' was issued. His strong belief in State and local control of schools was often misunderstood, given his view that the Federal Government should provide some leadership role in education reform.

After leaving his post as education chief in 1985, he established a nonprofit consultant group focusing promoting academic excellence at middle schools, and co-authored ''How to Shape Up Our Nation's Schools.'' T.H. Bell died in his sleep on Saturday. He was 74.

T.H. Bell worked to ensure the opportunity for a quality education was open to all, and with it, the hope of a better life, just as it had been opened to him. I would like to conclude my remarks, using his own words:

> My life would have been a great void had it not been for that public school in Lava Hot Springs staffed by caring teachers who treasured their jobs. From them I learned that I could learn. I learned as well that the joy of understanding surpasses all else. . .
>
> To look into a test tube, to marvel for the first time at a chemical reaction swirling

around before your eyes in an Erlenmeyer flask in a public school chemistry laboratory, is to describe the experience that is at the heart of the Nation's commitment to the doctrine of life, liberty, and the pursuit of happiness. We cannot promise happiness. But we must promise the pursuit. . ..

I was not only promised the pursuit, I was enabled to fulfill it.

In this, he spoke of pursuing an education. But I believe this is a fitting description of his life. He had the opportunity to pursue a life in educational service. He pursued it, and fulfilled it.

PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

Mr. PELL. Mr. President, I am delighted to join with my colleague, Senator CHAFEE, as a cosponsor of S. 1871, legislation to expand the existing boundary of the Pettaquamscutt Cove National Wildlife Refuge.

Senator CHAFEE has worked hard for many years to designate this vital area as one of our Nation's wildlife refuges and then to assure that we continue necessary financial resources. I have enjoyed working with him in this effort and I am pleased to join in support of the expansion.

This bill will help clear the way for Fish and Wildlife Service [FWS] to acquire 100 acres adjacent to long cove on the pond's northeastern shore. The owner, who has declared his intention to make a partial donation of the value of the property, has been talking to FWS for about a year.

I am delighted to advise my colleagues that several additional landowners with valuable habitat in the vicinity of the refuge also have contacted FWS to express their interest in selling their property so it may be maintained as open space.

Recent biological surveys of upper Point Judith Pond indicate that wildlife species have become more diverse and are using the pond habitat more heavily than in the past. The bill would allow the FWS to expand the refuge boundary when opportunities to acquire valuable habitat arise.

Specifically, the bill would authorize the Secretary of the Interior to expand the refuge boundary, after appropriate public notice and comment, and compliance with the National Environmental Policy Act. The Secretary currently is only authorized to make minor revisions to the boundary.

The Pettaquamscutt National Wildlife Refuge truly is one of our national treasures in Rhode Island and it protects a vital ecosystem that includes rare and endangered species among its wildlife.

SAUDI BOMBING

Mr. PELL. Mr. President, yesterday, as we all know, a horrendous bombing occurred at a United States military facility in Saudi Arabia. As of this morning, 19 Americans were dead, and nearly 300 wounded. As time goes on, it is probable that number of those killed will increase.

A number of things come to my mind in response to this awful news. First, of course, is the tremendous sympathy that I have for the families of the victims. Service for one's country—whether in the military, the diplomatic corps, or government—is one of the noblest of callings. And to give one's life in that service is the supreme sacrifice. I do hope that the families of those lost in this tragedy can take some small comfort in that fact. Their loved ones made a difference—each and every one made our country a better and safer place.

Second, it is our duty to those killed, and in our utmost national interest, to find and punish those responsible. There is no more cowardly act than a terrorist attack—the victims have no warning, no chance to defend themselves. They have done no wrong and are chosen solely for their symbolism.

Third, and regrettably, today's news was no bolt from the blue. Months ago, a similar act occurred wherein five Americans were killed. Since then, and particularly since the perpetrators of the previous bombing were executed, United States personnel in Saudi Arabia have been bracing for another attack. On top of that, the Kingdom has been rife with reports about the health and well-being of King Fahd and about his eventual replacement by Crown Prince Abdullah. These same reports have carried unsettling news about the growing prominence and strength of extremist Islamic groups, and of their disputes with the royal family.

These developments ought to have a direct bearing on the United States Government's calculus of our role, interests and presence in Saudi Arabia. Saudi Arabia is, of course, our most important partner in the Persian Gulf, and arguably the entire Middle East. There is no doubt that America should be well represented there, and that our troop presence is a key element of U.S. military strategy. Yet the fact remains that more Americans have been killed in Saudi Arabia during the past year than in Bosnia, where United States troops were placed in a combat situation. It seems to me that the United States must undertake a serious examination of the entire spectrum of our relationship with Saudi Arabia—including the prospects for future instability, the return on our investment of troops and other personnel, and the efforts of the Saudi Government to deal effectively with political dissent. Clearly, the sooner Ambassador-designate Fowler is cleared by the Senate, the better. The sands in Saudi Arabia are shifting, and I believe we ought to have a much better handle on what to expect in the months ahead. The memory of those killed demands no less.

FOREIGN OIL CONSUMED BY THE U.S.? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 21, the United States imported 7,900,000 barrels of oil each day, 1,100,000 barrels more than the 6,800,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf War, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America s oil supply.

Anybody else interested in restoring domestic production of oil? United States producers provide jobs for 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 7,900,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 25, 1996, the Federal debt stood at $5,114,148,773,023.82.

On a per capita basis, every man, woman, and child in America owes $19,287.21 as his or her share of that debt.

CIVIL WAR: IOWA'S SACRIFICE

Mr. GRASSLEY. Mr. President, many men and women of our Nation have been called to service during times of crises. Iowans, too, have boldly answered the call of duty. Today, as I continue my remarks about Iowa's spirit, I want to focus on one of our country's most bloody episodes—the Civil War—and, specifically, remember one university that almost was not.

From 1861 through 1864, Iowans eagerly responded to the need for soldiers to serve in the infantry, cavalry, and artillery. It has been recorded in the ''Roster of Iowa Soldiers'' that approximately 73,000 Iowans enrolled with the Union Army. Among these soldiers, over 2,000 were killed in action, almost 9,000 were wounded in action, and over 10,000 died of their wounds or disease. These numbers are quite significant since Iowa, in proportion to its population, outfitted more troops than any other State in the Union. In fact, Perry Township, located in Jackson County, gave the largest per capita troop enrollment during the Civil War.

Iowa women also played a vital role during the Civil War. Soldier's relief societies were formed to support the troops. These women sewed uniforms, provided bedding, and collected necessary funds to help purchase military supplies. One woman in particular,

Annie Wittenmyer, played an instrumental role in organizing these societies throughout Iowa. Because soldiers were dying more from diseases than from their wounds, she created diet kitchens in hospitals to help rebuild their strength and aid in their recovery. Furthermore, Annie Wittenmyer campaigned to provide relief for mothers, wives, and children adversely affected by the war because their sons, husbands, and fathers were killed or disabled during their service. Not only did she campaign for financial assistance for these women and children, but her efforts also helped build orphans' homes.

Unfortunately, as with every hard-fought battle, there comes a price. A battle-scarred Civil War flag, on display at Upper Iowa University in Fayette, is a poignant reminder of this sacrifice.

Upper Iowa was founded in 1857 by pioneer families living in the wooded hills surrounding the tiny village of Fayette. The nearest college, Cornell in Mount Vernon, was a long dangerous trip away by stagecoach over rough dirt roads and through territory roamed by native tribes. Colonel Robert Alexander, a veteran of the Black Hawk War, donated $10,000 in gold pieces toward the funding of a college, and a hall was constructed of native white limestone. The university doors opened on January 7, 1857.

Three short years after Upper Iowa's founding, though, the Civil War broke out, and the university's young men, many of them on the verge of graduating, enlisted in a body, along with many of their professors. Company C of the 3rd Iowa Volunteer Infantry went on to participate in 17 major battles, including the bloody fields of Vicksburg and Shiloh. For many young Upper Iowans, a battlefield grave ended their dreams for a future. In a quirk of fate, Upper Iowa's mathematics professor, Nathan Cornell, now a colonel in the Confederate Army, was captured by Colonel E.C. Byam of the Union Army—Upper Iowa's business manager.

With so much of the student body gone, the university was on the verge of closing, but the women students and the female professors were determined to carry on. Dean of Students Elizabeth Sorin, although born in the South, wholeheartedly supported the decision of the men to fight for the Union. She and the women students fashioned the first American flag that the men carried into battle, and later she recalled those dedicated women whose ''hearts went in with their stitches in the red, white, and blue.'' When the flag was captured at the bloody conflict called the Hornet's Nest during the battle of Shiloh, the women made a second flag for their soldiers and continued to support them with their letters and prayers. They were there to welcome home the remnant of Company C, and mourn the fallen. Life slowly returned to normal, and the university that almost wasn't became a thriving academic community once more.

Now, almost 140 years later, Upper Iowa University still stands amid the wooded hills of northeast Iowa, a tribute to the power of the academic spirit and a living memorial to those young Iowa soldiers and their fellow students who made sure they had a university to return to.

DUBUQUE: IOWA'S LINK

Mr. GRASSLEY. Mr. President, travellers see many different sights while boating down the mighty Mississippi River. One point of interest is found at the intersection of Iowa, Illinois, and Wisconsin where a large town emerges from the Iowa bluffs. Dubuque, named after the French Canadian fur trader and lead miner Julien Dubuque, not only boasts beautiful architecture and prominent landmarks, but it has the distinction of being Iowa's oldest settlement.

When the area now known as the city of Dubuque opened to settlers in June 1833, many miners were primarily attracted to this land because of lead. This resource promised great wealth. In fact, the Shot Tower still stands today as a tribute to those who produced lead shot that was used during the Civil War era.

Not only did the mining of lead help build Dubuque, but the location on the Mississippi River played an important role in its economic development. For instance, wood was transferred downstream from the northern forests to Dubuque where it was milled into lumber. Steamboats brought settlers to Dubuque who loaded up with supplies and equipment before venturing further West.

Moreover, the Third Street Ice Harbor holds a strong link between Dubuque and the Mississippi. Constructed in the mid 1800's, the Ice Harbor originally served as a winter haven for steamboats. It also housed the Dubuque Boat and Boiler Works which, for many years, was ranked as the largest inland boat building center in the Nation. Now, the Ice Harbor is a place of recreation with many museums and other added attractions. The museums located on and around the banks of the Mississippi, remind us of Dubuque's significant relationship with the river.

A historical center of trade and commerce, Dubuque continues to thrive in today's competitive market. In a performance report released from the International Trade Administration, Dubuque ranks No. 1 in the North Central Region with the greatest percentage change in metro area exports between 1993 and 1994. With an almost 91 percent jump, Dubuque nationally ranks No. 2 in growth behind the tri-city area of Biloxi, Gulfport, and Pascagoula, Mississippi.

Mr. President, I ask unanimous consent that the Department of Commerce charts ranking Dubuque's export growth be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Everyday we are exposed to examples of how our world seems to be shrinking and global connections are becoming a greater asset to growing businesses and services. Dubuque has indeed adapted to meet these international challenges while staying true to its roots. Exports today range from new technology, such as computer services, to heavy machinery like John Deere tractors.

I am proud to see Iowa's oldest settlement sustain its role in linking Iowa to the world.

Furthermore, this year, Dubuque was one of 30 finalists for the National Civic League's All-American City and Community Award. This award recognizes those communities who successfully address local needs and concerns. Being in the running for this nationwide civic award pays tribute to Dubuque's commitment to serving its community.

And today, Mr. President, I salute the good citizens of Dubuque, who spread the Iowa Spirit of Community in their homes, workplaces, schools, places of worship and neighborhoods each and every day.

EXHIBIT 1

METROPOLITAN AREA EXPORTS: AN EXPORT PERFORMANCE REPORT ON OVER 250 U.S. CITIES, NORTH CENTRAL REGION

[Percentage Changes in Metro Area Exports, 1993–94]

Rank		Metropolitan Statistical Area (MSA)	1993	1994	1993–94 Change	
Regional	National				Amount	Percent
1	2	Dubuque, IA	$93,056,279	$177,562,181	$84,505,902	90.8
2	8	Muncie, IN	64,329,690	107,404,131	43,074,441	67.0
3	10	Detroit, MI	16,780,888,732	27,469,655,137	10,688,766,405	63.7
4	12	Eau Claire, WI	289,715,835	465,707,890	175,992,055	60.7
5	21	Waterloo-Cedar Falls, IA	102,706,259	149,660,963	46,954,704	45.7
6	27	Green Bay, WI	134,096,711	187,1289,675	53,192,964	39.7
7	30	Rochester, MN	53,026,135	72,680,026	19,653,891	37.1
8	34	Hamilton-Middletown, OH	49,285,459	66,255,465	16,970,006	34.4
9	35	Kalamazoo-Battle Creek, MI	650,330,732	868,950,604	218,619,872	33.6

METROPOLITAN AREA EXPORTS: AN EXPORT PERFORMANCE REPORT ON OVER 250 U.S. CITIES, NORTH CENTRAL REGION—Continued

[Percentage Changes in Metro Area Exports, 1993–94]

Rank		Metropolitan Statistical Area (MSA)	1993	1994	1993–94 Change	
Regional	National				Amount	Percent
10	40	Terre Haute, IN	67,300,401	88,796,473	21,496,072	31.9
11	42	Omaha, NE–IA	299,777,818	393,250,149	93,472,331	31.2
12	49	Springfield, MO	81,120,882	103,823,081	22,702,199	28.0
13	51	Canton-Massillon, OH	250,176,671	315,936,317	65,759,646	26.3
14	55	Springfield, IL	23,906,115	29,803,555	5,897,440	24.7
15	56	Milwaukee-Waukesha, WI	2,337,304,875	2,913,554,707	576,239,832	24.7
16	68	Fargo-Moorhead, ND–MN	111,847,927	137,258,753	25,410,826	22.7
17	77	Fort Wayne, IN	640,583,777	770,882,450	130,298,673	20.3
18	79	Chicago, IL	14,446,576,063	17,333,603,392	2,887,027,329	20.0
19	84	Lawrence, KS	5,238,501	6,243,631	1,005,130	19.2
20	88	Gary, IN	225,347,242	267,480,658	42,133,416	18.7
21	92	Rockford, IL	521,617,189	616,148,483	94,531,294	18.1
22	93	Toledo, OH	836,073,213	986,928,080	150,854,867	18.0
23	94	Sheboygan, WI	207,104,066	244,345,672	37,241,606	18.0
24	103	Grand Rapids-Muskegon-Holland, MI	1,704,959,504	1,993,494,017	288,534,513	16.9
25	104	Columbia, MO	42,934,889	50,173,690	7,238,801	16.9
26	105	Madison, WI	357,688,184	417,083,076	59,394,892	16.6
27	111	Kansas City, MO-KS	2,225,900,542	2,578,559,820	352,659,278	15.8
28	115	Indianapolis, IN	2,626,625,792	3,003,834,284	377,208,492	14.4
29	117	Cleveland-Lorain-Elyria, OH	3,582,759,333	4,093,322,966	510,563,633	14.3
30	123	Lansing-East Lansing, MI	185,665,447	208,627,069	22,961,622	12.4
31	125	Akron, OH	1,434,941,835	1,606,289,098	171,347,263	11.9
32	132	Columbus, OH	1,167,012,557	1,295,467,590	128,455,033	11.0
33	136	Racine, WI	365,126,982	403,153,387	38,026,405	10.4
34	139	Lincoln, NE	188,537,132	207,173,028	18,635,896	9.9
35	141	Elkhart-Goshen, IN	419,879,457	460,350,316	40,470,859	9.6
36	152	Benton, Harbor, MI	338,674,082	368,813,560	30,139,478	8.9
37	155	Kankakee, IL	79,077,304	85,978,927	6,901,623	8.7
38	157	Evansville-Henderson, IN–KY	448,533,992	487,403,232	38,869,240	8.7

ADM. J. PAUL REASON

Mr. WARNER. Mr. President, I am pleased to welcome the return of a senior Navy constituent to Virginia. Last week, the Senate confirmed the promotion of Vice Adm. J. Paul Reason to full admiral, and he will be assigned as commander in chief, U.S. Atlantic Fleet in Norfolk. He will relieve Adm. Bud Flanagan, who is a respected friend to many in this Chamber.

Admiral Reason is the first African-American to receive a promotion to four-star admiral in the U.S. Navy's history. He has had a spectacular career, beginning with graduation from the Naval Academy in 1965. Subsequently, he was trained in nuclear propulsion engineering, and served three sea duty tours aboard nuclear-powered ships. Along the way, he also managed to earn a master's degree in computer systems management.

From 1976 until mid-1979, he served as naval aide to President Jimmy Carter—another nuclear-trained, Naval Academy graduate—and then was executive officer of U.S.S. *Mississippi* (CGN–40). He had command of two combatants, U.S.S. *Coontz* (DDG–40) and U.S.S. *Bainbridge* (CGN–25). After selection for flag rank, he was commander, Naval Base Seattle and later, commander, Cruiser-Destroyer Group 1. After promotion to vice admiral, Paul was assigned as commander, Naval Surface Force, U.S. Atlantic Fleet, in Norfolk. He was assigned as deputy chief of naval operations—plans, policy, and operations—his current assignment, in August 1994. (I include his attached biography for the record.)

The selection of Paul Reason to command the Atlantic Fleet is an inspired decision. I have known of him over the years, and I am confident that he will be a superb CINCLANTFLT. I congratulate Admiral Reason and his wife, Dianne, and I look forward to working with him for years to come.

THE BOMBING IN SAUDI ARABIA

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues to speak about the tragedy which occurred yesterday in Dhahran, Saudi Arabia. It is reported that around 10 p.m. Saudi time, a bomb attached to a fuel tanker truck parked just in front of a concrete security barrier about 35 yards from Khobar Towers, a facility housing United States Air Force pilots and other American military personnel on King Abdul Aziz Air Base near Dhahran in eastern Saudi Arabia, ripped through the building, killing 19 United States military personnel and injuring more than 300 others.

It has been further reported that about 2,400 American military personnel, most of them working for the Air Force, are assigned to the area around the air base in Dhahran. This base serves as the headquarters of the Air Force's 4404th Air Wing, which is assigned the task of carrying out the enforcement of the no-fly zone over southern Iraq which was imposed at the end of the Persian Gulf war. Mr. President, at this early time, it seems clear that this apparent act of terrorism was targeted specifically against U.S. military personnel serving in Dhahran.

Mr. President, I deplore in the strongest possible terms this despicable act. I join the President in announcing to those both within the United States and abroad that such extremist acts will not go unpunished. To that end, I am pleased that the President has dispatched a team of investigators from the FBI to Saudi Arabia to assist in the investigation of the blast. I strongly support our men and women serving their country overseas and feel that we must take all steps necessary both to apprehend and bring to justice those who perpetrated this act and to ensure the future safety of all American troops serving abroad.

Mr. President, this tragedy hits me and the State of Wisconsin quite personally. Of the U.S. military personnel confirmed dead, one such patriot is from my home State of Wisconsin. T.Sgt. Patrick P. Fennig, from Greendale, WI, who is assigned to Eglin Air Force Base in Florida and is serving in Saudi Arabia was one of the 19 service members confirmed killed in the blast. I send my condolences to Technical Sergeant Fennig's family. My heart goes out to his family and to the families of the other U.S. military personnel who either lost their lives or were injured at the hands of this apparent act of terrorism.

This terrorism comes 7 months after a car bomb ripped through an American-run military training center in the Saudi capital city of Riyadh, killing five Americans and two Indians and wounding several dozen others. Yesterday's attack was the worst terrorist assault against Americans in the Middle East since the 1983 bombing of the United States Marine Corps barracks in Beirut, Lebanon, in which 241 American service personnel lost their lives.

Mr. President, this bombing is the latest, and certainly one of the most deadly terrorist attacks on American military personnel serving overseas. We must never forget that, whether serving in times of war or supposed peace, American troops are continually in danger when serving their country overseas. Again, I am sickened by and deplore this horrific act and urge the President to use all available means to bring the perpetrators of this terrorism to justice.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 1997

Mr. WARNER. Mr. President, turning to the military construction appropriations bill, I ask unanimous consent that the Senate now turn to the consideration of calendar 448, H.R. 3517, the

military construction appropriations bill and the committee amendments be agreed to en bloc and considered original text for the purpose of further amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in bold face brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[**$603,584,000**]** *$448,973,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$54,384,000**]** *$37,323,000* shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 103–110, $2,028,000 is hereby rescinded.*

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[**$724,476,000**]** *$642,484,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$50,959,000**]** *$53,709,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: **[***Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 102–136, $6,900,000 is hereby rescinded:**]** *Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 102–380, **[**$2,800,000**]** *$9,000,000* is hereby rescinded: *Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 103–110, $2,300,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[**$678,914,000**]** *$704,689,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$47,387,000**]** *$29,797,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 103–307, $2,100,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS *and rescissions*)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[**$772,345,000**]** *$771,758,000,* to remain available until September 30, 2001: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed **[**$12,239,000**]** *$17,139,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 104–32, $7,000,000 is hereby rescinded.*

[DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the Department of Defense Military Unaccompanied Housing Improvement Fund, $10,000,000, to remain available until expended: *Provided,* That subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated in this Act for the acquisition or construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be made available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further,* That appropriations made available for the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans and loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.**]**

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$41,316,000**]** *$142,948,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$118,394,000**]** *$224,444,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$50,159,000**]** *$75,474,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$33,169,000**]** *$49,883,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$51,655,000**]** *$67,805,000,* to remain available until September 30, 2001.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, **[**$177,000,000**]** *$172,000,000,* to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for constrution, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[**$176,603,000**]** *$189,319,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, **[**$1,257,466,000**]** *$1,212,466,000*; in all **[**$1,434,069,000**]** *$1,401,785,000.*

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$532,456,000] *$418,326,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, [$1,058,241,000] *$1,014,241,000*; in all [$1,590,697,000] *$1,432,567,000*.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$304,068,000] *$291,464,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, [$840,474,000] *$829,474,000*; in all [$1,144,542,000] *$1,120,938,000*.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,371,000, to remain available until September 30, 2001; for Operation and Maintenance, $30,963,000; in all $35,334,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, [$35,000,000] *$20,000,000*, to remain available until [expended] *September 30, 2001*: *Provided,* That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated [in this Act] for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further,* That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of Chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $36,181,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $352,800,000, to remain available until expended: *Provided,* That not more than $223,789,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $971,925,000, to remain available until expended: *Provided,* That not more than $351,967,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,182,749,000, to remain available until expended: *Provided,* That not more than $200,841,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided,* That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the

construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

[SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

[SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

SEC. 121. The National Guard Bureau shall annually prepare a future years defense plan based on the requirement and priorities of the National Guard: Provided, That this plan shall be presented to the committees of Congress concurrent with the President's budget submission for each fiscal year.

SEC. 122. No funds from the Base Realignment and Closure accounts shall be used to pay for fines or penalties resulting from violations of any law pertaining to the environment.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

This Act may be cited as the ''Military Construction Appropriations Act, 1997''.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriation bill and report for fiscal year 1997.

Mr. President, this bill was reported out of the full Appropriations Committee last Thursday. The bill recommended by the full committee on appropriations is for $9,832,000,000. This is $700 million over the budget request, $200 million under the House bill, and $1,344,000,000 under the level enacted last year.

Also, I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays.

My colleagues should know that the Committee on Appropriations in the House approved an appropriations bill that was $900 million over the budget request. Once again we will be faced with a difficult conference with the House. We have over $1 billion in differences.

The addition of projects to the Defense authorization while it was on the floor has even further strained the process.

Mr. President, this bill has some points I want to mention. The bill funds the base closure and realignment accounts. The base realignment and closure account comprises 26 percent of our appropriation. It includes $353 million for round two of the BRAC process, $972 million for round three and $1,183,000,000 for the final round. We made sure that there would be no impediments to moving forward with the decisions that the President approved.

Last year, I was concerned with the growth of this program. The base closure program should not replace the regular military construction program. I am pleased to see that this account has been reduced below last year's level. It has come down by over $1.3 billion. The program has been reduced by a third.

We supported the Secretary's initiative to provide more housing to our military members. This is part of the $4 billion included in this bill for family housing.

We did not, however, support the Army and Air Force's request to build new general officer quarters. We will not support building new homes for generals when there are enlisted people with families on waiting lists unable to get a home.

We also addressed the shortfalls that continue to plague our Reserve components. The Department continues to walk away from the total force concept. Recognizing this, we have again lent support by adding $366 million to the Guard and Reserve accounts. In each case the funds either are for quality of life or readiness.

Mr. President, the administration has available to it the same information used by the subcommittee to develop this bill. The administration knows that the construction backlog of the Army and Air Guard, and the Army, Navy, Marine Corps, and Air Force Reserves is billions of dollars and that this backlog is growing, even as the force levels have been reduced.

Instead of increasing the funding, the Office of the Secretary of Defense deleted every project that we added last year which was in the future years Defense plan for many of our Reserve components. This left the Reserve components with very little in the future years Defense plan. Afterwards the Senate Armed Services Readiness Subcommittee used a criteria which required projects to be in the future years Defense plan. The Department was pleased to walk away from the Reserve component. The Armed Services Committee only funded projects within the future years Defense plan. We now have a situation where we have unilaterally given up our duty to check and balance the President's request. We have also given up our option to represent our States which each have their own military department.

So against this construction requirement, the administration budgeted only $194 million for all the Reserve components of the Department of Defense. We could not allow this to happen.

The $194 million is not adequate. We cannot expect the National Guard to continue to be capable of performing their mission. Mr. President, that mission is not one to be taken lightly. It is defending this country.

We have only reduced the administration request of $197 million for the NATO Security Investment Program by 13 percent. We believe this is a responsible reduction considering the requirements that NATO may incur in the near future.

We recommended $36 million for the Homeowners Assistance Program which provides partial compensation to homeowners for their financial losses incurred in the sale of their homes at closed or realigned bases. We also recommended $20 million for the family housing improvement fund which will be used to build or renovate family housing by utilizing private capital and know how.

Mr. President, before I close I want to thank the ranking minority member for his participation and his contributions to the subcommittee this year. I

also want to thank Dick D'Amato and B.G. Wright of his staff as well and Warren Johnson and Jim Morhard on my staff. We would not have gotten here without their effort and expertise.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I fully support the recommendations in this bill that is now before the Senate. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have again this year, enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

This bill, reported here today is $1.345 billion lower than last year's appropriated amount, and is also $200 million lower than the construction bill proposed by the House of Representatives.

Again this year, our bill strives to improve the quality of life for the Nation's military service members. This military construction bill emphasizes housing initiatives, both for families and improved housing for single service members. It provides $4 billion for the construction, operation and maintenance of family housing, and to the Homeowner's Assistance Program.

The Committee continues to support the NATO Security Investment program, however it is concerned that member nations are not properly helping to defray construction program costs. The Committee therefore urges the Secretary to seek increased contributions from our allies. The report includes language that supports preposition of Brigade material in Southwest Asia, but only following treaty relationships with our allies there. It allows the military to proceed with such projects, but encourages secure long term bilateral agreements and full cost sharing arrangements prior to the initiation of any construction projects in the region.

The subcommittee has added certain needy projects to the administrations request—$700 million was added to the budget that would include $50 million for minor construction, $368 million for Guard and Reserve projects, and over $189 million in badly needed family housing.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, annually, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard, requiring the subcommittee to review many worthy projects suggested by Senators and the National Guard and to come up with a fair and equitable solution to the problem.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. This year's administration request included NO, I repeat, NO major construction projects for the Army National Guard. This practice is completely unacceptable. Administration requests including no major construction projects for the Army Guard mandates that we seriously review any Member request for its worthiness, and there are many worthy and badly needed projects, without which, our reserve forces could not continue to function. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The administration requested only $7 million for Army National Guard construction, compared to $137 million appropriated in fiscal year 1996, and that amount was well below the previous year's $188 million appropriation. This is a 95 percent reduction in only 1 year. This type of request is incomprehensible and irresponsible. To help try to balance the scale, the subcommittee used strict criteria to evaluate many worthy projects suggested by Members, and a strong effort was made to take all Members' interest into consideration.

I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Mr. President, I believe that this is a good product, and I hope that the Senate will support it. I thank at this time the majority staff director, Jim Morhard and his assistant Warren Johnson, for their work and cooperation with my staff, Dick D'Amato, a member of the Appropriations Committee assigned to me to work on this and other appropriations matters, and B.G. Wright, also of the Appropriations Committee, and also Peter Arapis and Jerry Reed of my personal staff who have dedicated many hours to the completion of this bill.

Mr. BYRD. Mr. President, I commend the leadership of the Military Appropriations Subcommittee, the distinguished chairman, Mr. CONRAD BURNS of Montana, and the ranking member, Mr. HARRY REID of Nevada, for their work on this bill. It is within its 602(b) allocation, and conforms very closely to the provisions of the Department of Defense Authorization bill which is pending before the Senate. I know the subcommittee has worked hard to ensure that its provisions are authorized, and at the same time that the budget request of the President has been given full consideration.

Mr. President, the bill, at $9.8 billion, is some $1.3 billion below last year. In addition, it is some $200 million below the level as passed by the House. At the same time, it is about $700 million above the President's request, but $368 million of that amount is for additional National Guard and Reserve accounts which have been badly underfunded by the Administration, and $189 million of that is for badly needed additional family housing for our troops. The committee has taken the right step by adding needed funds for the Guard and Reserve, in that the Administration traditionally underfunds these accounts, in the expectation that the Congress will add the money. I hope that the Administration will, in next year's request, adequately fund the Guard and Reserve, and relieve the Committee of the responsibility of completely rewriting that part of the budget as it is now forced to do.

Again, this year, as last year, the military appropriations bill is the first of all the appropriations bills to be passed by the Senate. The subcommittee is to be commended, and, as usual, the bill has wide support in the Senate. I believe all Senators' interests and requests have been considered fairly and impartially by the Committee. I commend the staff of the subcommittee, the staff director for the Chairman, Mr. Jim Morhard, and his assistant, Warren Johnson; the minority staff director, who is also the counsel to the full Committee, and on loan to the subcommittee; Mr. Dick D'Amato, and his assistant, Mr. B.G. Wright, as well as Peter Arapis and Jerry Reed of Senator REID's staff, all of whom have done excellent work in delivering this measure in a timely manner to the full Senate.

Mr. DOMENICI. Mr. President, the Senate is now considering the first of the fiscal year 1997 appropriations bills.

The pending military construction appropriations bill provides a total of $9.8 billion in new budget authority and $3.1 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1997.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $9.8 billion in budget authority and $10.3 billion in outlays for fiscal year 1997.

Mr. President, the bill provides for readiness and quality of life programs for our service men and women. the bill falls within the subcommittee's 602 (b) allocation.

I want to convey my thanks to the committee for the support given to several priority projects in New Mexico.

I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's section 602(b) allocation.

I urge its adoption.

Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill to the subcommittee's 602(b) allocation be printed in the RECORD.

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

MILITARY CONSTRUCTION SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, in millions of dollars]

Category	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	7,204
H.R. 3517, as reported to the Senate	9,832	3,115
Scorekeeping adjustment	.....	.....
Adjusted bill total	9,832	10,319
Senate subcommittee 602(b) allocation: Defense discretionary	9,833	10,375
Adjusted bill total compared to Senate subcommittee 602(b) allocation: Defense discretionary	−1	−56

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. MCCAIN. Mr. President, I will not delay the Senate in its efforts to proceed to a vote on the fiscal year 1997 military construction appropriations bill, and I do not plan to offer any amendments to the legislation. I want to be on record, however, in strong opposition to the $600 million added in this bill for unrequested, low-priority military construction projects.

A few days ago, I offered an amendment to the fiscal year 1997 Defense authorization bill to strike $600 million in authorizations for these same projects. Not surprisingly, only 12 of my colleagues voted with me, and the amendment failed. I will not waste the time of the Senate in revisiting that vote.

But, Mr. President, I cannot stand aside and allow this bill, laden with $600 million in pork-barrel spending, to pass the Senate without objection.

Let me remind my colleagues of the magnitude of the wasteful spending for unrequested building projects.

Since 1990, the Congress has added more than $6 billion to the military construction accounts. This bill increases the amount of waste by another $600 million. That's almost $1 billion in pork-barrel spending every year.

I listened to the comments of my colleagues in just the last few days about the inadequacy of the administration's Defense budget request. Many of my colleagues, on both sides of the aisle, cited the $60 billion target set by the Chairman of the Joint Chiefs of Staff for procurement funding, contrasted with the $39 billion requested by the administration. These sentiments reflected my own views and repeated what has been expressed here in the Senate many times over the past several months.

Therefore, I am somewhat puzzled at the increase in this military construction bill. While the Defense authorization and appropriations bills include an additional $6 or $7 billion for procurement, this amount is only about one-third of the $21 billion needed to meet General Shalikashvili's target. We still have a $14 or $15 billion shortfall in urgently needed modernization funding, yet we are wasting $600 million on unrequested, low-priority military construction projects. It just doesn't make sense to me.

Mr. President, I am somewhat gratified to learn that the close scrutiny focused on military construction projects has at least forced a degree of control on the process. Most of the projects in this bill meet four of the five criteria established 2 years ago for Senate consideration of unrequested military construction projects. The projects are: mission essential, not inconsistent with BRAC, in the FYDP, and executable in fiscal year 1997.

And all of the projects in this bill are included in the authorization bill or are authorized in other legislation. In any event, the bill specifically requires an authorization for each project before the money can be spent.

But none of the projects meet the fifth criterion, which requires the added funding to offset by a reduction in some other defense account. All of these projects are funded because the Appropriations Committee allocated additional funding for this bill to accommodate Members' requests for add-ons.

Mr. President, I am tired of seeing us acquiesce to a practice which only feeds on itself. We must instill some discipline in our budget review process—by resisting the temptation to add money simply because it serves our constituents.

We have made progress in reducing the total amount of pork-barrelling in the defense budget. Last year, about $4 billion was wasted on pork-barrel projects; this year, we are wasting only $2 billion. But in military construction, we will probably end up adding $900 million, the House level, or more again this year to fund the special interests of Members of both the Senate and the House; $900 million is a lot of taxpayer dollars to waste. How do we explain to the American people why we need $11 billion more for Defense this year, when we spend nearly a billion dollars for projects that do little or nothing to contribute to our Nation's security?

Mr. President, again, I plead with my colleagues. For the sake of ensuring public support for adequate defense spending now and in the future, let's stop the pork-barrelling now.

GOVERNOR O'CALLAGHAN HOSPITAL

Mr. REID. Mr. President, I should like to discuss a matter of some importance to me in the State of Nevada, and to many Nevadans. We had an outstanding two-term Governor in Mike O'Callaghan. He is only one of five two-term governors in Nevada's history. He has been an exemplary public servant. More than that, he is a role model for the younger generation, having serviced his country valiantly in one of the ugliest of the wars that America has been involved in, Korea. At the age of 16, he enlisted in the Marine Corps to serve during the closing months of World War II. During the Korean war he served in combat, sustaining injuries which resulted in the amputation of part of his left leg. He has served in three branches of the armed services: the Air Force, the Army and the Marine Corps. He served with great courage and was decorated for valor. To recognize his achievements, I have felt it appropriate to name the hospital at Nellis Air Force Base after him, and my fellow Nevadans in our delegation agree with me. In fact, the Nellis hospital has been named for him in the Defense authorization measures in both the House and the Senate for fiscal year 1997.

Mr. BURNS. Mr. President, I understand the Senator's interest in this matter and I share his admiration for Governor O'Callaghan. What he suggests is entirely appropriate and fitting. I would point out, to my ranking member, that there is no precedent in a military appropriations bill for naming a facility after an individual. My fear is that there would be many requests, legitimate requests, for the committee to do so in the event that we were to take this action on this bill.

Mr. REID. Mr. President, I appreciate the Senator's concern. I would not be concerned about further legislative action on this matter, given the action taken by the authorization committees. Obviously if the authorization bill became law, this action to name the hospital would have been taken. My problem is that we are not certain what the administration's attitude will be about the funding levels and the content of the authorization measure, nor do we know, of course, what it will look like after emerging from their conference committee. Therefore, I would seek the chairman's assurance that if the authorization bill is vetoed, or appears very likely headed for a veto, that he and I will revisit this issue in our own conference committee on this measure, the military construction appropriations bill, and take action to name the facility in our conference report in the event that the authorization bill does not become law.

Mr. BURNS. Mr. President, that is a fair solution, and agree that revisiting the issue in the conference committee is entirely appropriate if the circumstances that he describes occur or appear likely.

AMENDMENT NO. 4362

(Purpose: To make available $6,600,000 for construction of a consolidated education center in Kentucky; $10,800,000 for construction, phase III, at the Western Kentucky Training Site, Kentucky; $10,000,000 for construction of phase I of the National Range Control Center at White Sands Missile Range, NM; and $8,900,000 for construction of the Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport, RI; and to provide offsets for such amounts)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator BURNS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BURNS, proposes amendment numbered 4362.

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

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

The amendment is as follows:

On page 2, line 13, strike out ''$37,323,000'' and insert in lieu thereof ''$20,723,000''.

On page 3, line 11, strike out ''$53,709,000'' and insert in lieu thereof ''$44,809,000''.

On page 6, line 24, strike out ''September 30, 2001.'' and insert in lieu thereof ''September 30, 2001: *Provided*, That of the amount made available under this heading, $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction.''.

Mr. BURNS. Mr. President, the managers amendment includes projects that were accepted by the Armed Services Committee while they were on the floor. We have added the following projects.

First, a consolidated education center for the Army at Fort Campbell, KY.

Second, phase III of the western Kentucky training site for the Army National Guard at Greenville, KY.

Third, phase I of the National Range Control Center at White Sands Missile Range in New Mexico.

Fourth, the Undersea Weapons Laboratory at the Naval Undersea Warfare Center at Newport, RI.

The offsets for the Army and Navy projects will come from reductions to the planning and design lines of that service. We are also taking funds from the Army National Guard minor construction account to pay for the one Guard project that is in this amendment.

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

The amendment (No. 4362) was agreed to.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time, and passed.

The bill (H.R. 3517), as amended, was deemed read the third time and passed.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURNS, Mr. STEVENS, Mr. GREGG, Mr. CAMPBELL, Mr. HATFIELD, Mr. REID, Mr. INOUYE, Mr. KOHL, and Mr. BYRD CONFEREES ON THE PART OF THE SENATE.

AMENDING SENATE RESOLUTION 246

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 272, submitted earlier today by Senator D'AMATO.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 272) to amend Senate Resolution 246.

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. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 272) was agreed to, as follows:

S. RES. 272

Resolved, That Senate Resolution 246, 104th Congress, agreed to April 17, 1996, is amended in section 1(1)(A), by inserting before the semicolon ''incurred during the period beginning on May 17, 1995, and ending on February 29, 1996, or during the period beginning on April 17, 1996, and ending on June 17, 1996''.

IRANIAN BAHA'I COMMUNITY EMANCIPATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 102.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H.Con.Res. 102) concerning the emancipation of the Iranian Baha'i community.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. KASSEBAUM. Mr. President, the Senate today will adopt legislation condemning Iran's persecution of the Baha'i community. We have taken similar action in the past, and I regret that our continued vigilance on this matter is required.

We choose today to adopt this legislation in remembrance of a great tragedy for the Baha'i community and for all who value human rights and religious freedom. Thirteen years ago this month, Iranian religious officials executed, by hanging, 10 Baha'i women—including 3 teenage girls—in the city of Shiraz.

This killing of innocent women and children came amid a series of Baha'i executions during the first half of 1983. At the time, President Reagan had expressed America's alarm at the religious persecution of the Baha'is in Iran and had called upon the Iranian leadership to spare the lives of those Baha'is condemned to death in Shiraz. The Iranian response to this plea was to carry out without hesitation the schedule of June executions.

We know that those men, women, and children were executed not for any crimes but for their religious beliefs. We also know the persecution continues to this day in many forms, both great and small.

Thirty-nine other Senators have joined with me in sponsoring this legislation, and the Senate today will unanimously adopt an identical resolution already passed by the House of Representatives. By today's action, the U.S. Senate once again will make clear to all who will listen: ''We have not forgotten.''

Mr. LIEBERMAN. Mr. President, at many times during the past 14 years the Congress has condemned the Government of Iran for its repressive policies and actions toward its Baha'i community. Today, I am honored to be celebrating the passage of a resolution which calls on Iran to change its repressive anti-Baha'i policies and to protect the rights of all its people including religious minority groups such as the Baha'is. The concurrent resolution we are adopting today is similar to the one which Senator KASSEBAUM, Senator MCCAIN, Senator DODD, and I submitted in this body in February.

Congress has adopted six previous resolutions on this important issue. The record of their success is certainly a mixed one, at best. Since their enactment, many Baha'is have been penalized by the government, and some even sentenced to death, just because of their religious beliefs. On the contrary, previous resolutions have shown some success as well, particularly in the case of one man who had been sentenced to death for his religious convictions. This man's life was saved as the apostasy case was later overturned by the courts in Iran. Although the relationship between the Baha'is and the Iranian Government has improved since the first resolution was passed, not enough action has been taken. This open policy of repression is in clear violation of the obligation of sovereign states to uphold the Universal Declaration of Human Rights.

In the past, President Clinton and former Presidents Reagan and Bush have all shown support of the Baha'is. The United Nations and many of its member states have also adopted numerous resolutions supporting religious freedom in Iran. Today, in adopting this concurrent resolution, we have succeeded in maintaining vigilance on the actions of Iranian Government. Only through continued support for change in the Iranian regime can over 300,000 Baha'is experience true religious freedom.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appeared in the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 102) was agreed to.

The preamble was agreed to.

EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 297, H.R. 2437.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2437) to provide for the exchange of certain lands in Gilpin County, Colorado.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the proper place in the RECORD.

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

The bill (H.R. 2437) was deemed read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar en bloc: Calendar Nos. 633, 634, 635, and 636.

I further ask unanimous consent that the nominations be confirmed en bloc; the motion to reconsider be laid upon table en bloc; and that any statements relating to the nominations appear at the appropriate place in the RECORD, and that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Raymond W. Kelly, of New York, to be Under Secretary of the Treasury for Enforcement.

U.S. INTERNATIONAL TRADE COMMISSION

Marcia E. Miller, of Indiana, to be a Member of the U.S. International Trade Commission for the term expiring December 16, 2003.

DEPARTMENT OF DEFENSE

John W. Hechinger, Sr., of the District of Columbia, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF ENERGY

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2001.

NOMINATION OF RAYMOND W. KELLY TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT

Mr. MOYNIHAN. Mr. President, Raymond W. Kelly may be the most superbly qualified nominee ever nominated to head the enforcement operations of the Treasury Department. From 1992 to 1994, he served as Commissioner of the New York City Police Department, which with 38,000 officers is the world's largest police force.

Over the course of his 32-year career with the NYPD, he served in every rank in 25 different commands. In 1993, he was widely praised for his work in investigating the bombing of the World Trade Center in lower Manhattan.

At a recent event in New York, no less a skeptic than Dan Rather called Ray ''the best New York City Police Commissioner since Teddy Roosevelt.''

After leaving the NYPD, Commissioner Kelly served the United States as Director of the International Police Monitors of the Multinational Force in Haiti. He was charged with the difficult and delicate task of putting a stop to human rights abuses by the Haitian police. Upon leaving Haiti in 1995, Mr. Kelly was awarded a commendation by President Clinton for exceptionally meritorious service in Haiti. He was also awarded the Commander's Medal for Public Service by Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff.

Earlier in life, Mr. Kelly served in the U.S. Marine Corps, including combat in Vietnam. He retired with the rank of colonel in the Marine Corps Reserve.

He is also an attorney with law degrees from St. John's University and New York University. He earned his undergraduate degree from Manhattan College and his master of public administration degree from the Kennedy School at Harvard.

I know Raymond Kelly as a very smart and very tough law enforcement officer. The Senate has acted wisely to confirm him. To Ray, to his wife Veronica, and to their sons James and Gregory, great good wishes and congratulations.

NOMINATION OF MARCIA E. MILLER TO BE COMMISSIONER, INTERNATIONAL TRADE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in strong support of the nomination of Marcia E. Miller to become Commissioner of the International Trade Commission, a position for which she is manifestly well-qualified. I do so, Mr. President, without reservation, but with some regret: Ms. Miller has been an invaluable asset to the Finance Committee for nearly a decade.

Ms. Miller started with the committee in January 1987. I take some credit for her long tenure: one of my first accomplishments when I became chairman of the Finance Committee in 1993 was persuading Ms. Miller to serve as our Chief Trade Counselor.

And why? There was simply no better candidate. Ms. Miller has had a hand in drafting all of the major trade bills of the past decade, beginning with the comprehensive Omnibus Trade and Competitiveness Act of 1988.

As Chief Trade Counselor, Marcia guided the Finance Committee expertly over difficult terrain: our sometimes contentious consideration of the North American Free-Trade Agreement implementing legislation, and our lengthy deliberations over the complex bill implementing the Uruguay round agreements and establishing the World Trade Organization.

Over the past decade, she has grappled with the major trade issues before the Senate—issues such as trade with China, textile and apparel trade, and disputes with Japan. Significantly, I must add to this list the range of the trade laws administered by the International Trade Commission, which she will soon join—the antidumping and countervailing duty laws, safeguards actions against imports, as well as actions under section 337 of the Tariff Act of 1930 protecting against imports of products that infringe intellectual property rights.

Unquestionably, Ms. Miller will bring to the International Trade Commission great expertise in the trade laws. And more. She will bring as well a powerful command of details, and unique skill in forging consensus among persons with widely divergent views. The International Trade Commission will now be the beneficiary of these skills, just at the Finance Committee was for so many years.

Ms. Miller will be an important asset to the Commission. She will bring to the job sound judgment and clear-headed analysis, and she will, I am certain, ensure that the Commission functions as the Congress intended—as an independent fact-finding and adjudicative body free from political pressures.

Mr. President, I urge my colleagues to join me in supporting Ms. Miller's nomination, in thanking her for her years of service to the committee and the Senate and in congratulating her and her family in this richly deserved honor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CHANGE OF CONVENING TIME

Mr. WARNER. Mr. President, I ask unanimous consent that the previous consent agreement be modified so that the Senate will now reconvene at 8:15 tomorrow morning, and that the time allocated to Senator DEWINE be vitiated.

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

EXTENSIONS OF REMARKS

JULY 6 IS RECOGNIZED AS INTERNATIONAL COOPERATIVE DAY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. OBEY. Mr. Speaker, July 6 is recognized around the world as International Cooperative Day. This 74-year old tradition presents an opportunity to people from all corners of the Earth to recognize the important difference that cooperatives make in their lives.

The potential role of cooperative enterprises in promoting economic development in areas of most critical need, in many cases businesses, has been recognized by the United Nations. Last year, the UN declared that the International Day of Cooperatives should be celebrated every year by governments in collaboration with their national cooperative movements.

Next Monday, July 1, cooperative leaders from the United States and from around the world will meet at UN Headquarters in New York to celebrate in International Day of Cooperatives at an event organized by the UN, International Day of Cooperative Alliance, and the Committee for the Promotion and Advancement of Cooperatives. This event will provide an opportunity to discuss and to demonstrate the actual and potential contribution of cooperative business enterprise to the achievement of economic goals, including:

The potential of the cooperative movement to participate as a distinct stakeholder and full partner with the United Nations and institutional procedures and structures hereby such participation may be most effective.

The contribution of cooperative business enterprise to the achievement of the goals of the International Year and Decade for the Eradication of Poverty and the realization of the goals of the World Food Summit.

The potential of the cooperative movement to develop human resources and institutional capabilities.

The cooperative movement as a means for the economic, social and political empowerment of women.

The contribution of cooperative businesses to the provision of appropriate and affordable social services.

The capacity of the cooperative movement to undertake appropriate technical assistance as a complement to governmental multilateral and bilateral assistance.

The ways and means whereby partnerships may be strengthened between cooperatively organized business enterprises and the United Nations development system.

I have believed for many years that cooperatives provide people with an economic alternative that empowers them economically to help themselves. Throughout this century, this body has passed legislation that created the spark for cooperative development and opened the door for cooperatives in this country.

The result has been the creation of our rural electric and telephone cooperative systems, the farm credit banking system, the National Cooperative Bank, and credit unions and community development credit unions. All of those have been tools that allow people to accomplish together things they could not accomplish alone. All are owned by the members who benefit from them, and are controlled through the election of boards of directors by that membership.

It is fitting that the international community should recognize that power and the possibilities that cooperatives represent in developing countries. Today, over 760 million people around the world are members of cooperatives. And that fact has made all of their lives a little brighter.

I encourage my colleagues to look to their own districts and recognize the existence of cooperatives there that meet their constituents needs. What you will find is over 100 million Americans and 45,000 businesses ranging in size from small buying clubs to businesses included in the Fortune 500. Today, we have cooperative businesses in the fields of housing, health care, finance, insurance, child care, agricultural marketing and supply, rural utilities and consumer goods and services.

Cooperatives have helped to make this country the economic powerhouse of the world. It's a legacy we should share with the rest of the world.

ATROCITIES AGAINST ALBANIAN COMMUNITY IN KOSOVA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today in order to draw this country's attention to the most recent atrocities committed by the Serbian Government against the Albanian community in Kosova. Time and again, the international community is bombarded with reports of violence and aggression by the Serbs toward the other ethnic groups in the former Yugoslavia. These actions repulse any decent human being with a sense of morality, but they pale in comparison next to this most recent offense.

Dr. Alush Gashi, who is respected in international circles as a human rights activist, served until lately as an advisor to President Rugova of Kosova. He is now being forced to stand trial before a Serbian-controlled magistrate court on July 1. The charges stem from a time in 1990 when Dr. Gashi, as the dean of the faculty of medicine at the University of Prishtina, opposed the enrollment of 250 Serbian students despite the Serbian Assembly's ruling to the contrary. His decision was not without validation because these students had apparently failed to take the university's entrance exam and were therefore not qualified for enrollment. Nevertheless, Dr. Gashi was fired from his position and will now be subjected to a fraudulent trial along with all of its attendant horrors.

The Albanian majority in Kosova has been treated brutally by a Serbian regime which shows no regard for their fundamental human rights. Dr. Gashi's trial is yet one more step in this campaign to suppress all opposition to the Serbian domination. By voicing his disgust with the deteriorating health conditions faced by the Albanian people in Kosova, Dr. Gashi has taken a brave but dangerous step in criticizing the Serbian regime. If the rights of Kosova's Albanian citizens are to be recognized, though, Dr. Gashi and others like him must be permitted to speak out loud.

For this reason, I urge my colleagues to stand with me against this campaign of terrorism and intimidation. We should not continue to sanction these unrelenting attacks on the Albanian population with our silence. Only vocal opposition and recognition of the human rights abuses committed by the Serbs will force the regime to comply with the international community's accepted standards of behavior. Dr. Gashi and the rest of the Albanian population are depending upon us to act on their behalf.

OPPOSITION LETTERS TO THE UNION PACIFIC AND SOUTHERN PACIFIC RAILROAD MERGER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. BORSKI. Mr. Speaker, I am offering recent submissions to the Surface Transportation Board regarding the proposed merger of the Union Pacific and Southern Pacific railroads by members of the Committee on Transportation and Infrastructure describing their opposition to the proposal.

This merger proposal has generated substantial opposition including from shippers, all levels of government (Federal, State, and local), farm interests, and labor interests. I am confident the Board will consider this opposition as it deliberates on the merger proposal next week.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, June 20, 1996.

Hon. LINDA J. MORGAN,

Chairman, Surface Transportation Board, Washington, DC.

DEAR CHAIRMAN MORGAN: I am writing to express my strong concerns about the proposed merger between the Union Pacific Railroad and the Southern Pacific Railroad. The Merger as proposed appears likely to substantially reduce competition and raise rates for shippers and consumers. For these reasons, the Departments of Justice, Transportation, and Agriculture have all opposed the merger. I agree with the recommendations of these agencies and urge that the merger be disapproved, unless it is possible

to develop a divestiture plan that would preserve competition and protect shippers and consumers.

Union Pacific and Southern Pacific are major competitors in hundreds of markets in the West and Midwest. A merger between the two would create a monopoly rail carrier in markets accounting for between $800 million and $1.5 billion in annual revenues. In hundreds of additional markets, accounting for between $2.14 and $4.75 billion in annual revenues, the number of rail competitors would be reduced from three to two.

For many of the shippers in these markets, rail is the only cost-effective transportation mode, either because these shipments are too heavy relative to their value to be economically moved by truck, or because of the distance that the shipment must be transported, or both. These shippers who depend on rail include shippers of forest products, grain, and plastic pellets and, on longer hauls, automobiles, iron and steel, and intermodal traffic. The Justice Department estimates that these shippers can expect a 20 percent price increase when competition is reduced from two rail carriers to one, and a 10 percent price increase when competition is reduced from three rail carriers to two. The Justice Department has estimated that consumers would have to pay higher prices resulting from the reduction in competition in these markets amounting to $800 million per year.

The applicants assert that in the ''three to two'' markets, contrary to our experience in most other markets, they will compete vigorously with the remaining competitor and no one need worry. In the ''two to one'' markets, the applicants propose to remedy the loss of competition through a trackage rights agreement that would give the Burlington Northern Santa Fe Railroad (BNSF) the right to operate over portions of the combined UP/SP system and serve certain specified points that currently receive direct service from both UP and SP. I am not convinced that this trackage rights agreement would preserve competition for shippers currently benefiting from two-carrier competition.

I do not believe that a trackage rights agreement would permit BNSF to compete with UP/SP as effectively as would an independent railroad. Under the agreement, BNSF would be conducting its operations as a ''tenant'' over the tracks of the landlord UP/SP. The landlord, UP/SP, would have opportunities to favor its own operations over those of the competing tenant. For example, UP/SP could give preference in dispatching and switching its own trains and could give lower priority in track maintenance to track primarily used by BNSF. UP/SP would have incentives to use these powers to limit BNSF's effectiveness as a competitor. As one railroad put it, a trackage rights agreement ''is the competitive equivalent of having United Airlines and American Airlines operating out of the same busy airport, but giving United exclusive authority over the control tower!''

The proposed trackage rights agreement also generally limits BNSF to serving customers who are on the lines of both SP and UP. BNSF is generally prohibited from serving shippers who are on one line but close enough to the other line that they benefit from competition from the other railroad. Such shippers are close enough to both UP and SP that they can currently use short-haul truck transport or the threat of building a branch rail line to maintain competitive pricing, for these shippers, the trackage rights agreement provides no remedy for lost competition.

Even the shippers that can receive BNSF service under the trackage rights agreement, the trackage rights agreement is hemmed in with restrictions that limit the effectiveness of the competition that BNSF can provide. In some cases, the agreement limits the number of trains BNSF can run. More generally, because the agreement only allows BNSF to carry freight between certain points, it will be difficult for BNSF to generate sufficient traffic volumes to make its costs competitive. It is important to observe that nothing in the agreement obligates BNSF to provide service where the agreement allows it to provide service. BNSF pays nothing for the rights until they are actually used, so BNSF's incentives are not to offer service unless it can be sure of earning a profit on it. If SP is marginally profitable serving these lines with its unlimited access to the traffic, BNSF may not be able to offer service under the more restrictive conditions imposed by the Settlement Agreement.

The applicants have emphasized in their recent rebuttal that they have agreed to five years of annual oversight by the STB to confirm that the BNSF Settlement Agreement is working. But is was not the intent of the Congress in enacting either the Staggers Act or the ICC Termination Act to depend on STB oversight to ensure competition. The intent of Congress was to maintain structural conditions that would ensure competition. We preferred, from a policy standpoint, relying on competition rather than regulatory interventions by the ICC/STB. Moreover, we believe that limited resources make continuing oversight by the STB an inadequate substitute for an industry structure that would ensure competition. Even in its heyday, the ICC did not have enough staff to track the practices of railroads closely enough to ensure competition. Now, with its staff cut 90 percent, and facing continuing budgetary pressures, we clearly cannot rely on STB oversight to ensure.

UP and SP claims that hundreds of millions of dollars in economies will flow from their merger, but it appears that a substantial portion of these ''economies'' in fact represent losses for workers who will lose their jobs and for shippers who will pay higher prices for rail transportation. In any case, it is not clear that the proposed merger is the least anti-competitive way of achieving these economies.

UP and SP also claim that the imminent collapse of SP makes the merger inevitable. SP made the same arguments when it proposed merging with the Santa Fe railroad a decade ago, but it has somehow managed to stave off collapse and maintain itself as a competitive force in the market. Even if the collapse of SP is inevitable (and the issue is debatable), it is not clear that transferring all its assets to UP is in the public interest. The market power that UP would gain by acquiring SP allows it to pay the highest price to SP's shareholders, but the public interest requires that those assets be transferred to parties that will provide effective competition, not to parties that are willing to pay a high price for the assets because they foresee monopolistic profits in the future. Other carriers have expressed an interest in buying those assets, and could provide continuing effective competition for UP.

As I stated in my earlier letter, I am confident that you and your colleagues, confronted with all the facts, will make the right decision in this case. I offer my views only because there has been speculation by commentators in the news media that further consolidation of the railroad industry is ''inevitable.'' I do not view it as inevitable, and I hope you do not as well. I believe a merger is consistent with the public interest only if the public is clearly not harmed by the merger. In the event that the Board should approve the merger, I encourage you to attach such conditions to this proposal as are necessary, including divestitures of parallel lines, to ensure that the public is not harmed, without relying on your continuing oversight to achieve that objective. UP regards divestiture proposals as ''killer conditions.'' Even if that is true, there would be little harm and much potential gain in denying the merger and inviting the applicants to develop a less anti-competitive proposal.

Sincerely,

JAMES L. OBERSTAR,
Ranking Democratic Member.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 4, 1996.

Mr. VERNON WILLIAMS,
Office of the Secretary, U.S. Surface Transportation Board, Washington, DC

DEAR MR. WILLIAMS: We wish to express our concern about the merger application of the Union Pacific (UP) and Southern Pacific (SP) Railroads.

If this merger is approved, the consolidated UP/SP system will create the nation's largest rail carrier and could spur additional mergers in the Eastern United States. The merger could mean a significant decrease in competition, rail service and jobs, and would harm shippers and rail-dependent businesses. It could eliminate thousands of jobs in a workforce already struggling from a large number of mergers, reductions and corporate dowsizing in other major sectors of the economy.

A consolidated UP/SP rail system certainly will create a monopolistic situation in the West but the trend toward megarailroads could lead to a wave of similar mergers in the East. This disturbing trend of consolidation is not in the public interest. Shippers will be left with few transportation choices. Communities and workers will face the threat of job loss and dislocation.

We question the wisdom of granting this merger when there are no compelling reasons to create such a large railroad. UP and SP have other options available to allow them to compete in the marketplace short of this merger.

We believe this merger is anti-competitive and will have far-reaching implications. It will harm shippers, consumers, communities, and working men and women. We urge the Board to preserve rail competition and protect American workers by rejecting the UP/SP merger.

Sincerly,

BOB BORSKI.
TIM HOLDEN.
PAUL E. KANJORSKI.
PAUL MCHALE.
CHAKA FATTAH.

HOUSE OF REPRESENTATIVES
Washington, DC, May 2, 1996.

Hon. VERNON A. WILLIAMS,
Secretary, Surface Transportation Board, Washington, DC.

DEAR SECRETARY WILLIAMS: As you consider the application pending before the Surface Transportation Board regarding the proposed merger between the Union Pacific Railroad Company (UP) and Southern Pacific Lines (SP), I wish to bring before you a number of concerns which have been brought to my attention considering this proposal. Specifically, I am requesting that the Board consider the potential reduction in rail competition along the Chicago-Memphis-Houston corridor and the impact that would have on rates or consumers and shippers in Tennessee.

As proposed, the merger would grant UP control over approximately 90% of rail traffic into and out of Mexico, 70% of the petrochemical shipments from the Texas Gulf

Coast, and 86% of the plastics storage capacity in the Texas/Louisiana Gulf region. I understand that the proposal includes a trackage rights agreement with Burlington Northern Santa Fe (BNSF) to address this issue.

On the other hand, Conrail has submitted a proposal to purchase the lines referred to as SP East, i.e., the lines from Chicago through St. Louis to Houston, the line from New Orleans to El Paso as well as lines to Dallas/Fort Worth, Eagle Pass, Brownsville and Memphis.

There are clear advantages of having a railroad own the line as opposed to having a railroad operate over another company's line. First, owners of rail lines will have every incentive to invest in track and work with the local communities to attract economic development. In addition, owners who control the service they provide, i.e. its frequency, reliability and timeliness. Finally, an owning railroad offers the best opportunity to retain employment for railroad workers who would otherwise be displaced by the proposed merger.

I support Conrail's proposal and urge you to carefully review it as you consider the UP–SP merger application. I believe it addresses many of the issues raised with respect to the merger's impact on cities like Memphis.

I look forward to hearing from you.

Sincerely,

BOB CLEMENT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1996.

Re finance docket 32760.

Hon. VERNON A. WILLIAMS,
Secretary, Surface Transportation Board, 12th Street and Constitution Avenue
Washington, DC.

DEAR SECRETARY WILLIAMS: I am writing in regard to an application pending before you that seeks approval of a merger between the Union Pacific Railroad (UP) and Southern Pacific Lines (SP). I am very concerned that the merger of these two railroads will significantly reduce rail competition and result in higher rates for shippers and consumers.

As proposed, the merger would grant UP control over a reported 90% of rail traffic in to and out of Mexico, 70% of the petrochemical shipments form the Texas Gulf Coast, and 86% of the plastics storage capacity in the Texas/Louisiana Gulf region. UP acknowledges that the merger would greatly reduce rail competition and proposes a trackage rights agreement with Burlington Northern Santa Fe (BNSF) as the solution. A trackage rights agreement, however, does not solve the problem as the several sets of changes in the agreement attest.

Owners of rail lines have incentives to invest in track and to work with local communities to attract economic development. Owners have control over the service they provide—its frequency, its reliability, and its timeliness. None of these things can be said about railroads that merely operate over someone else's tracks, subject to someone else's control, and required to pay the owner for every carload of traffic the tenant moves. An owning railroad, faced with none of these difficulties, and having major incentives to develop traffic for the line, can be more readily and consistently counted on to provide quality service and investment that is the best solution for shippers, communities, and economic development.

Conrail has offered to purchase the lines referred to as SP East, i.e. the lines from Chicago through to Houston, the line from New Orleans to El Paso as well as lines to Dallas/Fort Worth, Eagle Pass, Brownsville and Memphis. An offer from an owning railroad such as has been proposed by Conrail represents the best opportunity to preserve competition, enhance economic development potential, and save jobs.

For these reasons, I urge the Board to oppose UP/SP merger unless it is conditioned on a property-owning divestiture plan such as the one put forth by Conrail.

Sincerely,

EDDIE BERNICE JOHNSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 21, 1996.

Re finance docket 32760.

Mrs. LINDA J. MORGAN,
Chairman, Surface Transportation Board,
Washington, DC.

DEAR CHAIRMAN MORGAN: I am writing regarding the proposed Union Pacific (UP) and Southern Pacific (SP) merger.

The UP-SP merger will create one of the largest railroads in the world. While I do not have a problem with this concept, I am concerned that if this transaction is approved in its current form it will have severe consequences. Specifically, data I have reviewed supports arguments that the UP-SP merger, as proposed, is not in the public interest and will result in the loss of thousands of jobs nationally.

Furthermore, some of the proposals to address the anti-competitive aspects of the merger appear to unfairly discriminate against Northeastern Ohio, negatively impacting its economy and employment. I am troubled by this and believe a solution in the national interest can be reached without discriminating against the State of Ohio.

One such solution may be Conrail's proposal to purchase lines which have been referred to as SP East. I believe a proposal of this nature is the best way to ensure competition, boost economic growth and preserve jobs.

With this in mind, I respectfully request that the Surface Transportation Board give every consideration to conditioning approval of the UP-SP on a property-owning divestiture plan to ensure that this merger will be an equitable one in the national interest.

Sincerely,

STEVEN C. LATOURETTE,
Member of Congress.

SUSPEND TARIFF ON PARA ETHYL PHENOL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. SPRATT. Mr. Speaker, today I am introducing legislation to suspend for 3 years the tariff on a chemical called Para ethyl phenol (PEP—HTS–2907.19.20 00). This bill is critical to saving the jobs of 50 of my constituents who work at Hodgson Chemicals, Inc., in Rock Hill, SC.

The Hodgson plant produces two chemicals called Butylated hydroxy ethyl benzene [BHEB] and Mono butyl ethyl phenol [MBEP]. PEP is a critical component in producing both BHEB and MBEP. Enactment of the bill will ensure that Hodgson can compete against a Japanese company which is the only other manufacturer of BHEB. BHEB is used as an antioxidant in low and high density polyethylene and is sold to chemical producers. MBEP is used as an intermediate to produce an antioxidant. Hodgson informs me that there are no domestic sources for Para ethyl phenol [PEP]. Hodgson must therefore import and pay a 10.7 percent tariff on all the PEP it uses. This extra cost is reflected in the retail price Hodgson charges for BHEB and MBEP. The cost is substantial since over 50 percent of the finished product for both BHEB and MBEP is PEP.

The Japanese company exports BHEB to the United States, but not the PEP itself. This means that it avoids a tariff on PEP and therefore enjoys a significant cost advantage over Hodgson. Unless the tariff suspension is passed, Hodgson may be forced to discontinue production of BHEB and MBEP.

Hodgson plans on beginning production in the United States of PEP within 3 years. That is why Hodgson is only seeking a 3-year tariff suspension. Although I do not believe the cost of this suspension is great, we will be seeking a cost estimate from CBO to determine the bill's price tag. We will also seek to confirm that there are no domestic sources at present for PEP. Assuming that the only sources for PEP are foreign and that the cost is modest, I hope that the Congress will pass this bill in a timely manner. The jobs of many of my constituents depend on it.

INTERNATIONAL FESTIVAL OF ARTS AND IDEAS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Ms. DELAURO. Mr. Speaker, I would like to congratulate my hometown of New Haven, CT, on the occasion of the first annual International Festival of Arts and Ideas.

The festival brings together performers and thinkers from across the region and around the world to showcase the arts and discuss the ideas intertwined with such outstanding creativity. The festival includes drama, music, storytelling, dancing, and magic for children; discussions and classes focused on the ideas of the festival; and performance and works by Connecticut artists.

New Haven's cultural riches enable it to host this tremendous festival, a festival that will foster greater appreciation for the arts and will spur discussion throughout Connecticut and the region. Drawing on the historic New Haven Green, internationally renowned Yale University and its many theaters and museums, the Shubert Performing Arts Center, the Audubon Street Arts District, Long Wharf Theatre, and many more treasures, New Haven will come alive to embrace a world of creative performance and thought. The displays and discussions will be highlighted by performers from Connecticut and throughout the world.

I am particularly proud of the public and private partnership that brought the International Festival of Arts and Ideas to New Haven, the arts and cultural capital of Connecticut. Their exceptional support has been matched by individuals who have volunteered their time and energy to guarantee that the more than 75,000 visitors will see the arts, ideas, and Connecticut at their best. Putting Connecticut's best foot forward with the Arts and Ideas Festival will bring people to the region this week and throughout the year.

This is a proud day for Connecticut as we kick off the first annual International Festival of Arts and Ideas. Congratulations.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. BATEMAN. Mr. Speaker, I rise today to inform my constituents of my position on eight rollcall votes I missed on June 10 and 11, 1996, because of the primary election in Virginia's First Congressional District. Had I been present, my votes would have been recorded as follows: Rollcall Nos. 222, ''aye''; 223, ''aye''; 224, ''aye''; 225, ''aye''; 226, ''nay''; 227, ''nay''; 228, ''aye''; 229, ''aye.''

CONSERVATIVE ADVOCATE DEFENDS SUPREME COURT COLORADO OPINION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, when the U.S. Supreme Court upheld the decision of the Colorado Supreme Court invalidating a Colorado law which put gay men and lesbians at a particular disadvantage with regard to antidiscrimination legislation, a number of people on the right responded with stirring denunciations of the Supreme Court majority. And Justice Scalia wrote an angry and poorly reasoned dissent in which he denounced the majority and misrepresented their decision. I was therefore particularly pleased to read a thoughtful, reasoned defense of the Supreme Court majority opinion which upheld the Colorado Supreme Court's rejection of this law as an unconstitutional effort to impose special burdens on lesbians and gay men, written by Clint Bolick. Mr. Bolick is a very prominent advocate of the conservative position on legal issues, and serves as the Litigation Director at the Institute for Justice in Washington. As the printed article notes, the Institute itself has no position on the Supreme Court decision in this case.

Mr. Bolick's article is an example of intellectual honesty and integrity because as he notes, he does not favor laws that protect gay men and lesbians against discrimination, but unlike many others—on both sides of the ideological spectrum—he does not allow his public policy preference to cloud his analysis of the underlying legal and constitutional principles that are at stake. Because this is an issue of great importance to the country, and because the Supreme Court majority opinion has been so grievously misrepresented by Justice Scalia and by many Members of this body, I ask that Clint Bolick's very sensible discussion be printed here.

[From the Los Angeles Daily Journal, June 4, 1996]

''ROMER'' COURT STRUCK A BLOW FOR INDIVIDUALS AGAINST GOVERNMENT

(By Clint Bolick)

Reaction to the U.S. Supreme Court's opinion striking down Colorado's Amendment 2 predictably was morally charged: Generally those who disapprove of gay lifestyles reviled it; those who don't liked it. The superficial reaction overlooks the decision's deeper implications, which go far beyond gay rights. For the court may have recognized in the Constitution's equal protection guarantee significant new restraints on majoritarian tyranny.

I anticipated the court's ruling in Romer v. Evans with decidedly ambivalent feelings. I hold the classic libertarian position toward gay rights: An individual's sexual orientation is a private matter, and properly outside the scope of governmental concern. But I also cherish freedom of association and believe people should be free to indulge their moral judgments about other people's lifestyles and proclivities, even though I do not share those judgments.

The Amendment 2 case presented a libertarian conundrum. On one hand, Colorado municipalities were adopting gay rights ordinances that interfered with freedom of association, adding sexual orientation to other ''protected categories'' such as race and gender on which private discrimination is prohibited. On the other hand, Amendment 2 singled out gays for hostile treatment under law, rendering them alone incapable of attaining protected-category status through democratic processes.

So in my view the case was a close one. But in the end the Supreme Court's 6-3 majority got it exactly right: Amendment 2 was impermissible class legislation. ''Central both to the idea of the rule of law and to our own Constitution's guarantee of equal protection,'' declared Justice Anthony Kennedy for the majority, ''is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance.''

Noteworthy is what the court did not do. It did not, contrary to some analyses, recognize gays as a ''protected class'' or apply heightened judicial scrutiny. It was the state that defined the class and subjected it to adverse treatment under law.

What the court did was to breathe new life into the equal protection guarantee. Since the New Deal, the court generally has invalidated legislative line-drawing only when it involves a ''suspect classification'' (such as race) or a ''fundamental'' right (such as voting or free speech). Most other governmental classifications need have only a ''rational basis'' to survive judicial scrutiny.

As first-year law students learn, ''rational-basis'' review almost always translates into carte blanche deference to government regulators. That means a green light for nakedly protectionistic laws, particularly in the economic realm.

In recent years, my colleagues and I have managed successfully under the rational-basis standard to challenge the District of Columbia's ban on street-corner shoeshine stands and Houston's anti-jitney law. But challenges to Denver's taxicab monopoly and to Washington, D.C.'s cosmetology licensing scheme on behalf of African hair-braiders were dismissed under rational basis, even though the regulations were aimed at excluding newcomers. For those entrepreneurs, the judicial abdication rendered equality under law a hollow promise.

Such class legislation was of paramount concern to the Constitution's framers, who worried about the power of ''factions'' to manipulate the coercive power of government for their own ends.

The Colorado amendment is a textbook example of class legislation. ''Homosexuals, by state decree, are put into a solitary class with respect to transactions and relations in both the private and governmental spheres,'' Justice Kennedy remarked. Amendment 2 ''imposes a special disability on those persons alone.''

In such instances, reflexive deference to governmental discretion would nullify constitutional freedoms. So the court required the government to show that its classification in fact was rationally related to a legitimate state objective. As Justice Kennedy declared, ''The search for the link between classification and objective gives substance to the Equal Protection Clause.''

In this case, the state justified its classification on grounds of freedom of association and conserving resources to fight discrimination against other groups. But as the court concluded, ''The breadth of the Amendment is so far removed from these particular justifications that we find it impossible to credit them.''

Contrary to Justice Antonin Scalia's dissent, the ruling does not mean the community cannot enforce moral standards. It merely must make its rules applicable to everyone. The state can prohibit various types of conduct, it can refrain from adding gays to the list of specially protected classes—indeed, it can cast its lot with freedom of association and eliminate all protected classes. What it cannot do is to impose a distinctive legal disability upon a particular class, unless it can demonstrate legitimate objectives advanced through rationally related methods.

Nor should equal protection depend on whose ox is gored. The same government that can impose legal disabilities upon gays can inflict them upon veterans, or the disabled, or home-schoolers, or entry-level entrepreneurs, or any other class targeted by those who control the levers of government.

The court's decision in Romer v. Evans is the latest in an important but unremarked trend in which the Supreme Court has revitalized constitutional limits on government power in a variety of contexts. Exhuming the Fifth Amendment's ''takings'' clause, it has protected private property rights against overzealous government regulation. Last term, for the first time in 50 years, it invalidated a federal statute as exceeding congressional power under the interstate commerce clause. It has extended First Amendment protection to religious and commercial speech. And under the equal protection clause, it has sharply limited government's power to classify and discriminate among people on the basis of race.

Alexis de Tocqueville observed that ''the power vested in the American courts of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that have ever been devised against the tyranny of political assemblies.'' Largely unheralded, the current Supreme Court has become a freedom court. Though comprising shifting majorities, the court seems quietly to be constructing a constitutional presumption in favor of liberty—precisely what the framers intended.

PITFALLS OF THE MEDIA BUSINESS IN ASIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. DIXON. Mr. Speaker, I rise to share with my colleagues the recent remarks of Marc Nathanson of Los Angeles, who was confirmed in August 1995 as a member of the Broadcasting Board of Governors of the United States Information Agency. Mr. Nathanson spoke on June 4 at the 1996 Business in Asia Media and Entertainment Conference in Los Angeles. The conference was sponsored by the Asia Society, the national nonprofit educational organization dedicated to increasing

American understanding of the culture, history and contemporary affairs of Asia.

As a pioneer in cable ventures in several Asian countries, Mr. Nathanson is well versed in the obstacles facing American media investments in Asia. With our continued emphasis on ensuring American global competitiveness, I commend to my colleagues the points he makes on the subject.

PITFALLS OF THE MEDIA BUSINESS IN ASIA

(By Marc B. Nathanson, Chairman, Falcon International Communications)

Many of you at this conference are interested in developing software produced here in California for the Asian marketplace. In my opinion, without the rapid development of multimedia distribution systems in Asia, there will not be long term economic gain to the providers of music, TV shows, and motion pictures and their allied fields. The growth of the media infrastructure through viable joint international ventures in Asia is critical to the growth of the entertainment industry in Los Angeles. If these infrastructure projects are successful, this will mean jobs, co-production deals, greater residuals and an increase in economic payments to the holders of copyrights. This assumes that the Governments of Asia including China rigorously enforce the international laws of property.

When I entered the American cable industry 27 years ago, 5 percent of US residents subscribed to cable TV for more entertainment, information, and education. Today, almost 70 percent of all TV homes are cable customers and shortly 8 million Americans will have direct broadcast satellite dishes.

The world is behind us in multi-national viewing options. 95 percent of all global citizens receive less than 5 TV channels. In Asia, the number is only slightly higher. This will all change.

There is an insatiable appetite for more entertainment choices among young and old in Cebu, Calcutta, Auckland, Phuket, Singapore and Kathmandu.

In my opinion, the growth and dissemination of California produced programming in Asia will have much more important benefits to the world than just to our pocketbooks.

The reach of MTV to young people in Russia had a tremendous effect on the collapse of the Soviet Union. The Voice of America and Radio Free Europe hastened the demise of communism in the Czech Republic, Poland, Hungary and Central Europe.

The Future programming of USIA sponsored Pacific Asia Network will give the people of Cambodia, Myanmar, Vietnam and China their only source of factual news in their mother tongues.

But, in spite of the efforts of great statesmen like Senator Jun Magsaysay and others, there are many more problems with the orderly growth and distribution of multiculturally produced channels than just copyright violations.

I say this to you as a man that has and is experiencing the problems of entrepreneurial entertainment joint ventures in Asia.

Today, Falcon International Communications has over 2.5 million customers worldwide. 1.5 million are located off our shores in England, Mexico, France, and Brazil through partnerships and investments. In Asia, we are operating in India and the Philippines and actively engaged in exploring joint ventures in Thailand, Malaysia, Taiwan and Indonesia.

But, the obstacles that prevent the future growth of American media investments should not be taken lightly or overlooked. Let me focus on them:

1. Infrastructure—there is a lack of Infrastructure in Asia. While many American companies have a focus on programming and satellite distribution systems, there has not been enough concentration, investment or expertise directed toward improving the basic communications infrastructure.

Let me give an example: The engineering talent and educational levels are very high in India and the Philippines. They just have a lack of expertise in dealing with fiber and need hands on training by their American partners. However, this cannot solve the slow development of the telephone and transportation systems in these countries.

2. Corruption—corruption, bribery and bureaucracy are still rampant in many places in Asia. A European friend of mine who is in the power plant business told me that he could not even meet with a provisional governor in China unless he agreed to deposit $150,000 in his Swiss account. Our Foreign Corrupt Practices Act—right or wrong is the law of the land. It does not matter whether or not other corporations based in other countries follow it. The American Government must face the age old problem of dealing with corruption overseas if we want to be competitive and we must work with local authorities to clean up their act. I'm optimistic about this happening.

3. Right Partner—You must have the right partner in your media joint venture * * * one who shares your common goals. Each must respect each other's strengths in order for your project to be successful. You must learn how to communicate with each other in Asia. I believe it is foolish for American companies to invest a lot of money in a country like India with the wrong local partner. Let me say that this obvious statement is much more complex. Often, local partners who have funds are looking for rapid returns and do business at a pace (using a methodology) that are totally alien to American business. They often talk the same language and enter into MOU's or contracts that say the right things but the reality of their actions is totally different. In a joint venture outside of Asia, we found a partner who wanted our money but would not listen to our expertise—our considerable expertise in the orderly and efficient development of a cable television business over the last twenty years. We were the first to admit that we did not have expertise of their market or culture, yet this local partner with incompetent management would constantly reverse our second cable management decisions. This type of reform, especially when we are the minority partner, will cause a rapid deterioration in the venture and hurt the joint venture's ability to buy programming and expand.

4. The Old Management—The biggest problem to getting cable TV systems built in Asia and bringing training and American expertise is the ''old guard.'' These companies and often family dynasties talk a good game but don't really want American joint ventures in their nation where they have dominated the media business for so many years. They only want the new technology to come to their fellow countrymen when they and only they bring it at their own pace. These old but truly powerful media barons who often dominate several media empires do not want competition. They want to own it all. They only want American investment dollars to flow to them . . . not to go to a local entrepreneur who has teamed up with a minority American partner. The level playing field does not exist in many parts of Asia. Foreign ownership laws sponsored by the local media monopolist prevent true competition and members of the old guard disguise their greed in the forum of the nationalism and information control. Yet it is ironic that in Asia in particular, in all the ventures that I can think of, the foreigner is a clear minority partner who brings capital, expertise and training to the project. The cultural sensitivities are and should continue to be dominated by the local majority partner. However, international joint ventures hasten the development of American programming in those countries.

In my opinion, the Clinton Administration must demand a level playing field in Asia. New laws need to be introduced by Congress to prevent monopolistic enterprises who lobby against American investments in their country but continue to gain access to our financial markets. These media moguls must be prevented from blocking minority foreign investment in the media in order for them to selfishly perpetuate their local domination and justify the slowness of their upgrading the infrastructure. This old guard is limiting the choice of people of their nation to experience and view the abundance of globally produced diverse programming.

Our government needs to work with the nations of Asia not to exclude other countries from forming local joint ventures but to ensure that there is an open and level playing field to satisfy the insatiable demand of Asian consumers for more information, education, and yes, good old fashion Hollywood entertainment.

OAK HILL-DURHAM VOLUNTEER FIRE CO., CELEBRATES 50 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. SOLOMON. Mr. Speaker, anyone who visits my office cannot help but notice the display of fire helmets that dominates my reception area. They are there for two reasons. First, I had the privilege of being a volunteer fireman in my hometown of Queensbury for more than 20 years, which helps explain the second reason, the tremendous respect that experience gave me for those who provide fire protection in our rural areas.

In a rural area like the 22d District of New York, fire protection is often solely in the hands of these volunteer companies. In New York State alone they save countless lives and billions of dollars worth of property. That is why the efforts of people like those firefighters in the Oak Hill-Durham Fire Department is so critical.

Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. The town of Durham, NY, and the village of Oak Hill is certainly no exception. The traits which make me most fond of such communities is the undeniable camaraderie which exists among neighbors. Looking out for one another and the needs of the community make places like the Oak Hill-Durham area great places to live. This concept of community service is exemplified by the devoted service of the Oak Hill-Durham Volunteer Fire Department. For 50 years now, this organization has provided critical services for their neighbors on a volunteer basis.

Mr. Speaker, it has become all to seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents there, the members of their fire department have selflessly performed their duty, without remiss, since the

formation of this organization 50 years ago. On this Saturday, June 29, 1996, the fire company will be hosting an open house to commemorate this milestone. Not only will this offer the residents around Oak Hill and Durham a chance to enjoy themselves at the planned festivities, but it will provide the perfect opportunity for them to extend their gratitude to this organization and its members, both past and present.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. On that scale, the members of the Oak Hill-Durham Fire Co., are great Americans. I am truly proud of this organization because it typifies the spirit of voluntarism which has been such a central part of American life. To that end, it is with a sense of pride, Mr. Speaker, that I ask all members of the House to join me in paying tribute to the Oak Hill-Durham Fire Co., on the occasion of their 50th anniversary.

DR. ALAN SCHRIESHEIM RETIRES FROM ARGONNE NATIONAL LABORATORY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. FAWELL. Mr. Speaker, I rise today to commend Dr. Alan Schriescheim, director and chief executive officer of Argonne National Laboratory. Our Nation's first national laboratory, Argonne was founded in 1946, and celebrates its 50th anniversary of service to our Nation this year.

Under Dr. Schriesheim's leadership, Argonne has grown to become a world-renowned research center with more than 200 major projects in progress. Argonne today employs more than 4,000 people on its main 1,700-acre site about 25 miles southwest of Chicago, and at Argonne-West in Idaho. Managed by the University of Chicago for the U.S. Department of Energy, Argonne is one of the nine multi-program national laboratories, the only one in the Midwest. This national asset is a focus of collaborative research, teaming the best and brightest from America's universities, corporations, and Federal laboratories in both short-term and long-term programs designed to ensure a better life for our children and their children into the 21st century.

Alan began his career with Argonne in 1983 after long and distinguished service at Exxon Research, thus becoming the first director of a nonweapons national laboratory to be recruited from industry. As a result of his management talent and strong commitment to develop and initiate strategic programs, the laboratory expanded rapidly, becoming the home of the Advanced Photon Source, a $1 billion research facility formally dedicated last month that will probe the biological and material properties of matter with far greater precision than ever before.

Other Argonne programs initiated during Alan's tenure span the full range of science—from developing biological microchips and sequencing the human genome in a cooperative program with the Englehardt Institute of Molecular Biology in Moscow, to establishing a virtual-reality advanced parallel-processing computer center. He also led Argonne in building the largest superconductivity program in America's national laboratory system, forming working relationships with more than 50 corporations and universities. The project led to the creation of an independent corporation, Illinois Superconductor Corp., which raised $14 million in its initial stock offering.

While developing new programs, Alan ensured Argonne remained a world-class center of nuclear engineering, including its design and development of the Integral Fast Reactor, an inherently safe power station that emits no air pollution, produces little waste, consumes waste from other nuclear plants, and shuts itself down if anything goes wrong.

Alan's deep dedication to motivating young Americans to consider careers in science is nowhere better evidenced than by his collaboration with television science journalist Bill Kurtis in initiating the Science Explorers Program, which exposes thousands of teachers and students to science and math through study guides for Kurtis' PBS science program, ''The New Explorers.''

Alan holds a bachelor's degree from Brooklyn Polytechnic University in New York, a Ph.D. in chemistry from Pennsylvania State University, and several honorary degrees. He is the author or coauthor of numerous scientific articles, holds 22 U.S. patents, and is a member of the board and fellow of the American Association for the advancement of Science and a member of the National Academy of Engineering. He chaired the National Academy of Engineering Study of Foreign participation in U.S. Research and Development, and is a member of the National Research Council's panel on dual-use technologies in the former Soviet Union and other academic and Government panels.

In his capacity as chief executive of one of America's preeminent research centers, Alan has appeared many times before committees of the House to offer us his guidance and counsel on important national issues bearing on science and technology. As such, he has helped shape the scientific foundation on which this Nation will enter the 21st century.

Mr. Speaker, Alan's management style, philosophy, intelligence, and leadership are paying huge dividends today and will continue to do so for years to come. After many years of distinguished and superior service to the Argonne National Laboratory and the Nation, I wish Alan all the accolades he so rightfully deserves. May his years of retirement bring all the best to Alan, his wife Beatrice, their two children, and their five grandchildren.

PERSONAL EXPLANATION

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. MARTINI. Mr. Speaker, on June 19, 1996, I was unavoidably detained and missed rollcall vote No. 250. Had I been present, I would have voted ''yes'' on the bill.

A MEMORIAL TO BOB STOUT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Bob Stout, a dear friend and a community leader who has left us saddened by his death but richer for having known him. We give thanks for his long service to his neighborhood, the city of Norwood, the State of Ohio and his beloved country.

Mr. Stout's involvement with his community was extensive. He kept close track of needy individuals and families in his community of Norwood, helped them where he could, and solicited help from others where necessary. He loved helping kids and was active with the Allison Street Elementary School where he helped create the Caught Being Good program. This effective program rewards students for academic achievement and service to the community with prizes and parties. He was also known for his empathy and caring for the elderly, and for his prowess at fundraising for good causes.

His efforts stemmed from a deep belief in the human spirit and his conviction that if given the opportunity people will seize it and help themselves. Robert Stout, Jr., said of his father, ''He was a very difficult person to figure out: politically conservative but when it came to the poor and needy he was the most liberal minded person.''

Mr. Stout was active in the Norwood Republican Party, served on the Hamilton County Republican Board of Directors and Board of Elections, and helped countless candidates.

Mr. Stout also served his country in the Korean war and upon returning home earned a degree in accounting from Miami University, then went on to be an accountant with the U.S. Playing Card Co.

Dr. Joanne Sizoo, minister at Norwood Presbyterian Church, put it well when she said, ''Bob's life was really a sermon. He really did live what he believed. The proof of our love for Bob Stout is not whether we sit here today, but whether we carry on the work of caring for the poor without Bob to urge us on and hold us accountable.''

As is the case with so many people whose lives he touched, I feel blessed to have known him and to have learned from him.

DEATH OF THE HONORABLE BILL EMERSON

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1996

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Missouri, Mr. CLAY, for yielding.

Mr. Speaker, this week the people of Missouri, the House of Representatives, and the United States lost a great man—and I lost a friend.

I want to extend my condolences to his daughters and his wife Jo Ann and thank them for sharing BILL with us.

BILL EMERSON's loss will be sorely felt in the Chambers of this House which he so loved.

BILL wrote the book on kindness and decency. He was a warm, gentle, good person—the kind we need more of these days.

He loved this institution, he loved the people who work here, and he loved representing Missouri's Eighth Congressional District.

BILL EMERSON worked hard and he worked well. Thanks to BILL, the 25 million Americans who rely on food stamps for sustenance will continue to get the Federal help they need to make it from day to day. And that's quite a legacy.

As Malcolm Forbes said, ''You can easily judge the character of others by how they treat those who can do nothing for them or to them.''

BILL EMERSON treated everyone well—from the Speaker of the House to the congressional pages, and everyone in between.

I am honored to have worked with him and I join the thousands of others in mourning his loss today.

DEATH OF THE HONORABLE BILL EMERSON

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1996

Mr. COSTELLO. Mr. Speaker, I want to rise today to praise my colleague and good friend, BILL EMERSON, who died last Saturday after a brave struggle against lung cancer. BILL EMERSON was a true public servant, who cared deeply about his congressional district as well as issues of global concern.

BILL served with me on the House Transportation and Infrastructure Committee, and we worked together on issues of regional concern for both Illinois and Missouri. Many of those problems which affect the boot heel of Missouri are also endemic to southern Illinois; the need for new infrastructure, good jobs and public health which is accessible and affordable for the people who live there. One project in particular which BILL and I recently worked on was Federal funding for the new Cape Girardeau Bridge; I join my colleagues in asking the House to name this bridge in BILL'S honor.

We had the opportunity to serve together for 8 years, and over those years I learned from BILL's way of working in a bipartisan fashion. BILL EMERSON knew that progress is not made with just one side of the coin; it takes balance to keep moving forward. By working with both Republicans and Democrats, BILL EMERSON was able to accomplish things for the people of his congressional district as well as the Nation.

And the world. BILL EMERSON, along with our former colleague Mickey Leland, fought for those people who could not fight for themselves—people in Ethiopia, Somalia, and other countries where citizens starved and were too weak to make their case to those who could help. BILL fought for food and nutrition programs, to provide essential sustenance to keep people alive.

His legacy will not soon be forgotten. But his kind manner, his decency, his bipartisanship, and his commitment to caring for other people will never be forgotten.

CONGRATULATIONS TO ELVIRA GRATTAGLIANO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today to pay recognition to a great American citizen who will turn 96 years old on January 1, 1997. Now living in Bergen County, NJ, Elvira Schettino Grattagliano moved to America 85 years go at age 11 from a small town near Naples, Italy, called Castela Mare Di Stabia. Ms. Grattagliano exemplifies a role model citizen. She is always involved in her surrounding community, and continues to hold a deep interest in community affairs and the Government. During World War II, Ms. Grattagliano became very involved with the Red Cross program while her son Harry served under General Patton, and her other son, Dominick served under General MacArthur.

This leads me to her biggest love; her family. Rocco Grattagliano and Elvira were married on December 27, 1920. They were blessed with three children Harry, Pauline, who is deceased, and Dominick. As a wife and homemaker, Ms. Grattagliano dedicated her life to her 3 children, 6 grandchildren, and 10 great-grandchildren.

Once her children had grown, Ms. Grattagliano went into business as the owner and operator of a grocery and vegetable market in Greenville. Once again, thank you, to Ms. Grattagliano for all her efforts to make her community a better place and I wish her many more happy birthdays to come.

SALUTE TO DR. DALE FRANCIS REDIG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. MATSUI. Mr. Speaker, I rise today to salute Dr. Dale Francis Redig who is retiring from a successful career in dentistry. On June 22, 1996, many of Dr. Redig's friends and colleagues gathered in Sacramento, CA to honor his many contributions to dentistry in California and throughout the world.

Born in Arcadia, IA in 1929, Dr. Redig enlisted in the U.S. Air Force in 1946 and served his country for 3 years before entering college at the University of Iowa. There, he earned his D.D.S. and M.S. degrees, including a stint as a Fullbright Lecturer at the University of Baghdad in Iraq. After graduating, he practiced pediatric dentistry for 14 years and also headed the Department of Pediatric Dentistry at the University of Iowa.

In 1969, Dr. Redig moved his family to San Francisco where he served as dean of the University of the Pacific School of Dentistry for 9 years.

During his career, Dr. Redig has held numerous leadership positions, both academic and administrative. He served as president of the American Society of Constituent Dental Executives and as a consultant for Federation Dentaire Internationale; the University of Riyadh, Saudi Arabia School of Dentistry; the University of Saigon School of Dentistry; and the United Nations. He has served as chairman of the American Dental Association, president of the American Fund for Dental Health and president-elect of the American Association of Dental Schools. Dr. Redig also holds membership in a myriad of professional and honorary societies.

In perhaps one of his greatest roles in the development of dentistry in this State, Dr. Redig has been the executive director of the 20,000-member California Dental Association since 1978. In this capacity, he has served tirelessly to advance the caliber of dental services throughout California.

In addition to membership in numerous professional and honorary societies, Dr. Redig's volunteer service to his community and his profession is a local commodity. Since 1992 he has served the Board of Regents and the University of the Pacific; Since 1992 he has served on the Golden Gate University's Community Advisory Board; Since 1994 he has served the Sacramento Theatre Company on the Board of Trustees; Since 1994 he has served on the corporate cabinet of the Sacramento AIDS Foundation; and in Iowa he served on the board of the Des Moines Health Center and as chairman of the United Campaign, Dental Division.

Mr. Speaker, it is with great pleasure that I rise today to recognize Dr. Dale F. Redig for his many contributions to the field of dentistry. I ask my colleagues to join me in congratulating him on a sterling career of service to his profession and in wishing him happiness and success in all of his future endeavors.

FOSSTON, MN: AN ALL-AMERICAN CITY

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. PETERSON of Minnesota. Mr. Speaker, today I ask my colleagues to join me in congratulating Fosston, MN for being named an All-American City. This is a distinct honor for the state of Minnesota and for all the people of Fosston.

It is difficult for a small town to get the attention of National Civic League jurists, but the citizens of Fosston and their community leaders did just that. As 1 of only 10 small towns selected to receive this award, this town of 1,500 people proved that it is All-American, through and through.

For example, the Fosston school has established a program to keep young people in Fosston after graduation. Todays small town youth often seek opportunities in larger cities, but Fosston has developed a program to demonstrate to high school students that there can be economic opportunities in the town where you grew up.

In addition, school and community leaders have formed a committee to examine both the opportunities and potential problems that could lie ahead for Fosston. This kind of future oriented community program makes Fosston unique among small towns, and a model for others to follow.

My Minnesota district is made up of numerous small towns just like Fosston, and you will find the same kind of community pride and involvement in all of them. I will not be surprised

if Fosston's award inspires many other small Minnesota communities to prove that they too are All-American Cities.

Congratulations to Fosston, MN, and every person in the community who has worked to make the town what it is today.

LANDMINE REMOVAL ASSISTANCE ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. MORAN. Mr. Speaker, I rise today to urge my colleagues to join me and our colleague and my good friend from Maryland, CONNIE MORELLA, in sponsoring legislation to combat one of the most serious crises facing our planet. The earth is covered with hidden, silent killers. This deadly menace is the more than 100 million antipersonnel landmines that are lying in the ground in 64 countries waiting to explode and kill or injure some unsuspecting person.

This terrible tool of war does not distinguish between children and soldiers. These mines only cost between $3 and $30 to make. It costs from $300 to $1,000 to clear just one landmine. Last year alone, 2 million new mines were laid. That is twenty times the number of mines removed. At the current pace it would take 1,100 years to rid the world of antipersonnel landmines. That is truly disturbing and disheartening.

We must do more to combat this global crisis. The time has come to provide a comprehensive, flexible, and long-term approach to improve the role that the United States plays in international awareness, detection, and clearance of antipersonnel landmines and unexploded ordnance.

The bill we are introducing today takes some important steps toward making U.S. participation in humanitarian demining more effective.

Through measures set forth in this legislation, the United States, working with the international community and nongovernmental organizations, will have the necessary flexibility and ability to provide educational, financial, and technical assistance to those in need of humanitarian landmine removal.

This bill will provide a long-term strategy to guide and sustain U.S. demining programs. We would require a 3-year plan. The report would also include a budget plan for the following 3 years, with recommendations for development of better technologies than exist today.

Currently, landmine funding is largely on an annual basis. This bill does not appropriate any funding but does provide the necessary flexibility to utilize those funds available for humanitarian demining efforts. This bill would make humanitarian demining appropriations ''no year'' money which is particularly important since most demining projects are multiyear efforts.

Most significantly, this legislation responds to the growing nationwide consensus on the landmine issue. Thanks especially to the tremendous efforts and able leadership of Senator PATRICK LEAHY and our colleague, Representative LANE EVANS, the landmine menace has been under attack here on the Hill; and this issue is now attracting the Nation's attention. We must keep pressing this growing problem of landmines.

How many years will it be before landmine clearance even equals the number of new landmines? The world may be many decades away from achieving this break-even point. We must speed that day along, so that we may measure it in years and not decades. Momentum is with us on this issue. Much has been done. More needs doing.

I urge you to join me and our colleague from Maryland to help protect the innocent children, the mothers and other unsuspecting civilians, and the peacekeepers in Bosnia and around the globe, by joining with us to move this important bipartisan legislation through Congress as soon as possible to combat the landmine plague. Thank you, Mr. Speaker.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 26, 1996, into the CONGRESSIONAL RECORD.

MEDICARE: PROVIDING SECURITY FOR SENIORS

Medicare is a fundamental security net for older Americans that has contributed enormously to the well-being and quality of life for seniors. It is the major source of health care for 38 million older Americans, covering the vast majority of their physician and hospital services. Medicare has its faults, but it has dramatically improved the health care and the longevity of older people in this country. As one older person said to me, ''I cannot live without Medicare.'' There is no question that it must be preserved and protected.

The Medicare system faces financing problems, but it is not in jeopardy of extinction. Medicare will continue to be available for seniors and future retirees despite some of the frightening rhetoric we have heard of late. The issue of Medicare's financing is complex and confusing for many Americans. Seniors already in the system and those planning for retirement are understandably wary.

Medicare is facing short-term financing problems because people are living longer (the number of people over 65 today is some 65% greater than it was in 1970), medical technology continues to explode, and the cost of medical care continues to rise. These cause financing problems that need to be dealt with in order to shore up the system for the near-term. The more difficult issue is the longer-term financing problem caused by the impending baby boomer retirements. As more and more people retire, fewer are left in the workplace to help finance Medicare. There is no easy solution, but there are ways to fix this problem. In the past, Congress has acted to extend the program's solvency, and we will do so again. We must work to find solutions which ensure Medicare's solvency and maintain quality health care for seniors.

MEDICARE'S FINANCING

There are two basic parts of the Medicare system which help seniors meet their health care costs: the Hospital Insurance (HI) trust fund and the Supplementary Medical Insurance (SMI) trust fund. HI, which covers hospitalization costs, is financed through a payroll tax of 2.9% on wages, half paid by employers and half by employees. SMI, which covers physician and outpatient services, is financed by general tax revenues and monthly premiums paid by beneficiaries. Beneficiary premiums make up about 25% of SMI's costs.

The Medicare trustees recently issued their annual report on the financial status of the HI and SMI trust funds. Even though the trustees have issued ominous projections almost every year since 1970, the latest HI projections were particularly troubling. According to the trustees, the HI trust fund is projected to be insolvent in 2001, a year earlier than expected. The problem is that the payroll tax, which finances the fund, is not sufficient to cover the ever-increasing cost of health care and the increasing number of Medicare recipients—factors which will only continue to strain the system unless changes are made. Unlike HI, SMI is not in danger of bankruptcy, but inflation and an aging society have led to rapidly rising costs. Costs will continue to rise as health care costs in general continue to escalate.

SOLUTIONS

Over the past several years Congress and the President have taken action to extend Medicare's financing in the short-term and prevent bankruptcy of the fund. That has happened nine times in the past and we will certainly do so again. Neither Congress nor the President will allow Medicare to go bankrupt. Medicare is too big, too successful, and too popular for it to fail. Proposals to save Medicare have included curbs on increases in fees to providers, higher premiums and co-payments for better-off beneficiaries, an increase in the eligibility age, new taxes, a range of new options for obtaining health care, and containing costs through market forces. Each of these options, or some combination of them, will have to be considered in the future. The long-term solvency of Medicare will not be easy to resolve, but it must be done.

I have several thoughts about Medicare reform. First, we must preserve doctor choice. I do not want to force older people into managed care. If they want to choose their own doctor, they should have the right to do so. Second, whatever changes are made, we must assure that Medicare delivers good care. I do not want to reduce the quality of health care for older Americans. Third, we should not cut Medicare to provide for a big tax cut. We should separate the Medicare debate from the highly politicized and partisan budget process. We should reform Medicare on its own, and not use Medicare as a piggy bank for making tax cuts. Fourth, a wholesale restructuring of Medicare should be approached with caution. Such a major change would likely be ineffective unless coupled with a restructuring of the entire health care system to hold down escalating costs. It is better to make incremental changes in Medicare aimed at health promotion and disease prevention, increasing efficiency, and reducing fraud and abuse. But we do need to begin making adjustments. The sooner we start the gentler it will be.

A major accomplishment of the 104th Congress has been blocking the plan put forward by Speaker Newt Gingrich to cut back Medicare by $270 billion. The problem with this plan was not that it squeezed too hard. Savings of that magnitude were estimated to be twice as much as needed to keep the program solvent. Excessive cutbacks could threaten the quality of care. While some cutbacks and some restructuring of Medicare will be necessary, $270 billion in cut-backs was necessary not to help Medicare, but to help finance huge tax cuts targeted toward well-to-do Americans.

CONCLUSION

The Medicare program has served our seniors well. It has provided them with quality health care, and, equally important, a sense of security that their basic health care needs will be met. It does not cover all the services and treatments seniors need, but it is a primary safety net for them.

Americans contribute throughout their working lives to finance the Medicare system. They deserve the assurance of access to medical care during their older years. Congress must focus on maintaining those assurances. Medicare is not a faceless government program to be slashed at blindly; it is a fundamental source of security for seniors. They have earned the benefits, and I will continue to work to ensure they receive what is justly theirs.

MOTHER A.M.E. ZION CHURCH: 200 YEARS OF CHRISTIAN SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to bring to your attention a church in my congressional district which is celebrating its 200th anniversary this year, and is the oldest African-American congregation in the State of New York.

The church I am speaking of is the historic Mother African Methodist Episcopal Zion Church, affectionately called Mother Zion.

Mother Zion Church is the mother of the African Methodist Episcopal Zion Connection, who was popularly known as the Freedom Church because of its pivotal role in the abolitionist movement. Many conference churches, including Mother Zion, served as stations on the underground railroad.

Mother Zion Church has been served by 29 pastors in its history; two were elected bishops: Rt. Rev. James Walter Brown and Rt. Rev. Alfred Gilbert Dunston.

As the pastor, Dr. Alvin T. Durant, and the members of Mother AME Zion Church rejoice in this bicentennial year ongoing celebration, I extend to them my congratulations, friendship, and support as they go forth honoring 200 years of Christian service.

TRIBUTE TO THE NATIONAL ARTS CLUB

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the National Arts Club's ''50, 75, 100, 125'' program during this past season. This program honors significant institutions in New York City which have celebrated major anniversaries this year. I am proud to offer this tribute at the conclusion of a very successful celebratory season.

This year, the National Arts Club, through its Roundtable Committee, sponsored a series of events to recognize major institutions such as the Performing Arts Library at Lincoln Center, the United Nations, the American Academy in Rome, the New York State Bar Association, the American Museum of National History, and the Metropolitan Museum of Art.

I am proud to report that the National Arts Club also honored the International Olympic Committee which celebrated its 100 year anniversary this year. In honor of the International Olympic Committee's anniversary and of the Centennial Games to be held in July, earlier this month, the National Arts Club commemorated the publication of ''The Olympic Image—The First 100 Years.''

The National Arts Club has contributed to the cultural, educational, and diplomatic communities of New York City since its inception in 1898. Through series such as ''50, 75, 100, 125,'' the National Arts Club seeks to reward the efforts of unique institutions making a significant difference in the world.

Mr. Speaker, I ask my colleagues to join me in this tribute by rising in honor of the National Arts Club for its celebration of New York City's extraordinary institutions. Thank you.

TRIBUTE TO ARTHUR B. CAMPBELL

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. REED. Mr. Speaker, I rise today to recognize Arthur B. Campbell of Wakefield, RI for his 31 years of dedicated service to the South Kingstown Public School System. As a teacher and as superintendent for the past 12 years, Mr. Campbell has been an outstanding educational leader.

In 1965, Mr. Campbell began his career in the South Kingstown Public Schools as a junior high instructor. While serving in this capacity, Mr. Campbell also became president of the local teachers' union, leading the first strike in the town's history. He was instrumental in forming the Rhode Island National Education Association's first political action group.

Mr. Campbell was promoted to director of instruction in 1972, and then to the post of superintendent of schools in 1984. During his tensure in this position, he guided the district through an unprecedented period of population growth. With his vision and professionalism, the district met this challenge without compromising student safety or academic integrity. His leadership made possible the emergence of modern educational facilities with dynamic and capable faculty, and students who rank among our State and our Nation's best and brightest.

In addition, known for his expertise and leadership in the school budget process, Mr. Campbell has ensured the efficient operation of school department finances, providing a healthy educational future for all South Kingstown schools.

In today's increasingly competitive job market, a quality education is absolutely necessary for success and advancement. Mr. Campbell's proactive approach toward achieving educational excellence has made these opportunities available to our young people. His accomplishments clearly demonstrate that an investment in education is indeed an investment in the future.

Mr. Speaker, on the occasion of Arthur Campbell's retirement, I respectfully ask my colleagues to join me in congratulating this outstanding administrator and educator.

PROTECT DRINKING WATER FOR FUTURE GENERATIONS

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to commend this Republican Congress for passing sound, safe, commonsense legislation to ensure that America's drinking water is clean and healthy for our loved ones and future generations to enjoy. Safe drinking water is of vital importance to San Diego, where nearly all of our waters is imported from the Colorado River and northern California, crossing many fault lines. Because there is such a limited supply of water, San Diegans do not take their water for granted. San Diegans, like all Americans, want water that is safe to consume.

One of my priorities in the 104th Congress is to protect the health and safety of American families. The House's passage Tuesday of the Safe Drinking Water Act amendments (H.R. 3604) sends a clear message to families that Republicans are committed to improving and protecting water quality and the environment. I am proud to support this legislation.

By passing this legislation, we give State and local water authorities the resources they need to keep our water safe. The Metropolitan Water District of Southern California supports the bill because it will ''enable public water systems to address the highest priority water quality issues first.'' The bill contains a strong community right-to-know provision, requiring public notification within 24 hours when water safety violations occur. It focuses resources, where they will do the most good, on eliminating contaminants that pose the greatest risk to people. Moreover, the Safe Drinking Water Act amendments establishes a State revolving fund to help pubic water systems comply with drinking water standards.

This legislation received broad bipartisan support. The Nation's Governors, State and county legislators, local water authorities, and several environmental groups support our safe drinking water bill. A commonsense approach has proven successful in protecting water quality, and we can reach consensus on other environmental issues through this same approach. I am proud to joining my colleagues in the proenvironment Congress in passing H.R. 3604.

INTRODUCTION OF THE VETERANS' NURSING CARE AVAILABILITY ACT OF 1996

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Veterans' Nursing Care Availability Act of 1996. This important legislation will help correct a flaw that exists in the way that the Department of Veterans Affairs ranks applications for its State Extended Care Facilities grant program.

The State Extended Care Facilities grant program provides Federal funding for up to 65 percent of the total cost for the construction of

State veterans nursing homes. Many States have been desperately trying to get a grant under this program to assist in the construction of State veterans nursing homes. However, despite documented need, they have been unable to get the Federal funding necessary to move forward.

Because of the overall inequity of the system that the VA uses to rank State applications, I have decided to introduce legislation that will ensure that States with the greatest veteran need receive priority funding.

The current system that the VA uses to rank State applications gives priority to States that have never received a similar grant in the past. While on the surface this may seem logical, the practical effect is that States with the highest veteran's need are often neglected because they received a grant sometime in the past. As a matter of fairness, I believe applications should be ranked solely on the needs of veterans.

The legislation I am introducing will correct this inequity by ensuring that States with the highest need receive priority. The Department of Veterans Affairs has determined that there should be four nursing home beds for every 1000 veterans in a State. Using this determination, my bill would have applications based on a formula where veteran need is defined as the number of veterans in the State multiplied by four and divided by 1000—need = veterans population * 4 / 1000.

Mr. Speaker, this is an important piece of legislation for our Nation's veterans. I urge all of my colleagues to join me in working for its enactment.

THE DAY OF THE AFRICAN CHILD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. DELLUMS. Mr. Speaker, I rise today to commemorate the event which led to our honoring June 16 as the Day of the African Child. On this day in 1976, approximately 600 young people were massacred in Soweto, South Africa. We honor June 16, 1976, as a day marking our sorrow and our pledge to these murdered children, their families, and their cause, that such horrors should not happen again. This year's commemoration focuses on the issue of war and its effects on children across the African continent.

We bow our heads in memory of the tragic occurrence of June 16, 1976. We celebrate the victory of the effort, the dedication, the enormous drive, and the energy whereby the people of the African National Congress, and their leader, President Nelson Mendela, were able to overcome the race hatred of the Afrikaners, to emerge victorious without a major war, to create a nation committed to equality, and to end official racial hatred and violence.

The Republic of South Africa is a beacon, a reality, which many of us hold as the embodiment of a government dedicated to peace and racial equality, created out of social violence and repeated acts of violence by an armed government against an unarmed people. We hold, with the new republic in mind, that the children of besieged countries in Africa deserve a similar stake in the future as the children of the Republic of South Africa are now able to hold.

The killings of children and adults—in Rwanda, Burundi, and now Liberia—go beyond our worst imaginings. The killing fields of Cambodia and Bosnia are now joined by these in Africa. Whether massive killings are the result of tribal or national war, these events are inconceivable to most of us.

In a war, people are displaced from their normal daily lives and are forced to face the unimaginable horrors of death and destruction. War creates a generation of angered individuals forced to deal with a country in ruins, homes in shambles, and families in anguish. In the midst of all this tragic adversity, the children of a warring nation undergo the greatest ordeal of all. These children, who are caught in the turmoil and chaos of armed conflict, face the emotional and physical wounds of war as well as the instability of their country's future.

Rwanda provides evidence of the devastating impact that war has on children. The genocidal massacres in Rwanda have claimed a million lives, 300,000 of which have been children. According to a UNICEF survey of children in one part of the country, 47 percent of those interviewed saw children killing or injuring other children, 66 percent of the children saw massacres, 20 percent witnessed rape and sexual abuse, and 56 percent saw family members being killed. The destruction of homes, health centers, and educational facilities has also left children with little hope of leading future normal lives.

Burundi is another example of how violent conflicts can have a devastating impact on young children. Years of fighting fed by deep political and ethnic animosities have claimed hundreds of thousands of lives and have left numerous others maimed. A whole generation of children have been made orphans. Hostilities have caused famine and turned children into beggars. The armed conflict has also resulted in collapse of the legal and social systems, creating a lack of law enforcement, lack of medical care, and lack of education.

The calls of the children—and the adults upon whom they depend—of Burundi, Rwanda, Liberia, and other warring countries in Africa, reach out to us, but we are mostly silent. The United States, a wealthy nation, has turned away from the people of war torn nations. Where it once was a leader in aiding other countries out of poverty and ruin, today, the United States spends less than 1 percent of its national budget on foreign aid programs. This is a very disappointing figure compared to those countries such as Japan and Denmark, which contribute 2.8 and 4.7 percent of their budget to foreign aid. We need to have our hearts touched and consider responses which will support efforts to stop hostilities and help these countries move towards recovery. It is only when these nations have fully recovered that the children of the future can lead better and more secure lives.

BOMBING AT KING ABDUL AZIZ AIR BASE IN DHAHRAN, SAUDI ARABIA

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TATE. Mr. Speaker, today I rise both in great anger and in deep sorrow. Yesterday a truck bomb was exploded at a military compound in Dhahran, Saudi Arabia where United States troops belonging to the Joint Task Force Southwest Asia were housed.

Twenty-three American service personnel were killed and more than 100 were seriously injured. Twenty-two service personnel from McChord Air Force Base in Tacoma, WA, currently stationed at the base in Dhahran, mercifully survived.

The terrorist bomb was so powerful that the front of an apartment tower 35 yards away was decimated and a crater 85 feet wide and 35 feet deep was left in its wake. Inside the apartment tower were 2,500 U.S. troops.

Everyday in this country, mothers and fathers take great pride in the dedication of their sons and daughters serving in the U.S. military. Years of nurturing, love, sacrifice, and commitment have gone into producing men and women possessed of such a love for their country that they would volunteer to protect it.

These brave men and women are not forced to serve—they ask to serve. They are not forced to stand guard against enemy forces—they ask to stand guard. They risk their lives in order to ensure that those of us here, in the comfort and safety of our own beloved country, may live free.

Mr. Speaker, the greatness of our Nation is magnificently reflected in the greatness of our servicemen and women. Today, we stand firm with the families who have suffered an immeasurable loss and our Nation mourns with them.

Let there be no doubt—the great and mighty force of the United States will descend upon those terrorists who dared to target our American service personnel. We will answer the families that cry out for justice and we will deliver to them those responsible for this vulgar act of cowardice.

Let the terrorists who committed this cowardly act of murder tremble in fear for they will be hunted, they will be found, and they will be punished.

ADVANCEMENT OF WOMEN IN SCIENCE AND ENGINEERING ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mrs. MORELLA. Mr. Speaker, in an effort to support women in our changing economy, I am introducing the Commission on the advancement of Women in the Science and Engineering Workforce Act.

Although the percentage of women earning science and engineering degrees has risen in recent years, women Ph.D.'s are still grossly underrepresented in many technical fields. One reason for this is that less than 24 percent of those people receiving doctorates in the physical sciences, earth sciences, and mathematics and computer sciences are women. In engineering, the lion's share of advanced degrees going to women are in environmental health and biomedical engineering. This is, however, merely one-quarter of all doctorate degrees conferred. In petroleum engineering, women receive only 2 percent of the awarded doctorates.

Another reason for the scarcity of women in technical fields is the continued barriers they

face in recruitment, retention, and advancement. For example, though women account for 34 percent of medical school graduates, only 17 percent of practicing physicians are women. Less than 14 percent of the top positions at NIH are held by women, and at many of our Nation's most prestigious universities, the number of tenured women in the sciences can be counted on one hand.

Why are fewer women entering and staying in science and engineering careers? According to the National Research Council Report, the trend is directly linked to the hostile workplace environment. Few policies, however, have been implemented to combat the problems women face in these traditionally male-dominated occupations.

My bill would study the barriers that women face in these fields. It would identify the recruitment, retention, and advancement policies and practices of employers toward women scientists and engineers. The commission would then issue recommendations to Government, academia, and private industry.

The Advancement of Women in the Sciences and Engineering Act will be a useful and needed step in countering the roadblocks for women in science and engineering. It will help to bring our Nation closer to creating a highly effective work force, thereby promoting economic prosperity and higher standards of living.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote numbers 272 and 273, taken earlier today. Had I been present, I would have voted ''aye'' on both rollcall 272 and rollcall 273.

IN HONOR OF BISHOP ROY E. BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TOWNS. Mr. Speaker, I rise to acknowledge the contribution of Archbishop Roy E. Brown and his longstanding commitment to the Brooklyn community.

Over the past 31 years Bishop Brown has dedicated a great part of his ministry to the renovating of numerous abandoned buildings into productive and viable churches. Bishop Brown is currently the presiding bishop and chief prelate of the Pilgrim Assemblies International, Inc.

Bishop Brown is the senior pastor of Pilgrim Church in Brooklyn. As a chief prelate of Pilgrim Assemblies, Bishop Brown extends his visions of revitalizing communities worldwide that include churches in South Africa, West Africa, Trinidad, Barbados, to name a few.

Born on February 28, 1943 in Birmingham, AL, Bishop Brown acknowledged his call to ministry at the age of 17. Accordingly, he accepted his first pastorate in 1965 at the age of 22; becoming pastor of the Pilgrim Church in 1966. Bishop Brown was consecrated as bishop, July 18, 1990 and established the Pilgrim Assemblies International, Inc. on that same day.

Frequently cited and honored by my fellow political and civic leaders in New York, Bishop Brown continues to tirelessly serve the greater Brooklyn community.

Mr. Speaker, I congratulate Bishop Brown on receiving this impressive honor and extend to him my best wishes for continued success.

TRIBUTE TO DR. CAROL S. NORTH

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. CLAY. Mr. Speaker, it gives me great pleasure to acknowledge an exceptional physician, professor, and constituent, Dr. Carol S. North. I commend her story of dedication and commitment to community to our colleagues.

In 1993, Dr. North provided pro bono mental health services to victims of the great flood of that year and led other community actions that provided additional relief for the victims and their families. She developed a disaster program and trained mental health professionals in disaster relief. Her heroic efforts earned her the Braceland Public Service Award and the 1996 Bruno Lima Award.

Dr. North currently serves as an assistant professor of psychiatry at Washington University in St. Louis MO, where she earned her medical degree and completed her residency in psychiatry and a fellowship in psychiatric epidemiology at the National Institutes of Health. She has contributed extensively to academic literature. Among her publications are 16 peer-reviewed articles on homelessness and 10 on psychosocial consequences of disasters.

Since 1987, Dr. North has provided services to homeless and indigent people at the Grace Hill Neighborhood Health Center and at Adapt in St. Louis. She also serves as a national spokesperson for the mentally ill, has lectured to audiences of more than 140,000 people, and has spoken to millions through the broadcast media.

Dr. Carol North is well-deserving of the honors bestowed upon her. She has not only been an outstanding psychiatrist and professor, she has been a model citizen. She took her own experience with mental illness and used it to the benefit of others. She often attributes her dedication to community work to the kindness she received from others during her illness. She views her efforts as a way to give back. Dr. North's selfless and caring spirit has earned her high regards in the medical community, and recognition today in the House of Representatives.

IN HONOR OF REV. RICHARD J. LAWSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TOWNS. Mr. Speaker, I rise to take this opportunity to congratulate and recognize the distinguished career of Rev. Richard J. Lawson. A graduate of Boys Vocational and Technical High School, Reverend Lawson joined the Tabernacle Baptist Church at an early age. Upon graduating from high school, Reverend Lawson was inducted into the U.S. Army. For the next 6 years he continued to serve his country faithfully, and was honorably discharged in 1964.

Later, Reverend Lawson joined the Pentecostal House of Prayer, where his father was the pastor. He began his preparation for the ministry by enrolling in the Manhattan Bible Institute, where he excelled. Upon graduating from Manhattan Bible Institute, Reverend Lawson would serve as vice president of the Manhattan Bible Institute Alumni Association.

Led by his strong conviction to serve, Reverend Lawson joined the New Canaan Baptist Church, serving as an associate minister. Subsequently, Reverend Lawson would be recommended and ordained to be a licensed Baptist preacher by the New Canaan Baptist Church Deacon Board and members. In March of 1989, Reverend Lawson was called as pastor of the New Canaan Baptist Church.

Reverend Lawson is married and is the father of four children: Richard Jr., Craig, Donna, and Tresslyn. He resides in Roosevelt, NY, with his lovely wife, Ann.

Mr. Speaker, I am proud and honored to highlight Reverend Lawson's achievements and contribution to the greater New York area. I extend to him my best wishes for continued success in the New York area.

TRIBUTE TO DR. HECTOR GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. ORTIZ. Mr. Speaker, on Friday, Texas A&M University at Corpus Christi will dedicate the Dr. Hector P. Garcia Plaza in honor of my hero and one of the most important American leaders of our time. I want my colleagues to know more about this living legend, Dr. Hector Garcia.

Dr. Garcia is a different breed of patriot and citizen. Long before the issue of civil rights was on the national radar screen, he recognized the need for equal rights for the citizens of south Texas and the United States. Rather than make the larger elements of society uncomfortable with a direct public assault on the status quo, Dr. Garcia began making quiet inroads into the system.

Dr. Garcia encouraged all of us to become involved. In the 1950's he articulated clearly the necessity for Hispanics to show an interest in the workings of our city, our community, and our country. He underscored the basic fundamentals of democracy by preaching his message about the strength of numbers, the necessity of registering to vote, and the power of voting.

Today, Dr. Garcia's message is the political gospel to which we all adhere. While others fought the system, often unsuccessfully, he worked within the system to open it up for everyone to participate. He has amazed us all with his wisdom, foresight, and longevity.

While the Nation began to understand civil rights in the 1960's, they never quite recognized the fact that Dr. Garcia founded the

cause so successfully in 1948. He fought for basic, fundamental civil, human, and individual rights. He has been a successful warrior for his cause—democracy, decency, justice, and fairness. The seeds he planted all those years ago have grown into ideas whose roots are firmly planted in south Texas. Those seeds have produced today's leaders, and laid the foundation for tomorrow's leaders.

I join veterans, the national Hispanic community, and all Americans who cherish justice in thanking Dr. Garcia for his very special service—both during conflict with the enemy, and within the bureaucracy. The American GI Forum, founded by Dr. Garcia, was originally intended to guide WWI and WWII veterans through the maze of bureaucracy to obtain their educational and medical benefits. Gradually, it grew into the highly acclaimed Hispanic civil rights organization it is today.

The seeds of Dr. Garcia's inspiration and leadership have sprouted, and they will continue to grow and succeed—just as he planned four decades ago. Dr. Garcia is a tremendously gracious man, and his legacy to us has been to treat each other decently as human beings. He embodies the Golden Rule—''Do unto others as you would have them do unto you.''

I ask my colleagues to join me in recognizing the continual source of inspiration to many of us in south Texas—Dr. Hector Garcia, physician and American patriot.

PERSONAL EXPLANATION

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to inform the House how I would have voted on three votes held on June 20, 1996. On that day I was in meetings and the beeper provided by the House malfunctioned and did not properly alert me to the fact votes were being taken by the full House. Had I been present on rollcall vote No. 259, on the amendment offered by Mr. PARKER I would have voted ''yes''; on rollcall vote No. 260, on the amendment offered by Mr. SANDERS I would have voted ''yes''; and on rollcall No. 261, on the amendment offered by Mr. SHADEGG I would have voted ''no''.

LEGISLATION TO IMPROVE THE QUALITY OF THE SOCIAL SECURITY CARD

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. McCOLLUM. Mr. Speaker, today I am proud to introduce legislation which would improve the quality of the Social Security card and make it a crime to counterfeit work authorization documents. This is absolutely critical to our fight against illegal immigration. Several of my colleagues, including Mr. STENHOLM, Mr. LEVIN, and Mr. HORN, join me in this effort.

Illegal immigrants come to the United States for one overwhelming reason: jobs. In response to this obvious magnet for illegal immigration, the 1986 immigration bill created employer sanctions, making it illegal to knowingly hire an illegal alien. That law requires everyone seeking employment in the United States to produce evidence of eligibility to work. One of the documents that may be produced together with a driver's license to prove this eligibility is the Social Security card. The primary reason employer sanctions are not working today is the rampant fraud in the documents used to prove eligibility to work, specifically the Social Security card. H.R. 2202 would reduce the number of documents that may be produced from 29 to 6. This helps, but one of the six is still the Social Security card. As long as it can be easily counterfeited, employer sanctions will not work.

Why is it so important to make employer sanctions work? There are 4 million illegal aliens in the United States today. This number increases by 300,000 to 500,000 annually. Most illegals are non-English speaking, poorly educated, and lacking in marketable skills. Their numbers are so large in the communities and States where they are settling that they cannot be properly assimilated, and they are having a very negative social, cultural, and economic impact.

Even if the southwest border were sealed, which it can't be, it would not solve the illegal immigration problem. Nearly 50 percent of illegals are here because they entered on legal temporary visas and did not leave. The only way to stop illegals from coming, through the border or otherwise, is to eliminate the magnet of jobs. The only way to do that is to make employer sanctions work.

Mr. Speaker, the bill I am introducing today will make major strides in our efforts to make employer sanctions work. Until sanctions work, our fight against illegal immigration will be in vain.

PUTTING THE MIDDLE EAST PEACE IN PERSPECTIVE

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. SCOTT. Mr. Speaker, I wish to recommend the following article to my colleagues, authored by Rabbi Israel Zoberman from Virginia Beach on ''Putting the Middle East Peace in Perspective'' which appeared in the April 5, 1996 edition of the Virginian Pilot.

[From the Virginian—Pilot, 4, 5, 1996]

PUTTING MIDDLE EAST PEACE IN PERSPECTIVE

(By Israel Zoberman)

The Middle East peace process finds itself at fateful crossroads following the recent terrorist suicide-bombings in Israel's urban centers.

The 100-years-long deadly entanglement between Arab and Jew began to be unlocked by the courageously crafted 1979 rapprochement between President Anwar Sadat of Egypt and Prime Minister Menachem Begin of Israel.

The first breach in the wall separating avowed antagonists was led on the Arab side by no other than Egypt. Though Sadat became a sacrifice on the altar of correcting history's course, his act of faith, along with Begin's willing yet costly compromise, was necessary for the next break-through to follow. That was not to happen without the painful 1982 Lebanon war, which highlighted the Palestinian factor and the urgency of responding creatively to its complex dimensions.

The bloody and embarrassing Intifada erupting in 1987 confirmed Israel's need to come to grips with that portion of the Camp David Peace Accords remaining open, laying to rest those spoils of the 1967 Six-Day War, which paradoxically have both allowed and forced it to negotiate peace. The PLO and Chairman Yasser Arafat received the final wake-up call in the wake of the 1991 Persian Gulf war. He bet on the wrong horse, while facing the prospect of being replaced by the even-more-militant Muslim fundamentalism of the uncompromising Hamas ilk.

The 1993 shaky handshake between Prime Minister Yitzhak Rabin and Chairman Arafat on the South Lawn of the White House, with President Clinton acting as proud officiant, changed forever the dynamics of Middle Eastern politics, facilitating Jordan's 1994 peace treaty with Israel.

Rabin, ironically the victorious architect of the glorious 1967 war of survival, fell victim to its bitter fruit and an Israeli-Jewish extremist vengefully trying to halt proceeding toward a land-for-peace solution, causing an immense trauma. The exsoldier's heroic peacemaking has already dramatically enlarged Israel's circle of diplomatic and economic connections, substantially rewarding the cooperative Arabs, including the hard-pressed Palestinians.

In January, I was among 55 rabbis on a peace mission to visit the leadership of Israel, Egypt, Jordan and the Palestinian Authority. We were in Gaza on the eve of the first Palestinian elections, protected by armed guards as we entered at the Erez checkpoint, where a relative of mine, a young Israeli officer, was killed about a year ago.

We were warmly greeted by General Usuf, head of security; he impressed us with his realistic appraisal, stating that it is easier to fight than to engage in peace and that it is absolutely necessary to educate the young generation for a new reality, acknowledging that both societies are interdependent. Wise words, indeed.

We owe a great deal to President Clinton for his steadfast backing throughout this excruciating series of highs and lows, its uplifting moments and, particularly, during the devastating ordeal of assassination and terrorist explosions. He has won the heart of Israel with his reassuring presence and wide initiative, spearheading the anti-terrorism summit conference and taking concrete steps to provide aid in efforts to counter terrorism. Such steps should include cutting off financial support from sources in the United States and Europe to the sponsors of wholesale slaughter, Iran receiving no uncertain notice for its criminal involvement.

I remain confident about the potential to avoid the pitfalls of the past, though I am concerned about the May 28 Israeli elections and the possible loss of nerve after being so gravely tested. Having grown up in the Israel of the '50s and '60s and having served in its army, I appreciate the miracle of a transformed environment that we could not even dream of then. The essential agreement with Syria and Lebanon, without which there is no peace, is in the offing, mindful of the thorny Golan issue.

Even hard-nosed President Hafez el-Assad cannot long deny it; his role is vital in checking the plague of violence which he does not hesitate to unleash for his own purposes. Arafat knows that his future and that of his long-deprived people depends on standing up to foes from within who are undermining their own brethren.

Amending the Palestinian National Covenant in regard to Israel's destruction is long overdue. We surely cannot permit the purveyors of chaos and hate to have the last say. They will not alter the progressive agenda and valiant vision to yet turn swords into plowshares, hallowing the gift of life through the gift of peace.

YOUNG AMERICAN STUDENTS MAKE A DIFFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to note for my colleagues the charitable work carried out by some of our young high school students from Rockland County in my congressional district. The Ramapo Children of Chernobyl Fund, founded after the 1986 Ukranian nuclear reactor explosion at Chernobyl, by Ramapo high school teacher Don Cairns, has engaged young people from that school in gathering medical supplies for children of Belarus affected by the radiation released by that explosion.

Once again this year, students working through the Ramapo Children of Chernobyl Fund participated in a humanitarian relief program for those children in Belarus. On April 18, 1996, a delegation of 19 students left for a 10 day trip to the Republic of Belarus to act as ambassadors of international goodwill and understanding. Upon their arrival in Minsk, the American students, led by Don Cairns, were welcomed by the Premier of the Republic, Micheslav Gryb, who praised their efforts.

Through their travel to Belarus, these American students provided not only moral support for the children suffering from the effects of the 1986 Chernobyl explosion, but presented 5 million dollars' worth of medical supplies and toys to hospitals and orphanages. To date the Ramapo Children of Chernobyl Fund has provided $20 million in such aid to Belarus. Part of the assistance delivered on this most recent trip was given to the Children's Hospital of the Radiation Medicine Research institute in Aksakovtchina, while the rest of the donations were distributed to other hospitals in the provinces of Moguilev and Gomel where children affected by Chernobyl are undergoing treatment.

In addition to bringing charitable aid to Belarus, the Ramapo High School students also put on musical performances for the children, performing a total of 21 times throughout Belarus as they visited nine schools, nine hospitals and appeared on national television. They also put on a performance for the Belorusian foreign minister, the Belorusian Friendship Society, the American Embassy and for the Belorusian President, Alexander Lukashenko.

Mr. Speaker, the Ramapo High School students' charitable efforts in Belarus are helping the United States to strengthen its relations with the republic of Belarus. And I should note that this most recent trip took place at a time when radiation was again being released from the contaminated Chernobyl area, this time by fires in the area around the nuclear facility. Our young American students decided to continue their visit in Belarus, despite that potentially threatening situation. Fortunately the delegation safely returned to the United States on May 1, 1996, with their charitable mission accomplished. Their service abroad serves as a model for all young people in our country, and demonstrates how young students' efforts can indeed make a difference.

Mr. Speaker, at this point I would like to insert letters representing the good work done by the young students, written by Don Cairns, president of the Ramapo Children of Chernobyl Fund; by the President of the Republic of Belarus, Aleksander Lukashenko; and, by Arseny Vanitsky, president of the Belorusian Friendship Society.

RAMAPO CHILDREN OF CHERNOBYL FUND,
Spring Valley, NY, May 15, 1996

BENJAMIN GILMAN,
Congress of the United States, Middletown, NY.

DEAR BEN: Enclosed please find some information and pictures from our most recent humanitarian trip to Belarus.

We are very proud of our 19 member Student Delegation who visited the village of Shklov, the city of Mogliev, the village of Polotsk, the village of Sharkovchina, the World War II Memorial, Khatyn, and the city of Minsk. They worked very hard as they performed a fifties' song and dance routine and hand carried and delivered medicines, supplies, and toys to children in 9 hospitals and 9 schools. They were transported by a Belarus Military bus to visit numerous cathedrals, museums, and other historical points of interest. The students performed 21 times in ten days in the hospitals , in the schools, for the Belarusian Foreign Minister, Vladimir Saenko, for Metropolitan Filoret, for the Belorusian Friendship Society, for the United States Embassy, and for Belarus President, Alexander Lukashenko. They were televised three times detailing their achievements.

This trip was a unique experience for students and adults alike. We stayed in families and made many new friendships. Our group was the first group of Americans to visit the remote village of Shklov and we planted two chestnut trees together with school children in the village of Sharkovchina. Emotions flooded from all who participated and our students vowed to return to see the trees grown.

The Ramapo Children of Chernobyl Fund has delivered $20,000,000 in supplies since we began our program in 1990. Our students are our best ambassadors. They have truly begun bridges of friendship that will indeed MAKE A DIFFERENCE in their future.

Thank you for helping us and for your continued support of this very important program of children helping children.

Sincerely,

DON CAIRNS & PAT DEFRANCESCO.

APRIL 26, 1996

MR. CAIRNS,
President of the ''Ramapo—Children of Chernobyl Fund''

The Belarus Society of Friendship and Cultural Affairs with Foreign Countries expresses its deepest gratitude for the tremendous work of ''Ramapo—Children of Chernobyl Fund''. This Fund is helping the victims of Chernobyl nuclear catastrophy.

Significant help that was presented to the people of Belarus, first of all the children, is priceless with its compassion, nobility and participation.

The emergency medical supplies played an enormous role in the fight for life of the people of Belarus.

People of Belarus know and deeply appreciate the role of the Fund, the staff and students of Ramapo, for building relations and mutual understanding between the youth of both countries.

We hope that in the near future we will continue to work together towards peace and prosperity for mankind.

Respecfully

A. VANITSKY.

PRESIDENT OF THE REPUBLIC OF BELARUS,
April 29, 1996.

To the teachers and students of Ramapo Senior High School and to the persons associated with the Fund entitled ''Ramapo—for Children of Chernobyl.''

DEAR FRIENDS: Heartfelt greetings to the teachers and students of Ramapo Senior High School, and also to the leaders and members of ''Ramapo—for Children of Chernobyl'' Fund.

Your Fund and your great work are well known to the people of Belarus. You became a symbol of amicable relations between our countries.

The help with medicine and medical supplies from overseas is still extremely important for our republic, although 10 years have passed since the catastrophy in Chernobyl. As a consequence of the tragedy many things are being affected. The area where the accident took place is not habitable and people still experience great economic difficulties.

Even more important to us are the spiritual gifts, you generosity, understanding and solidarity, as well as the program which is based on the wonderful relationship of two growing generations of our countries, USA and Belarus. The mutual understanding of our young people will make the world stronger in the next millennium of its history.

Dear Mr. Donald Cairns, Patricia De Francesko, members of ''Ramapo—for Children of Chernobyl'', we sincerely appreciate your caring for our children, all victims who have experienced this terrible tragedy. We also thank you for building bridges of friendship between our nations. It is our honor to join with you on this significant occasion, the 10th anniversary of the Chernobyl tragedy.

Accept our words of appreciation which come from the bottom of our hearts for the support and friendship you have extended to us, showing the best qualities of the American people. Belarus will always keep a close relationship with America.

ALEKSANDER LUKASHENKO.

TRIBUTE TO HERBERT AND MILDRED TANZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. PALLONE. Mr. Speaker, on Tuesday, July 9th, a reception will be held at the Zimmerli Art Museum in New Brunswick, NJ, in honor of two of Middlesex County's most esteemed citizens, Herbert and Mildred Tanzman of Highland Park, NJ.

Beginning with the time he served his country in World War II, Herbert Tanzman has maintained a distinguished legacy of community service. For his service in WWII's Naval Aviation unit, Mr. Tanzman was awarded the Navy Air Medal by the President. A veteran of the Battle of Iwo Jima, he has served as commander of the Veterans Alliance, commander of Jewish War Veterans Post No. 133, New Brunswick, member of the National Executive Committee of the JWV, national representative and national foreign affairs chair of JWV of the

USA, and executive board member of the Navy League. Currently, Mr. Tanzman serves as JWV national foreign affairs chairman.

Mr. Tanzman has demonstrated his leadership through every facet of his life. He has enjoyed a distinguished career as director for the real estate firm of Jacobson, Goldfarb and Tanzman Associates. He rose to the ranks of leadership in his profession as president of the New Jersey Real Estate Commission. He also demonstrated his commitment to his community as a councilman and mayor of Highland Park. He served on the State of New jersey County and Municipal Government Study Commission, and the board of directors of the New Jersey State League of Municipalities.

In his tireless efforts to further the cause of human rights and intergroup relations, Mr. Tanzman served as the national liaison officer to the Catholic War Veterans, national civil rights chairman and national legislative chairman and national chairman of American Indian Affairs. He as helped to build the civic life of his community and his country as a member of the executive committee and board of directors of United Community Services, trustee of the Middlesex-Somerset Chapter of the Multiple Sclerosis Association, board member of Job Corps, member of the board of directors of YMHA, chairman of the Building Fund Campaign, and member of the board of directors of the Central New Jersey Home for the Aged.

Mr. Tanzman's hard work has been driven by the quintessential Jewish goal of rebuilding and improving the world around him. He currently serves as national vice chairman and national campaign cabinet member of Israel Bonds, and has served as general chairman of the Raritan Valley UJA Federation, as an executive board member of the Greater Monmouth Jewish Federation, a chair of Monmouth County's UJA, and regional chairman for Israel Bonds.

For Mildred S. Tanzman, Tikun Olam—rebuilding the world—has been the guideline by which she has lived her life. Her devotion to the Highland Park Conservative Temple has been a commitment for over 50 years. It includes active sisterhood and service on the Sisterhood Board. Mrs. Tanzman has been a life member of Hadassah and has served on the Hadassah Board. She has also served on the National Council of Jewish Women, Deborah Hospital, Roosevelt Hospital, Brandeis University, the Central New Jersey Jewish Home for the Aged, the Jewish War Veterans Post No. 133 Auxiliary, and as president of the Lions Club Auxiliary of Highland Park. She has been involved for a long time with the Borough of Highland Park Juvenile Court Commissions.

Several years ago, Mr. Tanzman met the internationally known Nazi hunter Beate Klarsfeld, and the two women became friends and colleagues in the effort to be vigilant against Nazi and neo-Nazi groups still operating throughout the world.

She has also been involved with an organization known as ''Chamah,'' originally begun as an underground movement in the pre-Glasnost Soviet Union, which now works to start schools for Jewish children in Russia, as well as helping to provide Passover Seders for families in Russia, and assistance for Russian immigrants beginning new lives here in the United States.

Mr. Speaker, Mildred and Herbert Tanzman have dedicated much of their lives to serving others. Their dedication to their family, their community, the United States, the Jewish people and the State of Israel has been exemplary, an inspiration to us all. It is an honor for me to pay tribute to these two outstanding leaders and to wish them continued happiness and success.

IF YOU THOUGHT THE 50TH ANNIVERSARY WAS SOMETHING

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. BARCIA. Mr. Speaker, the only thing more golden than a golden anniversary is the ones that come after that. The wonderful commitment two people make to each other that lasts half a century is more powerful, impressive, and exemplary with each passing year. This Sunday, June 30, Hannah and Harold McDowell will be celebrating their 60th anniversary.

Harold McDowell and Hannah Wright were married at Saint Andrews Episcopal Church in Flint, MI, on June 30, 1936. At a time when our Nation was struggling to shake off the shock of the depression, these two wonderful people found strength in each other to build a fulfilling life together.

They were blessed with three children: Sharon Rae, Jolene, and Harold Jr., who rewarded them with eight grandchildren and four great grandchildren. Over the wonderful years of their marriage, Harold and Hannah have had a fantastic share of memorable moments, both sweet and probably some everyone might prefer not to remember. But it is precisely those kinds of moments that make our lives worth living, and our families so precious.

Harold and Hannah were valuable members of the Flint production community. Harold worked for the Buick Motor Co. for 42 years. Hannah was a valued employee of Advance Furniture for a number of years as well.

Mr. Speaker, devotion to family is to be honored. Commitment to one's family is to be praised and emulated. Consistent hard work is to be respected. Harold and Hannah McDowell are the kind of people that we would like all Americans to be. I urge you and all of our colleagues to join me in wishing them the very best on their stellar 60th anniversary, and extend our best wishes for many more to come.

PERSONAL EXPLANATION

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. TALENT. Mr. Speaker, I ask unanimous consent to insert the following statement into the CONGRESSIONAL RECORD. On June 26, I missed three rollcall votes on the fiscal year 1997 VA/HUD appropriations bill because I was unavoidably detained. Had I been present, I would have voted as follows:

On rollcall vote 272, I would have voted ''yes'';

On rollcall vote 273, I would have voted ''no''; and

On rollcall vote 274, I would have voted ''yes.''

WINNING ODYSSEY GROUP

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. COLEMAN. Mr. Speaker. I rise to pay tribute to a group of students from El Paso. They recently won first place at the Odyssey of the Mind World Finals in Ames, IA. Six girls from Glen Cove Elementary School, Lori Wurdeman, Michelle Ojeda, Danielle Borgaily, Tiffany Tajiri, Stephany Nebhan, Haley Cowan, and their coach, David Dominguez, deserve our recognition and congratulations for their extraordinary accomplishment.

At a time when it is easy to criticize our education system, those who represent the positive aspects of our public schools stand out. I hope the Odyssey of the Mind Team from Glen Cove Elementary School will continue to better their school and community. An article from the El Paso Herald-Post about the team follows.

[From the El Paso Herald-Post, June 11, 1996]

WINNING ODYSSEY GROUP GETS STAR TREATMENT

By Sonny Lopez

The frayed nerves and rushes of adrenaline are little more than distant memories for members of the Glen Cover Elementary School Odyssey of the Mind team.

After beating out teams from throughout the world, the six El Paso girls are reaping the rewards, giving televised interviews and making plans for next year's competition.

''When we first got there, we were pumped and just ready to go,'' said 11-year-old Tiffany Tajiri, who co-wrote the team's idea from a book about the Little Mermaid.

''But then we just got nervous because there was nobody there, but us on stage. It was like the world disappeared and it was just us.''

Lori Wurdeman, 10, agreed, saying, ''Nothing else mattered. We just ran out there when they announced we'd won. It was great!''

The Glen Cove team not only bested teams from countries including China, Venezuela, Hungary, Russia, Iceland and the Philippines, but was given the Ramatea Fusca Award for excellence in the spontaneous section of the contest.

The team was the only group from El Paso and West Texas at the world finals which were held in Ames, Iowa, in last month. The girls' received a gold medal for winning the finals and another for their top-notch work in the spontaneous session.

The Odyssey of the Mind contest, which was created by a university professor, is designed to enhance creativity.

Groups of students are given a set of rules and guidelines and then are asked to develop a long-term project, mainly a play, and subject themselves to a spontaneous session of questioning.

When performed, the completed play must be eight minutes long, must have cost $90 or less to develop, must have been designed entirely by the team members and must have comedic value.

The spontaneous session can involve anything from a word association game to descriptions of an object.

For the Glen Cove team, the winning combination included Tajiri; Wurdeman; Haley Cowan, 11; Danielle Borgaily, 10; Stephanie Nebban, 11; and Michelle Ojeda, 10.

They entertained audiences throughout El Paso and the region with a play about Queen

Nag, the queen of know-it-all, and an adventure in a far-away kingdom that included Greek gods, a life-size, pop-up-book-style castle and a witch.

On Wednesday, the girls will be honored by Ysleta Independent School District officials during a school-board meeting.

While there, they plan to display the 28 pins each of the girls traded and bartered with the more than 13,000 other contestants at the competition. Plans also are being made by City Council members to honor the team members with certificates.

''I want to continue with OM (Odyssey of the Mind) and encourage others to participate,'' said Nebban, who in the play was the green-faced witch who was pursued by Queen Nag.

''It's a really great thing to be a part of and can be started by anyone at any school.''

HONORING THE CAREER OF JOHNNIE B. BOOKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to urge my colleagues to join me in congratulating Johnnie B. Booker on her stellar career and wish her well in her retirement. Ms. Booker's excellent work came to my attention through her outstanding service at City National Bank in Newark, NJ. There, she provided the impetus for invaluable economic growth and opportunity in my district, and for that I am most grateful. She has been a dedicated public servant for over 20 years, and it is an honor for me to recognize her accomplishments here today.

For the past 2 years, Johnnie B. Booker has been a champion of minority rights and equal opportunity in her position at the Federal Deposit Insurance Corporation [FDIC]. There, she managed the corporation's oversight of programs to include minority- and women-owned business and law firms in contracting activities, with both expertise and care. Her work was invaluable in the corporation's quest to achieve equal opportunity and to create an environment which fosters and embraces diversity.

Johnnie B. Booker is an incredibly skilled women, one whose experiences touched the lives of many. She served as a civil rights specialist as well as the director of consumer affairs and civil rights at the Federal Home Loan Bank Board. She also has worked for the Office of Fair Housing and Equal Opportunity at HUD where she refined and polished her managerial and administrative aptitudes.

It is an honor for me to rise today in commendation of such a genuinely generous and dedicated public servant. Johnnie B. Booker has been committed throughout the course of her career to serve those in need and to protect the rights of minorities and women. I hope you will join me in applauding her career and wishing her well in the future.

THE NATIONAL MULTIPLE SCLEROSIS SOCIETY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Ms. KAPTUR. Mr. Speaker, the National Multiple Sclerosis Society, which today is one of the largest nonprofit health agencies in the United States, originated 50 years ago with an idea and a small three-line classified advertisement that appeared in the May 1, 1945 edition of the New York Times. The printed appeal for help was placed by Sylvia Lawry, the founder, whose late brother suffered from MS. In her ad, Miss Lawry asked that anyone who might know of a cure for MS contact her.

Thus was born the organization which today serves a membership of 430,000 through 140 chapters and branches. It is the only organization supporting both national and international research into the cause and cure of multiple sclerosis and a full range of services in areas of health, knowledge, and independence.

In my district, 2,200 people with MS are served by the Northwest Ohio Chapter alone. The chapter is able to raise funds that directly benefit local programs and allows for educational workshops, equipment loan services, aquatics programs, and so much more!

The Nation is very proud of the work of the National Multiple Sclerosis Society and the contributions it has made to biomedical research. Since its founding, the society has invested more than $175 million in scientific grants.

As a result, we are much closer today then ever before to understanding what causes multiple sclerosis and how to treat it. Someday soon we may possibly learn to prevent and cure it. Enormous strides have been taking place in the neurosciences recently, giving rise to a real hope that this may happen soon.

Sylvia Lawry continues to be active in the affairs of both the national and international MS societies. Her dedication, and the work of the National Multiple Sclerosis Society are an inspiration for all.

PRAYER OFFERED BY REVEREND JOE WRIGHT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. DORNAN. Mr. Speaker, is this Rev. Joe Wright perfectly on track, or what?

The following is excerpted from, and inspired by a prayer offered in the Kansas House on January 23d, by Rev. Joe Wright of Central Christian Church in Wichita.

We have ridiculed the absolute truth of God's word, and called it pluralism.

We have worshipped other gods, and called it multiculturalism.

We have endorsed perversion, and called it alternative lifestyle.

We have exploited the poor, and called it the lottery.

We have neglected the needy, and called it self-preservation.

We have rewarded laziness, and called it welfare.

We have killed the pre-born, and called it choice.

We have neglected to discipline our children, and called it building self-esteem.

We have abused power, and called it political savvy.

We have coveted our neighbors' possessions, and called it ambition.

We have polluted the airwaves with profanity and pornography, and called it freedom of expression.

We have ridiculed the time-honored values of our forefathers, and called it enlightenment.

We have indoctrinated our children, and called it education.

We have censored God from our public life, and called it religious freedom.

We have prevented our citizens from defending themselves, and called it gun control.

We have allowed violent criminals to prey on society, and called it compassion.

We have imprisoned the innocent and let the guilty go free, and called it justice.

Indeed. America is in much need of prayer.

THE SECURITIES AMENDMENTS OF 1996

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. BLILEY. Mr. Speaker, today I offer an amendment to H.R. 3005, the Securities Amendments of 1996, that makes five important changes to this legislation.

This amendment ensures that the benefits of exemption from multiple layers of State regulation that this legislation provides to issuers of national securities offerings are available to large, established partnerships and limited liability companies. As passed by the Commerce Committee, the legislation included a limitation that prevented partnerships and limited liability companies from qualifying for the exemption from State regulation that the legislation provides to national securities issuers. This limitation was included—and remains in the legislation—to address concerns raised by some that these vehicles might be more prone to abuse. These concerns do not, however, extend to large, established companies that may be organized as partnerships or limited liability companies.

Therefore, the amendment I offer today eliminates State regulation over securities issued by a partnership or limited liability company that is either a registered dealer or an affiliate of such a dealer and has capital or equity of not less than $75 million. In addition, to qualify for the exemption State authority that this legislation provides, if the issuer is not a registered dealer, the issuer must not use the proceeds of the offering to fund its nonfinancial business. I intend that dealer affiliates, however, be able to rely upon the exemption to finance the full range of their activities, whether or not involving transactions in securities. Dealers and their affiliates today are legitimately engaged in a broad range of investment-related activities. Accordingly, I intend the financial business for purposes of section 18(c)(4)(A)(3), to include any business or activity pertaining to securities, commodities, banking, trust services, or insurance as well as the financing of any related capital or operating expense.

I also recognize that issuers commonly add the proceeds of securities offerings to their

general funds and that, in consequence, the offering proceeds become fungible with the issuer's other moneys. In this regard, section 18(c)(4)(A)(3), added by this amendment, is not intended to require issuers to trace offering proceeds to specific end uses. A dealer affiliate that funds both financial and nonfinancial businesses at, or subsequent to, the completion of a securities offering should remain eligible to claim the exemption unless it specifically directs all or most of the offering proceeds to the nonfinancial business.

This amendment narrows the provision in the legislation that makes it easier for brokers to service their customers who are out of town, to help ensure investor protection. We live in a very mobile society, where it is commonplace for people to conduct their personal business outside the State where they live. Laws that do not recognize this fact of modern life are a trap for the unwary. This legislation eliminates this trap by providing a very narrow exception that permits brokers to provide service to their customers who are temporarily out of State or who have moved out of State, without having to register in that State in advance of the transaction. The amendment I offer today further narrows this provision to add a condition that applies in all cases where a broker seeks to use this exemption. It provides that a broker may only use the provisions of the exemption to service a preexisting customer of the broker-dealer that employs that broker. This will help to ensure that the exemption is used to help brokers and their clients transact business in today's mobile society, not to promote cold-calling and boiler-room operations.

In addition, the amendment provides that up to four associated persons may be deemed to be assigned to a client for purposes of new paragraph (3)(A)(ii) that the legislation adds to new section 15(h) of the Exchange Act.

This amendment changes the provision of the legislation that grants the Securities and Exchange Commission exemptive authority to prevent the Commission from usurping the authority of the Department of the Treasury with respect to certain aspects of the regulation of Government securities brokers. The amendment provides an express limitation on the Commission's exemptive authority to provide that this authority does not extend to the provisions of section 15C under the Exchange Act, pursuant to which the Department of the Treasury regulates Government securities dealers.

This amendment requires that the Securities and Exchange Commission find that a mutual fund name is materially misleading in order to use the rulemaking authority the legislation grants the Commission to stop the use of such a name.

Finally, the amendment adds a new title III to the legislation, authorizing the Securities and Exchange Commission. This amendment is designed to put money back in the pockets of American investors. Today, the Securities and Exchange Commission takes in over $600 million in fees annually—which is double the amount it costs to run the place. This surplus in fee revenue over the cost of running the agency amounts to a tax on capital paid by all investors, including individual investors relying on mutual funds or pension plans to secure their retirement, their children's education, and their future financial security.

Title III was crafted with the cooperation of Chairman ROGERS and Chairman ARCHER to reauthorize the Securities and Exchange Commission and provide a stable long-term mechanism for funding the agency. At the same time, this funding mechanism reduces surplus fees—this tax—paid by investors.

I introduced the legislation that I offer today as title III together with my friends JOHN DINGELL, ranking member of the Commerce Committee, Telecommunications and Finance Subcommittee chairman, JACK FIELDS, and the ranking member of the Subcommittee, ED MARKEY. In addition, this funding legislation is endorsed by Securities and Exchange Commission chairman, Arthur Levitt.

Working together, we developed legislation that reduces SEC fees by $751 million between fiscal years 1997 and 2002, and then reduces SEC fees by at least $256 million per year than they would be under current law. In fact, this legislation is likely to be the first bipartisan tax cut to pass through the House this year.

Equally importantly, Chairman ROGERS has agreed to work with us to provide a more stable funding mechanism for the SEC, so that the Commission can focus on its substantive work rather than annual or biannual funding emergencies.

This legislation is vitally important. It is the first significant, sweeping reform to the regulation of the American securities markets in decades. It will help free up the capital that fledgling and growing businesses need to hire employees, build equipment, create new products. It will create jobs. And it represents another example of how productive and positive this Congress can be working together with our friends on both sides of the aisle. The amendment I offer today, I believe, makes this excellent piece of legislation even stronger, and I urge my colleagues to support it.

FORT HANCOCK CENTENNIAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. PALLONE. Mr. Speaker, on Saturday, June 29, 1996, the Sandy Hook Unit of the Gateway National Recreation Area and the Sandy Hook Foundation will hold a celebration of Fort Hancock's first 100 years.

It will be a great honor for me to join with New Jersey Governor Whitman, other elected leaders, military officials, veterans and community leaders in paying tribute to this beautiful and exceptional facility located in northeastern Monmouth County, NJ. Saturday's festivities will include historic military re-enactments, modern military equipment and personnel, children's activities, open houses and music, culminating in a fireworks display.

Mr. Speaker, Fort Hancock is located on the northern tip of Sandy Hook, a six-and-a-half mile long peninsula between Sandy Hook Bay and the Atlantic Ocean. The history of Fort Hancock as an important military site goes back to the Revolutionary War. The original fort was built during the War of 1812. In 1895, army engineers at Sandy Hook had just finished building the first two concrete gun batteries ever constructed to defend an American harbor, protecting the vital shipping lanes of the New York-New Jersey Harbor. The next step was construction of housing for the several hundred soldiers needed to man the new emplacements. Pursuant to a general order issued by the Secretary of War, the fortifications at Sandy Hook were named in honor of Maj. Gen. Winfield Scott Hancock, who fought valiantly for the Union in the Civil War and was wounded at the Battle of Gettysburg—General Hancock also ran unsuccessfully for President against James Garfield, another great American whose name came to be associated with the Jersey Shore.

It was in the summer of 1896 that the plans and layout for the Fort Hancock facilities were developed, with construction work being completed in 1899. The results were remarkable, a collection of graceful structures of great architectural distinction, including Officers' Row, the Oak Club Inn, the Officers Club, a theater, an auditorium, a PX Club and gymnasium, as well as barracks for enlisted personnel. The military and civilian population averaged between 500 and 800 during this period. Children of personnel living on post attended the Fort Hancock Public School. Many of these structures are still impressive to this day, although in some need of renovation. Indeed, visitors to Sandy Hook, after exploring the ocean- and bay-side beaches, sand dunes and other environments on the peninsula are often amazed to find what seems to be a ghost town on this isolated location, but in full view of the New York skyline.

Fort Hancock played a major role in both of the World Wars, providing temporary quarters for troops departing for war in Europe, as well as serving as a reception center for returning personnel. In 1939, the King and Queen of England passed through while on a national good will tour, and later that year President Franklin Delano Roosevelt visited the fort. While World War II proved to be perhaps the busiest time in the fort's history, the changes in military tactics and technology had made the fort's harbor defense role largely obsolete. However, during the early decades of the cold war, Fort Hancock was still used as the site for anti-aircraft guns and later as a Nike air defense missile deployment site. The fort was deactivated in 1974.

IN 1975, the National Park Service took over the entire Sandy Hook peninsula, and a number of the fort buildings have been used by education, scientific and environmental organizations. In 1982, the Department of the Interior designated all of Sandy Hook as a National Historic Landmark.

Mr. Speaker, it is a great honor for me to pay tribute to Fort Hancock, which has played such a proud and important role in the Jersey Shore and in the defense of our Nation and continues to be a popular destination for thousands upon thousands of visitors each year.

THE GLAZAS ARE GOLDEN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. BARCIA. Mr. Speaker, people have a natural tendency to value that which is precious, and many believe that gold is most precious. When we look at important moments in the lives of our families and friends, one of the absolutely most precious moments is their 50th anniversary. I am proud to let our colleagues know that this Sunday, June 30, Walter and Valerie Glaza will be celebrating their

50 years of marriage, with June 29 being the actual date of their anniversary.

When one thinks about 1946, some remember and many of us can only imagine the relief that was felt around the country because the war was over. While many men and women remained on active duty, many families for the first time in years were able to know that their loved ones were safe from harm, and many people were ready to get on with their lives. Marriages abounded, and the Glazas were part of that joyous trend.

Those moments of bliss were followed by years of joy, and decades of accomplishment. There was joy because two people very much in love were together, joined by their five wonderful children, Connie, Eileen, Carl, Paul, and Donna, plus two grandchildren, Corey and John, and one great grandchild, Jared. They instilled their children with a strong sense of values, treating them as equals, and offering help whenever possible, even today.

Walter and Valerie have a strong thirst for information, being avid readers with a strong interest in government and what it does. Their efforts at staying informed hold a strong example for all of us who should appreciate the fact that there is always more to learn, and that part of the joy of life is understanding more tomorrow than we do today, and certainly more than we did yesterday.

Mr. Speaker, when we hear about family values, we should recognize that there are many Americans who taught and followed those values before it became the item that it seems to be today. Walter and Valerie Glaza are true examples of family values: a life of commitment to each other, to their children, their grandchildren, and their great grandchild. I urge you and all of our colleagues to join me in wishing them the very best for their 50th anniversary, and many more to come.

TRIBUTE TO CHRISTINE E. GOODMAN

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 1996

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to Miss Christine E. Goodman, a national winner, from the fourth Congressional District of Maryland, in the Veterans of Foreign Wars of the United States and its Ladies Auxiliary's 1996 Voice of Democracy broadcast scriptwriting scholarship competition.

The Voice of Democracy Scholarship Program was started 49 years ago with the endorsement of the U.S. Office of Education and the National Association of Broadcasters, Electronic Industries and State Association of Broadcasters. This year more than 116,000 secondary school students, from over 7,900 schools, participated in the competition for the 54 scholarships totaling more than $118,000. The contest theme this year was ''Answering America's Call.''

Christine is a resident of Silver Spring, MD, and is a 17-year-old honor roll senior attending Springbrook, High School, where she is the assistant editor of Musings, the school's literary magazine; and a member of the Chamber Singers, the Shakespearean Troupe, and the Thespian Society. As a national winner of this year's Voice of Democracy Program, she is the recipient of the $1,500 Department of Colorado and Auxiliary Scholarship Award. She has also distinguished herself by being awarded first place in acing and second place in poetic interpretation by the Montgomery County Forensics League; Springbrook High School's Renaissance Award for academic achievement; best actress in the Paint Branch High School Shakespeare Symposium; and excellence in acting at the Folger Theatre's Student Shakespeare Festival. Ms. Goodman has been an honor roll student throughout her high school career.

James and Joni Goodman, Christine's parents; Mr. Donald Kress, her high school principal; and Ms. Hummel, her English teacher and coordinator of this program at her school, must be extremely proud of her achievements as she prepares for a career in acting and drama at New York University upon graduation.

Mr. Speaker, please join me in congratulating this fine young American's achievement. I would ask to include the text of her winning script into the CONGRESSIONAL RECORD.

ANSWERING AMERICA'S CALL

(By Christine Goodman)

''I'll get the phone.''

''Hello? (pause) Yes it is. Whom may I ask is calling? (pause) Oh. Can I help you? Wait. Don't answer that. I know that I can help you. I just don't know how. (pause) No. You don't need to call back later. It's best that I face this challenge now. I'm ready. Tell me what to do. (pause) What do you mean that it's up to me? It's hard at my age to find some way to make a difference. (pause) What do I have to offer? Well, I have so many ideas, but no idea of how to start. And I'm not the only one. Are you aware of the fact that there is a large, eager and intelligent generation stirring in the background of this society? We are merely waiting for a chance to contribute our ideas for positive change and growth in America.

(Pause) No, I don't believe that being a patriot is pointless. This is the garden of Democracy and I feel that it is our job as a nation to water the sprouting plants. By encouraging youth to stand up and speak out, America will be encouraging those who will someday take their place in the forefront of society. (pause) No, I don't think that's a glittering generality. If it is, America will suffer for it.

You know, as I talk to you, I am beginning to see what I can do. I can contribute my voice. I've never realized just how powerful it can be.

There are so many issues that need our thoughts and voices. For example, does AIDS represent a moral breakdown in our society or is the moral breakdown our failure to deal with it? AIDS is not alone as an issue; how are we going to support our older population in the future? What more can we do as a people to stop the increasing rate of violence? Is our society such that homelessness is an unavoidable consequence or is there something more that can be done to help these people? And what about jobs? Is it possible to expand the job market to include all productive individuals and to make them feel that their contributions are productive? Should limits be set on modern technology or should it be allowed to flourish, creating limitless possibilities for the future? With all of these ideas for tomorrow, have we stopped to consider today? Our environment is slowly deteriorating and we need to find ways to protect these natural resources. In a modern democracy, is it necessary for the pursuit of value to overshadow the value of pursuit? As an informed member of the public, I can express my views and ideas as well as talk to those who are my age and encourage them to take an important role in our country, too. Without concerned people, there is no Democracy, no future, no America.

(Pause) Thank you for calling me. I know that if I had not talked to you, I would not have contemplated what my role in this great democracy might be. (pause). Yes. (pause) Sure. Alright, take care. We'll keep in touch.

Wednesday, June 26, 1996

Daily Digest

HIGHLIGHTS

Senate passed Military Construction Appropriations, 1997.

House Committees ordered reported 10 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6971–S7066

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 1907–1909, and S. Res. 271 and 272. **Pages S7027, S7029–30**

Measures Reported: Reports were made as follows:

S. 1730, to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, with an amendment in the nature of a substitute. (S. Rept. No. 104–292)

S. 1815, to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, with an amendment in the nature of a substitute. (S. Rept. No. 104–293)

H.R. 1508, to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park. (S. Rept. No. 104–294)

H.R. 2070, to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''.

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, with amendments.

H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

S. Res. 271, expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997. **Page S7023**

Measures Passed:

Church Arson Prevention Act: By a unanimous vote of 98 yeas (Vote No. 171), Senate passed H.R. 3525, to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property, after agreeing to the following amendment proposed thereto: **Pages S6937–45**

Faircloth Amendment No. 4341, in the nature of a substitute. **Pages S6937–45**

Military Construction Appropriations, 1997: Senate passed H.R. 3517, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S7059–65**

Warner (for Burns) Amendment No. 4362, to make funds available for construction of a consolidated education center in Kentucky, for construction, phase III, at the Western Kentucky Training Site, for construction, phase I, National Range Control Center at White Sands Missile Range, New Mexico, and for construction of the Underseas Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport, Rhode Island. **Pages S7064–65**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Burns, Stevens, Gregg, Campbell, Hatfield, Reid, Inouye, Kohl, and Byrd. **Page S7065**

Technical Change: Senate agreed to S. Res. 272, to amend S. Res. 246 to make a technical change. **Page S7065**

Iranian Baha'i: Senate agreed to H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community. **Pages S7065–66**

Land Exchange: Senate passed H.R. 2437, to provide for the exchange of certain lands in Gilpin County, Colorado, clearing the measure for the President. **Page S7066**

DOD Authorizations: Senate resumed consideration of S. 1745, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, with committee amendments, taking action on amendments proposed thereto, as follows: **Pages S6905–37, S6945–46, S6949–68, S6971–82, S6988–S7014**

Adopted:

Kempthorne Amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons. **Page S6928**

Warner/Hutchison Amendment No. 4090 (to Amendment No. 4089), to amend title 18, United States Code, with respect to the stalking of members of the Armed Forces of the United States and their immediate families. **Pages S6926–28**

Hutchison (for Cohen/Lott) Amendment No. 4293, to authorize funding and multiyear contracting for the Arleigh Burke class destroyer program. **Pages S6907–08**

Nunn Amendment No. 4294, to provide funds for the Computer Emergency Response Team at the Software Engineering Institute. **Pages S6908–09**

Hutchison (for Thurmond) Amendment No. 4295, of a technical nature. **Page S6909**

Nunn (for Feinstein) Amendment No. 4296, to provide funding for basic research in nuclear seismic monitoring. **Pages S6909–10**

Hutchison (for Lott) Amendment No. 4297, to specify the grade of the Chief of Naval Research. **Page S6910**

Nunn (for Dorgan/Conrad) Amendment No. 4298, to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota. **Pages S6910–12**

Hutchison (for Thomas) Amendment No. 4299, to provide for a study of Department of Energy liability for damages to natural resources with respect to Department sites covered by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. **Page S6912**

Nunn (for Robb/Warner) Amendment No. 4300, to require information on the proposed funding for the Guard and Reserve components in the further-years defense programs. **Pages S6912–13**

Hutchison (for Chafee) Amendment No. 4301, relating to shipboard solid waste control. **Page S6913**

Nunn (for Feinstein) Amendment No. 4302, to require that the Secretary of Energy request funds in fiscal year 1998 for the United States portion of the cost of the Greenville Road Improvement Project, Livermore, California. **Page S6913**

Hutchison (for Brown) Amendment No. 4303, to require the Department of Defense to conduct a study to assess the cost savings associated with dismantling and neutralizing chemical munitions in place as opposed to incineration in place. **Pages S6913–14**

Nunn (for Wellstone) Amendment No. 4304, to provide for preventive health care screening of military health care beneficiaries for colon or prostate cancer. **Page S6914**

Hutchison (for Domenici) Amendment No. 4305, to provide funding for the Scorpius space launch technology program. **Pages S6914–15**

Nunn (for Heflin/Shelby) Amendment No. 4306, relating to the retention of civilian employee positions at military training bases transferred to the National Guard. **Page S6915**

Hutchison (for Lott) Amendment No. 4307, to require a report on facilities used for testing launch vehicle engines. **Page S6915**

Hutchison (for Thurmond) Amendment No. 4308, to provide an additional exception for the cost limitation for procurement of Seawolf submarines. **Pages S6915–16**

Hutchison (for Thurmond) Amendment No. 4309, to strike provisions relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and to amend section 634 to sunset the authority under that section to pay annuities. **Pages S6916–17**

Nunn (for Kennedy/Coats) Amendment No. 4310, to state the sense of the Senate on Department of Defense sharing of its experiences under military youth programs. **Page S6917**

Nunn (for Kennedy/Coats) Amendment No. 4311, to state the sense of the Senate on Department of Defense sharing of experiences with military child care. **Page S6918**

Hutchison (for Thurmond) Amendment No. 4312, to exclude members of the Selected Reserve assigned to the Selective Service System from the limitation on end strength of members of the Selected Reserve and to limit the number of members of the Armed Forces who may be assigned to the Selective Service System. **Page S6918**

Hutchison (for Hatfield/Wyden) Amendment No. 4313, relating to the participation of the State of

Oregon in remedial actions at the Hanford Reservation, Washington. **Pages S6918–20**

Hutchison (for Murkowski) Amendment No. 4314, to express the sense of the Congress relating to redesignation of the Defense Environmental Restoration and Waste Management Program. **Page S6920**

Nunn (for Simon/Moseley-Braun) Amendment No. 4315, to require the Secretary of the Army to complete as soon as practicable the previously authorized land conveyances involving Fort Sheridan, Illinois. **Page S6920**

Hutchison (for Smith/Gregg) Amendment No. 4316, to authorize a land conveyance of the site of the Crafts Brothers Reserve Training Center, to Saint Anselm College, Manchester, New Hampshire. **Pages S6920–21**

Hutchison (for Gorton) Amendment No. 4317, to provide for the treatment of the Hanford Reservation, Washington, and other Department of Energy defense nuclear facilities as sites of demonstration projects for the clean-up of Department of Energy defense nuclear facilities. **Pages S6921–23**

Hutchison (for Gorton) Amendment No. 4318, to provide funds for the construction and improvement of certain reserve facilities in the State of Washington. **Page S6923**

Hutchison (for Thurmond/Nunn) Amendment No. 4319, to increase penalties for certain traffic offenses on military installations. **Pages S6923–24**

Hutchison (for Thurmond) Amendment No. 4320, to extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces. **Page S6924**

Hutchison (for Kyl/Bingaman) Amendment No. 4321, to prohibit the collection and release of detailed satellite imagery with respect to Israel and other countries and areas. **Pages S6924–25**

Nunn (for Leahy) Amendment No. 4322, to make funds available for research, development, test, and evaluation activities relating to humanitarian demining technologies. **Pages S6925–26**

By a unanimous vote of 100 yeas (Vote No. 174), Thurmond/Nunn Amendment No. 4346, to reduce the total funding authorized in the bill for the national defense function to the level provided in the Concurrent Resolution on the Budget for fiscal year 1997. **Pages S6960–61, S6967–68**

Warner Amendment No. 4351, to extend the authority of the Secretary of the Army to carry out the Armament Retooling and Manufacturing Support (ARMS) Initiative. **Page S7001**

Nunn (for Johnston/Breaux) Amendment No. 4352, to require a transfer to the Army of jurisdiction over certain lands in the Vernon Ranger District, Kisatchie National Forest, Louisiana. **Pages S7001–04**

Warner (for DeWine) Amendment No. 4353, to authorize a land conveyance to the Columbus, Ohio Municipal Airport Authority. **Page S7004**

Nunn (for Ford) Amendment No. 4354, to provide funds for phase II construction of the Consolidated Education Center at Fort Campbell, Kentucky, and for phase III construction of the Western Kentucky Training Site. **Pages S7004–05**

Warner (for McCain) Amendment No. 4355 (to Amendment No. 4354), to provide that funds may not be obligated or expended for the project if the project is not included in the current further-years defense program of the Department of Defense. **Page S7005**

Nunn (for Robb/Warner) Amendment No. 4356, relating to the transfer of lands at Arlington National Cemetery, Virginia, in order to place conditions on the transfer of certain lands. **Pages S7005–06**

Nunn (for Lieberman/Nunn) Amendment No. 4357, to authorize funding for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program at the level requested by the President. **Pages S7006–07**

Warner (for Thurmond) Amendment No. 4358, to prohibit certain actions relating to the reorganization of the Army ROTC pending a report on the Army ROTC. **Pages S7007–09**

Nunn (for Byrd) Amendment No. 4359, to provide service credit for service as senior ROTC cadets and midshipmen in the Simultaneous Membership Program. **Page S7009**

Nunn (for Boxer) Amendment No. 4360, to authorize the Secretary of the Army to accept less than full reimbursement of costs under the agreement for instruction of civilian students at the Foreign Language Center of the Defense Language Institute. **Page S7009**

Nunn (for Moseley-Braun) Amendment No. 4361, to provide additional pension security for spouses and former spouses of civil service employees with respect to the military service of such employees. **Pages S7009–10**

Thurmond Amendment No. 4254, to allow the Director of Central Intelligence to provide input for consideration by the Secretary of Defense in preparation of his annual evaluations of the Department of Defense intelligence agency heads, and to establish the National Imagery and Mapping Agency. **Page S7010**

Rejected:

By 34 yeas to 65 nays (Vote No. 172), Wellstone Amendment No. 4266, to limit the total amount authorized to be appropriated by the bill to the

amount requested by the President and to apply the excess to budget deficit reduction.

Pages S6928–37, S6945–46

By 45 yeas to 55 nays (Vote No. 173), Exon Amendment No. 4345, to ensure that the total amount authorized to be appropriated by the bill does not exceed the total amount of the authorizations of appropriations reported by the Committee on Armed Services. Pages S6949–60, S6967

Wellstone Amendment No. 4347, to restore funding for certain educational and employment assistance programs to levels requested by the President. (By 60 yeas to 40 nays (Vote No. 175), Senate tabled the amendment.) Pages S6961–67, S6968

Kyl/Reid Amendment No. 4049, to authorize underground nuclear testing under limited conditions. (By 53 yeas to 45 nays (Vote No. 176), Senate tabled the amendment.) Page S6905, S6971–82

Pending:

Nunn/Lugar Amendment No. 4349, to authorize funds to establish measures to protect the security of the United States from proliferation and use of weapons on mass destruction. Page S6987

Warner (for Pressler/Daschle) Amendment No. 4350, to express the sense of the Congress on naming one of the new attack submarine the "South Dakota". Page S7001

During consideration of this measure today, Senate took the following action:

By 52 yeas to 46 nays (Vote No. 170), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the bill. Page S6906

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, June 27, 1996, with a vote on Amendment No. 4349, listed above, to occur thereon, following which Senate will vote on a motion to close further debate on the bill. Page S6988

Executive Reports of Committees: The Senate received the following executive reports of a committee:

Agreement Concerning Straddling Fish Stocks and Highly Migratory Fish Stocks (Treaty Doc. 104–24) (Exec. Rept. No. 104–20) Page S7027

International Natural Rubber Agreement, 1995 (Treaty Doc. 104–27) (Exec. Rept. No. 104–21) Page S7027

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the Aeronautics and Space Report of the President for fiscal year 1995 Activities; referred to the Committee on Commerce, Science, and Transportation. (PM–156). Pages S7014–15

Nominations Confirmed: Senate confirmed the following nominations:

Raymond W. Kelly, of New York, to be Under Secretary of the Treasury for Enforcement.

John W. Hechinger, Sr., of the District of Columbia, to be a Member of the National Security Education Board for a term of four years.

Marcia E. Miller, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2003.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2001. Pages S6969, S7066

Nominations Received: Senate received the following nominations:

A routine list in the Foreign Service.

Pages S6968–69

Messages From the President: Pages S7014–15

Communications: Pages S7015–16

Petitions: Pages S7016–23

Executive Reports of Committees: Pages S7023–27

Statements on Introduced Bills: Pages S7027–28

Additional Cosponsors: Pages S7028–29

Amendments Submitted: Pages S7030–51

Authority for Committees: Pages S7051–52

Additional Statements: Pages S7052–54

Record Votes: Seven record votes were taken today. (Total—176)

Pages S6906, S6945, S6946, S6967, S6968, S6982

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:34 p.m., until 8:15 a.m., on Thursday, June 27, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6968.)

Committee Meetings

(Committees not listed did not meet)

PUHCA REPEAL

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported, with an amendment in the nature of a substitute, S. 1317, to repeal the Public Utility Holding Company Act of 1935, establish a limited regulatory framework covering public utility holding companies, and eliminate duplicative regulation.

COMMERCE ONLINE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space resumed hearings on S. 1726, to promote electronic

commerce by facilitating the use of privacy-enhancing technologies, receiving testimony from Representative Goodlatte; Philip Zimmermann, Pretty Good Privacy, Boulder, Colorado; Whitfield Diffie, Sun Microsystems Computer Company, Mountain View, California; Philip Karn, Qualcomm, Inc., San Diego, California; Marc Rotenberg, Electronic Privacy Information Center, and Jerry Berman, Center for Democracy and Technology, both of Washington, D.C.; Matthew Blaze, AT&T Research, Murray Hill, New Jersey; and Barbara Simons, IBM-Santa Teresa Laboratories, and Robert G. Gargus, Atalla Corporation, both of San Jose, California.

Hearings were recessed subject to call.

U.S. TERRITORY ASSISTANCE

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated states of the United States, after receiving testimony from Representative Underwood; Allen P. Stayman, Director, Office of Insular Affairs, Department of the Interior; Seth P. Waxman, Associate Deputy Attorney General, and T. Alexander Aleinikoff, Executive Associate Commissioner, Immigration and Naturalization Service, both of the Department of Justice; John R. Fraser, Deputy Administrator, Wage and Hour Division, Department of Labor; Paul J. Seligman, Deputy Assistant Secretary for Health Studies, and Martin Blume, Deputy Director, Brookhaven National Laboratory, both of the Department of Energy; Virgin Islands Governor Roy L. Schneider, Charlotte Amalie; Virgin Islands Delegate Victor Frazer and Virgin Islands Lieutenant Governor Kenneth E. Mapp, both of St. Croix; Guam Governor Carl T.C. Gutierrez, Agana; Jesse B. Marehalau, on behalf of the Government of the Federated States of Micronesia, Banny deBrum, on behalf of the Government of the Republic of the Marshall Islands, Juan N. Babauta, on behalf of the Commonwealth of the Northern Mariana Islands, all of Washington, D.C.; Bikini Senator Henchi Balos, and Nitijela Senator Ismael John, both of Majuro, Marshall Islands; Sebastian Aloot and Samuel F. McPhetres, both on behalf of the Commonwealth of the Northern Mariana Islands, Saipan; and Mark L. Pollot, Boise, Idaho.

INDIAN LAND CLAIMS

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1889, to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, and to make adjustments to the National Wilderness System, after receiving testimony from Robert Shallenberger, Chief, Division of Refuges, United States Fish and Wildlife Service, and W. Hord Tipton, Assistant Director for Resource Use and Protection, Bureau of Land Management, both of the Department of the Interior; and Diana L. Zirul, Kenai Natives Association, Inc., Kenai, Alaska.

BUDGET RECONCILIATION: WELFARE AND MEDICAID REFORM

Committee on Finance: Committee completed its review of certain spending reductions and revenue increases with regard to welfare and Medicaid reform to meet reconciliation expenditures as imposed by H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, and agreed on recommendations which it will make thereon to the Committee on the Budget.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995 (Treaty Doc. 104–27), with one declaration;

The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December, 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with annexes (Treaty Doc. 104–24), with one declaration;

H.R. 2070, to provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life";

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, and to authorize the transfer of naval vessels to certain foreign countries, with amendments;

H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections;

An original resolution (S. Res. 271) expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997; and

The nominations of Leslie M. Alexander of Florida, to be Ambassador to the Republic of Ecuador, Avis T. Bohlen, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Lao People's Democratic Republic, James Francis Creagan, of Virginia, to be Ambassador to the Republic of Honduras, Harold W. Geisel, of Illinois, to

serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Lino Gutierrez, of Florida, to be Ambassador to the Republic of Nicaragua, John F. Hicks, Sr., of North Carolina, to be Ambassador to the State of Eritrea, Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau, Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, John Christian Kornblum, of Michigan, to be Assistant Secretary of State for European and Canadian Affairs, Madeleine May Kunin, of Vermont, to be Ambassador to Switzerland, Barbara Mills Larkin, of North Carolina, to be Assistant Secretary of State for Legislative Affairs, Marisa R. Lino, of Oregon, to be Ambassador to the Republic of Albania, Gerald S. McGowan, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Alan R. McKee, of Maryland, to be Ambassador to the Kingdom of Swaziland, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Republic of Guinea, Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala, Glen Robert Rase, of Florida, to be Ambassador to Brunei Darussalam, Arlene Render, of Virginia, to be Ambassador to the Republic of Zambia, A. Vernon Weaver, of Arkansas, to be the Representative of the United States to the European Union, with the rank and status of Ambassador; and three Foreign Service Officers' Promotion lists.

AFGHANISTAN

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs continued hearings to examine prospects for peace in Afghanistan, receiving testimony from Ambassador Maleeha Lodhi, Embassy of Pakistan; Ambassador Halil Ugur, Embassy of Turkmenistan; Anwar Ahady, Afghan Social Democratic Party, North Providence, Rhode Island; Rawan Farhadi, United Nations Ambassador of Afghanistan, and Mohammed Andkhoie, National Islamic Movement, both of New York, New York; Martin F. Miller, UNOCAL, Houston, Texas; Rona Popal, Afghan Women's Association Int'l, Hayward, California; Nasir Shansab, Democracy International, Herndon, Virginia; Bashir A. Zikria, Columbia University College of Physicians and Surgeons, Norwood, New Jersey; M. Hassan Nouri, Council of Cooperation for Afghan National Organizations, Laguna Hills, California; Zieba Shorish-Shamley, Association for Peace and Democracy for Afghanistan, and Sara Amiryar, Council for Cooperation for Afghan National Organizations, both of Washington, D.C.; Omar Samad, Afghanistan Information Center, and Suraya Sadeed, Help the Afghan Children, Inc., both of Arlington, Virginia; Nake M. Kamrany, University of Southern California, Los Angeles, California; Mohammad Aman, Society of Afghan Engineers, Clifton, Virginia; Syed Ishaq Gailani, Council for Understanding and National Unity of Afghanistan, Naim Majrooh, Afghan Information Center, and Abdul Haq, all of Peshawar, Pakistan; Zaid Haidary, RDA Associates, Islamabad, Pakistan; Seema Samar, Hezbi-Wahdat, Quetta, Pakistan; Tawab Assifi, Orange, California; Kurt Lohbeck, Albuquerque, New Mexico; and Mohammad Sharif Faiz, Herat, Afghanistan.

Hearings continue tomorrow.

PENNSYLVANIA AVENUE REOPENING

Committee on Governmental Affairs: Committee held hearings on S. Res. 254, to express the sense of the Senate that the President should order the immediate permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House, restoring the Avenue to its original state, receiving testimony from Senator Grams; Representative Norton; Eljay B. Bowron, Director, United States Secret Service, Department of the Treasury; Gary L. Abrecht, Chief, United States Capitol Police; Larry King, Director, District of Columbia Department of Public Works; John J. Strauchs, Systech Group, Inc., Reston, Virginia; and Arthur Cotton Moore, Arthur Cotton Moore and Associates, on behalf of the Committee of 100 on the Federal City, and J. Bruce Brown, U.S. Chamber of Commerce, both of Washington, D.C.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the following business items:

S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation;

S. 1400, to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts, with an amendment in the nature of a substitute; and

The nominations of Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service, Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission, Levar Burton, of California, to be a Member of the National Commission on Libraries and Information Science, Luis Valdez, of California, to be a Member of the National Council on the Arts, and Doris B. Holleb, of Illinois, to be a Member of the National Council on the Humanities, both of the National

Foundation on the Arts and the Humanities, Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Reynaldo F. Macias, of California, and Marciene S. Mattleman, of Pennsylvania, each to be a Member of the National Institute for Literacy Advisory Board, and two lists for the regular corps of the Public Health Service.

FEC AUTHORIZATION/CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Election Commission, and resumed hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns, receiving testimony from Lee Ann Elliott, Chairman, and Scott E. Thomas, Chairman, and Joan D. Aikens, Vice Chairman, both of the Finance Committee, all of the Federal Election Commission; and Becky Cain, St. Albans, West Virginia, on behalf of the League of Women Voters of the United States.

Committee recessed subject to call.

INDIAN CHILD WELFARE REFORM

Committee on Indian Affairs: Committee held hearings on proposals to reform the Indian Child Welfare Act of 1978, focusing on the adoption process of Indian children, receiving testimony from Senator Glenn; Representatives Faleomavaega, Geren, Pryce, Solomon, and Don Young; Seth P. Waxman, Associate Deputy Attorney General, Department of Justice; Ada E. Deer, Assistant Secretary of the Interior for Indian Affairs; Deborah J. Doxtator, Oneida Tribe of Indians of Wisconsin, Oneida; Mary V. Thomas, Gila River Indian Community, Sacaton, Arizona; W. Ron Allen, Jamestown S'Klallam Tribe of Washington State, Sequim, on behalf of the National Congress of American Indians; Michael J. Walleri, Tanana Chiefs Conference, Inc., Fairbanks, Alaska; Marc Gradstein, Burlingame, California; and Jane A. Gorman, Tustin, California.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 3719–3729; and 2 resolutions, H. Res. 466–467 were introduced. **Pages H6914–15**

Reports Filed: Reports were filed as follows:

H.R. 2001 and S. 966; both private bills (H. Repts. 104–637 and 104–638, respectively);

H.R. 2779, to provide for soft-metric conversion, amended (H. Rept. 104–639); and

H. Res. 465, providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (H. Rept. 104–640). **Page H6914**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Greene of Utah to act as Speaker pro tempore for today. **Page H6849**

Motion to Adjourn: By a yea-and-nay vote of 55 yeas to 345 nays with 2 voting "present", Roll No. 271, the House failed to agree to the Volkmer motion to adjourn. **Pages H6855–56**

Committee to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Select Intelligence. **Page H6856**

VA, HUD, and Sundry Independent Agencies Appropriations: By a yea-and-nay vote of 269 yeas to 147 nays, Roll No. 282, the House passed H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997. **Pages H6856–H6913, H6917–50**

Rejected the Stokes motion that sought to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with amendments as follows: On page 61, line 14, after the first dollar amount, insert "(increased by $350,000,000)" and, on page 61, line 15, strike "September 1, 1997" and insert "September 30, 1997" (rejected by a recorded vote of 205 ayes to 212 noes, Roll No. 281). **Pages H6948–49**

Agreed To:

The Lazio amendment that increases funding for Supportive Housing for the Elderly by $100 million and Supportive Housing for the Disabled by $40 million and decreases funding for HUD Annual Contributions for Assisted Housing, section 8 contracts, by $140 million (agreed to by a recorded vote of 353 ayes to 61 noes, Roll No. 272); **Pages H6856–57**

The Sanders amendment that increases funding for the Court of Veterans Appeals by $1.4 million and reduces funding for HUD salaries and expenses by $1.4 million (agreed to by a recorded vote of 358 ayes to 55 noes, Roll No. 274); **Page H6858**

The Hefley amendment that increases EPA Leaking Underground Storage Tank Trust Fund by $20 million and reduces HUD salaries and expense funding by $42 million (agreed to by a recorded vote of 260 ayes to 157 noes, Roll No. 275); **Pages H6858–59**

The Durbin amendment that increases EPA programs and management funding by $1.5 million and decreases EPA science and technology funding accordingly. **Pages H6868–70**

The Lewis of California amendment that identifies $1.2 million of EPA Hazardous Substance Superfund funding for use by the Agency for Toxic Substances and Disease Registry to conduct a health effects study of the Toms River Cancer Cluster in the Toms River area in the State of New Jersey; **Pages H6873–75**

The Lewis of California amendment that provides flexibility to FEMA in setting National Flood Insurance Fund rates; **Page H6875**

The Brown of California amendment that prohibits NASA Science, Aeronautics, and Technology funding for the National Center for Science Literacy, Education, and Technology at the American Museum of Natural History; **Pages H6878–81**

The Solomon amendment that prohibits any contract or grant to institutions of higher learning (other than those with a long standing tradition of pacifism based on historical religious affiliation) that prevents ROTC access to its campus or students, prevents military recruiting on its campus, and further prohibits expenditures to any contractor subject to the requirement in section 4212(d) of title 38, United States Code, that has not submitted an annual report to the Secretary of Labor concerning the employment of veterans; **Pages H6887–88**

The Stump amendment that increases funding for Veterans Administration medical care by $40 million and benefit administration by $17 million and applies a 4 percent general reduction to each department and agency except for the Veterans Administration, American Battle Monuments Commission, the Court of Veterans Appeals, or Cemeterial Expenses; **Pages H6897–H6900**

The Tiahrt amendment that increases funding for Veterans Health medical care by $20 million and prosthetic research by $20 million, deletes funding for the Corporation for National and Community Service and applies $327 million to deficit reduction; **Pages H6901–02**

The Bentsen amendment that prohibits EPA funding to issue or renew permits for the storage or disposal of PCBs if the EPA implements rules authorizing the import into the United States of wastes containing PCBs; **Pages H6902–04**

The Markey amendment, as amended by the Boehlert substitute amendment, that prohibits the use of hazardous substance superfund funding to implement any retroactive liability discount reimbursement; **Pages H6920–30**

The Walker amendment that increases National Science Foundation research and related activities funding by $9.1 million and decreases salaries and expenses accordingly (agreed to by a recorded vote of 245 ayes to 170 noes, Roll No. 278); **Pages H6893–96, H6931**

The Weller amendment that limits FHA Mortgage Insurance Premiums for the first-time homebuyers who complete an approved program with respect to the responsibilities of home ownership; **Pages H6932–33**

The Orton en bloc amendment that permits the use of loans from family-members and simplifies downpayment methods on FHA-insured loans; and **Pages H6933–34**

The Roemer amendment that prohibits NASA funding for the Bion 11 and Bion 12 projects to launch monkeys into space (agreed to by a recorded vote of 244 ayes to 171 noes, Roll No. 280). **Pages H6934–37, H6941–42**

Rejected:

The Shays amendment that sought to increase funding for the Housing Opportunities for Persons with AIDS program by $15 million and reduce NASA mission support funding by $15 million (rejected by a recorded vote of 177 ayes to 236 noes, Roll No. 273); **Pages H6857–58**

The Roemer amendment that sought to reduce NASA Human Space Flight funding by $75 million; **Pages H6970–72**

The Hostettler amendment that sought to eliminate funding for the ''Corporation for National and Community Service'' (rejected by a recorded vote of 183 ayes to 240 noes, Roll No. 276); **Pages H6863–68, H6883–84**

The Hoekstra amendment that sought to reallocate Corporation for National and Community Service funding by increasing general grants funding by

$30 million and deleting funding for innovation activities accordingly. It was made in order to withdraw the request for a recorded vote; **Pages H6888–91, H6920**

The Gutknecht amendment that sought to apply a 1.9 percent reduction to all discretionary appropriations (rejected by a recorded vote of 372 ayes to 45 noes, Roll No. 277); and **Pages H6917–20, H6930–31**

The Markey amendment that sought to prohibit the use of hazardous substance superfund funding to provide any reimbursement of response costs, except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, if such costs were required under a judicially approved consent decree entered before enactment (rejected by a recorded vote of 142 ayes to 274 noes, Roll No. 279). **Pages H6940–41**

A point of order was sustained against the Pallone amendment that sought to strike language providing $861 million for the Hazardous Substance Superfund contingent upon enactment of future appropriations legislation. **Pages H6876–78**

Amendments withdrawn:

The Kennedy of Massachusetts amendment was offered, but subsequently withdrawn, that sought to increase funding for EPA Environmental Programs and Management by $2 million; **Pages H6875–76**

The Gejdenson amendment was offered, but subsequently withdrawn, that sought funding of $1.8 million for the Department of Health and Human Services Office of Consumer Affairs and reductions of $1.8 million from the NASA Human Space Flight program; **Page H6881**

The Fields of Louisiana amendment was offered, but subsequently withdrawn, that sought to increase funding for the Corporation for National and Community Service by $178.5 million and reduce FEMA Disaster Relief funding accordingly; **Pages H6884–87**

The Thurman amendment was offered, but subsequently withdrawn, that sought to require the Secretary of Veterans Affairs to develop a plan that allocates health care resources to ensure that veterans have similar access regardless of the region in which they live; **Pages H6900–01**

The Kolbe amendment was offered, but subsequently withdrawn, that sought to delete language that restricts procurement of supercomputing equipment if the Commerce Department determines that the equipment was offered at other than fair value; **Pages H6905–13**

The Kingston amendment was offered, but subsequently withdrawn, that sought to prohibit funding of activities by EPA employees not directly related to governmental functions; and **Pages H6937–38**

The Jackson-Lee amendment was offered, but subsequently withdrawn, that sought to require housing authorities to spend funds on replacement of units that have been demolished prior to spending housing certificate funds when there is a waiting list of 6,000 or more families and a shortage of habitable affordable housing. **Pages H6938–40**

People's Republic of China: The House agreed to H. Res. 463, the rule providing for consideration of H.J. Res. 182, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China and H. Res. 461, regarding U.S. concerns with human rights abuse, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction of commence hearings and report appropriate legislation. **Pages H6950–63**

Transportation and Related Agencies Appropriations: The House completed all general debate on H.R. 3675, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997. Consideration of amendments will begin on Thursday, June 27. **Pages H6964–73**

H. Res. 469, the rule which provided for consideration of the bill was agreed to earlier by a voice vote. **Pages H6963–64**

Committee Election: Agreed to H. Res. 467, electing Members to certain standing committees of the House of Representatives. **Page H6973**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Thursday, June 27. **Page H6973**

Presidential Message—Aeronautics and Space: Read a message from the President wherein he transmits his report concerning the Nation's achievements in aeronautics and space during fiscal year 1995—referred to the Committee on Science. **Page H6973**

Funeral Committee: Pursuant to the provisions of H. Res. 459, the Chair announced the Speaker's appointment of the Funeral Committee of the late Representative Bill Emerson, the following Members on the part of the House: Representatives Clay, Gingrich, Gephardt, Boehner, Skelton, Volkmer, Hancock, Danner, Talent, McCarthy, Montgomery, Hall of Ohio, Lewis of California, Hunter, Roberts, Wolf, Kanjorski, McNulty, Poshard, Moran, Lincoln, Chambliss, Cubin, and Latham. **Pages H6973–74**

Quorum Calls—Votes: Two yea-and-nay votes and ten recorded votes developed during the proceedings of the House today and appear on pages H6855–56, H6856–57, H6857–58, H6858, H6858–59, H6884,

H6930–31, H6931, H6941, H6941–42, H6949, and H6949–50. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 1:18 a.m. on Thursday, June 27.

Committee Meetings

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Ordered reported the Legislative appropriations for fiscal year 1997.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on 1997 Budget Overview. Testimony was heard from the following officials of the District of Columbia: Marion Barry, Mayor; and David Clark, Chairman, Council; and Andrew Brimmer, Chairman, District of Columbia Financial Control Board.

FDIC-INSURED INSTITUTIONS

Committee on Banking and Financial Services: Subcommittee on Capital, Markets, Securities and Government Sponsored Enterprises held a hearing regarding practices of FDIC-Insured Institutions Selling Nondeposit Investment Products. Testimony was heard from: Ricki T. Hefler, Chairman, FDIC; Eugene A. Ludwig, Comptroller of the Currency, Department of the Treasury; Edward W. Kelley, Jr., member, Board of Governors, Federal Reserve System; Barry P. Barbash, Director, Division of Investment Management, SEC; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Ordered reported amended the following bills: H.R. 2391, Working Families Flexibility Act; and H.R. 2428, to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

PROMOTING EXPANSION OF PENSIONS

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on Promoting Expansion of Pensions for American Workers. Testimony was heard from: Representative Pomeroy; Olena Berg, Assistant Secretary, Pension and Welfare Benefits, Department of Labor; former Representative John Erlenborn of Illinois; and public witnesses.

FBI BACKGROUND FILES SECURITY

Committee on Government Reform and Oversight: Held a hearing on Security of FBI Background Files. Testimony was heard from the following former officials of the Administration: Bernard W. Nussbaum, Counsel; Craig Livingstone, Director of Personnel Security; Anthony Marceca, Detailee; and William H. Kennedy, III, Associate Counsel; and Lisa Wetlzel, Confidential Assistant to the Secretary of the Army.

POLITICAL MURDERS IN HAITI

Committee on International Relations: Held a hearing on Administration Actions and Political Murders in Haiti. Testimony was heard from Strobe Talbott, Deputy Secretary, Department of State.

LIBERIAN WARLORDS

Committee on International Relations: Subcommittee on Africa held a hearing on Bloody Hands: Foreign Support for Liberian Warlords. Testimony was heard from William Twadell, Deputy Assistant Secretary, African Affairs, Department of State; James Bishop, former Ambassador to Liberia; and public witnesses.

OVERSIGHT—LEGAL SERVICES CORPORATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Legal Services Corporation. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported amendment the following bills: H.R. 3024, United States-Puerto Rico Political Status Act; H.R. 1786, to regulate fishing in certain waters in Alaska; H.R. 3006, to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California; H.R. 2636, to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia; and H.R. 2292, Hanford Reach Preservation Act.

MISCELLANEOUS MEASURES; OVERSIGHT—NORTHERN MARIANA ISLANDS

Committee on Resources: Subcommittee on Native American and Insular Affairs held a hearing on the following bills: H.R. 3634, to amend provisions of the Revised Organic Act of the Virgin Islands which relate to the temporary absence of executive officials and the priority payment of certain bonds and other obligations; and H.R. 3635, to direct the Secretary of the Interior to enter into an agreement with he Governor of the Virgin Islands, upon request, that provides for the transfer of the authority to manage Christiansted National Historic site. Testimony was heard from Delegate Frazier; the following officials of the Department of the Interior: Allen P. Stayman, Director, Office of Insular Affairs; and Roger G. Kennedy, Director, National Park Service; and Roy Schneider, Governor Virgin Islands.

The Subcommittee also held an oversight hearing on Northern Mariana Islands issues. Testimony was heard from the following officials of the Department of the Interior: Allen P. Stayman, Director, Office of Insular Affairs; and Wilma Lewis, Inspector General; Sebastian Aloot, Acting Attorney General, Commonwealth Northern Mariana Islands; and public witnesses.

ADJOURNMENT—INDEPENDENCE DAY DISTRICT WORK PERIOD

Committee on Rules: Granted, by voice vote, a rule providing for the consideration in the House of a concurrent resolution providing for the adjournment of the House and Senate for the Independence Day District Work Period, any rule of the House to the contrary notwithstanding.

SAVINGS IN CONSTRUCTION ACT

Committee on Science: Ordered reported amended H.R. 2779, Savings in Construction Act of 1996.

PAPERWORK REDUCTION ACT COMPLIANCE

Committee on Small Business: Subcommittee on Government Programs held a hearing on the Department of Labor's compliance with the Paperwork Reduction Act of 1995. Testimony was heard from Pat Lattimore, Deputy Assistant Secretary, Administration and Management, Department of Labor.

OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on Federal requirements for evidence of financial responsibility under the Oil Pollution Act of 1990. Testimony was heard from Daniel Sheehan, Director, National Pollution Funds Center, U.S. Coast Guard, Department of Transportation.

HEALTH CARE

Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care held a hearing on the future of health care provided by the Department of Veterans Affairs. Testimony was heard from Kenneth Kizer, M.D., Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

Hearings continue tomorrow.

OMNIBUS EXPORT ADMINISTRATION ACT OF 1995

Committee on Ways and Means: Ordered reported H.R. 361, Omnibus Export Administration Act of 1995, as amended by the House Committee on International Relations.

DIGITAL TELEPHONY

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Digital Telephony. Testimony was heard from departmental witnesses.

Joint Meetings

BOSNIAN ELECTIONS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission held hearings to examine whether the conditions in Bosnia-Herzegovina will allow free and fair elections to be held in mid-September and, if not, whether the Dayton Agreement-mandated elections should be postponed until such conditions exist, receiving testimony from William D. Montgomery, Special Advisor to the President and Secretary of State for Implementation of the Bosnian Peace Settlement; and Robert H. Frowick, Head of the Mission to Bosnia-Herzegovina, Organization for Security and Cooperation in Europe (OSCE), Vienna.

Commission recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 27, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 1997 for the District of Columbia public school system, 10 a.m., SD–138.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1997 for the Office of National Drug Control Policy, 10 a.m., SD–116.

Full Committee, business meeting, to mark up H.R. 3540, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, 11 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Housing Opportunity and Community Development, to hold hearings on restructuring the Federal Housing Administration's insured and assisted multifamily housing portfolio, 10 a.m., SD–538.

Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, to continue hearings to examine prospects for peace in Afghanistan, 2 p.m., SD–106.

Committee on Governmental Affairs, to hold hearings on improving management and organization in Federal natural resources and environmental functions, 10 a.m., SD–342.

Committee on the Judiciary, to meet in open and closed session to mark up S. 1734, to prohibit false statements

to Congress, and to clarify congressional authority to obtain truthful testimony, and to consider pending nominations, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the recent incidents of church burnings, 10 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E1169 in today's Record.

House

Committee on Appropriations, to consider the Treasury, Postal Service, and General Government appropriations for fiscal year 1997, 8:30 a.m., 2360 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, oversight hearing on the One-Call Notification Program, 10 a.m., 2322 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on Corporate America and the War on Drugs, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights and the Subcommittee on the Western Hemisphere, joint hearing on Human Rights Violations In Castro's Cuba: The Repression Continues, 11 a.m., 2172 Rayburn.

Subcommittee on International Relations and Human Rights, hearing on Foreign Building Operations, 2:30 p.m., 2172 Rayburn.

Comittee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing and markup of the following: H.J. Res. 113, granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, MD, and Mineral County, WV, entered into between the States of West Virginia and Maryland; and H.J. Res. 166, granting the consent of Congress to the mutual aid agreement between the city of Bristol, VA, and the city of Bristol, TN; followed by an oversight and reauthorization hearing on the Negotiated Rulemaking Act, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on the following bills: H.R. 3565, Violent Youth Predator Act of 1996; and H.R. 3445, Balanced Juvenile Justice and Crime Prevention Act of 1996, 9:30 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, to mark up H.R. 3680, War Crimes Act of 1996, 9:30 a.m., 2226 Rayburn.

Committee on National Security, Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearing on tactical aviation programs, 1 p.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on Royalty-In-Kind for natural gas (lessons learned from the Gulf of Mexico pilot program), 2 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 3287, Crawford National Fish Hatchery Conveyance Act; H.R. 3546, Walhalla National Fish Hatchery Conveyance Act; and H.R. 3557, Marion National Fish Hatchery Conveyance Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 2122, to consolidate the management of the national forests in the Lake Tahoe region from four forests to one; H.R. 2438, to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado; H.R. 2518, to authorize the Secretary of Agriculture to exchange certain lands in the Wenatchee National Forest for certain lands owned by Public Utility District No. 1 of Chelan County, Washington; H.R. 2693, to make a minor adjustment in the exterior boundary of Hells Canyon Wilderness in Oregon and Idaho; H.R. 2709, to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California; H.R. 3146, to provide for two exchanges of certain lands in the Sierra National Forest for certain non-Federal lands; H.R. 3547, to provide for the conveyance of a parcel of real property in the Apache National Forest in Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; H.R. 3147, to provide for the exchange of certain lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands; H.R. 2135, to provide for the correction of boundaries of certain lands in Clark County, Nevada, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; H.R. 2711, to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale; and H.R. 2466, Federal Land Exchange Improvement Act of 1995, 10 a.m., 1324 Longworth.

Committees on Small Business, hearing on Small Business Competition for Federal Contracts: The Impact of Federal Prison Industries, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 1 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, to mark up the following bills: H.R. 3592, Water Resources Development Act of 1996; and H.R. 2940, Deepwater Port Modernization Act, 3 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care, to continue hearings on the future of health care provided by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Way and Means, Subcommittee on Human Resources, hearing on Barriers to Adoption, 1 p.m., 1100 Longworth.

Subcommittee on Social Security, to continue hearings on the use of Social Security Trust Fund money to finance union activities at the Social Security Administration, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

8:15 a.m., Thursday, June 27

Senate Chamber

Program for Thursday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 9:30 a.m.), Senate will continue consideration of S. 1745, DOD Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Thursday, June 27

House Chamber

Program for Thursday: Consideration of H.J. Res. 182, disapproving the most-favored-nation status to the People's Republic of China and H. Res. 461, regarding the People's Republic of China (3 hours of general debate) and

Complete consideration of H.R. 3675, Transportation and Related Agencies Appropriations Act for FY 1997 (open rule, 1 hour of general debate).

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