The House met at 9 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 108th Psalm:

O give thanks to the Lord, call on his name, make known his deeds among the people.
Sing to him, sing praises to him, tell of all his wonderful works.
Glory in his holy name; let the hearts of those who seek the Lord rejoice.
Seek the Lord and his strength, seek his presence continually.
Remember the wonderful works that he has done, his miracles, and the judgments he uttered.
O offspring of Abraham his servant, sons of Jacob, his chosen ones. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the journal stands approved.

Mr. FORBES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the journal.

The SPEAKER. The question is on the Chair’s approval of the journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, 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 SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. FORBES] come forward and lead the House in the Pledge of Allegiance.

Mr. FORBES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Binyamin Netanyahy, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to. Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, June 27, 1996, the House will stand in recess subject to the call of the Chair.

Accordingly (at 9 o’clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

J OINT MEETING OF THE HOUSE
AND SENATE TO HEAR AN AD-
DRESS BY HIS EXCELLENCY
BINYAMIN NETANYAHU,
PRIME MINISTER OF ISRAEL

The Speaker of the House presided. The Assistant to the Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Binyamin Netanyahy, Prime Minister of Israel, into the Chamber:

The gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from California [Mr. COX]; the gentleman from New York [Mr. PAXON]; the gentlewoman from New York [Ms. MOLINARI]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Alabama [Mr. CALAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from Pennsylvania [Mr. FOX]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Texas [Mr. FROST]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBRY; the gentleman from Texas [Mr. WILSON]; the gentleman from California [Mr. LANTOS]; the gentleman from California [Mr. BERMAN]; and the gentlewoman from New York [Mrs. LOWEY].
ADDRESS BY HIS EXCELLENCY, BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL
Prime Minister NETANYAHU. If I can only get the Knesset to vote like this.
Mr. Speaker, Mr. Vice President, Members of Congress, this is not the first time that a Prime Minister of Is-
rael addresses a joint meeting of Congress. My immediate predecessor, Shimon Peres, addressed this body, and be-
fore him, the late Yitzhak Rabin, who was down by a de-
picable, savage assassin. We are grate-
ful that Israeli democracy has proved resil-
ient enough to overcome this bar-
baric act, but we shall always carry with us the pain of this tragedy.
I recognize, Mr. Speaker, that the great honor you have bestowed on me is not personal. It is a tribute to the unshak-
able fact that the unique rela-
tionship between Israel and the United States transcends politics and parties, ideologies and views. It is a rela-
tionship between two peoples who share a total commitment to the spirit of democ-
ration, an infinite dedication to freedom. We have a common vision of how societies should be governed, of how civilization should be advanced. We both believe in eternal values; we both believe in the Almighty; we both follow traditions hallowed by time and experience.
We admire America not only for its dynamism and its power and for its wealth. We admire America for its moral force, as Jews and as Israelis. We are proud that this moral force is de-
rived from the Bible and the precepts of morality that the Jewish people have given the world.
Of course, Israel and the United States also have common interests. But our bonds go well beyond such in-
terests. In the 19th century citizens for all free states viewed France as the enemy. In the 20th century every free persons looks to America as the champion of freedom.
Yesterday my wife and I spent a very moving hour at Arlington National Cemetery, and we saw there the evi-
dence of the price you paid for that freedom in the lives of your best and brightest young men, and it is a toll that is exacted from you, from all of us, but from you these very days.
I think it was the terrible misfortune of the Jews and the Jewish people in the first half of this century the United States had not yet assumed its pivotal role in the world, and it has been our great fortune that in the second half of this century, with the miraculous renewal of Jewish nationhood, the United States became the preeminent power in the world. You, the people of America, offered the Jewish state, a fledgling Jewish state, succor and support. You stood by us time and time again against anti-Semitism and total-
arism, and I know that I speak for every Israeli and every Jew throughout the world when I say to you today: Thank you, people of America.
Perhaps our most demanding joint ef-
fort has been the endless quest to achieve peace and stability for Israel and its Arab neighbors. American Presidents have joined successive Is-
raeli Governments in an untiring effort to obtain this peace. The first historic breakthrough was led by Prime Min-
ister Begin and Presidents Carter and Sadat at Camp David, and the most re-
cent success was the pact with Jordan under the auspices of President Clin-
to. These efforts have proven to be a clear proof of our intentions and our direc-
tion. We want peace.
We want peace with all our neigh-
bors. We have no quarrel with them which cannot be resolved by peaceful means, provided we may have a peace that will last. We do not have a quarrel with Islam. We reject the the-
sis of inevitable clash of civilizations. We do not subscribe to the idea that Islam has replaced communism as the new rival of the West, because our con-
flict is not specific. It is a conflict with mil-
itant fanatics who pervert the central tenets of a great faith, toward violence and world domination. Our hand is stretched out in peace for all who would grasp it.
We do not care about the religion. We do not care about their national iden-
tify. We do not care about their ideo-
logical beliefs. We care about peace, and our hand is stretched out for peace. We want peace with all our neighbors. We do not think there is a people who has yearned or prayed or sacrificed more for peace than we have. There is not a family in Israel that has not suffered the unbearable agony of war and, di-
rectly or indirectly, the excruciating, everlasting pain of grief. The mandate we have received from the people of Is-
rael is to continue the search for an end to wars and an end to grief. I prom-
ise you, we are going to live up to this mandate.
We will continue the quest for peace, and to this end, we are ready to resume negotiations with the Palestinian Au-
thority on the implementation of our in-
trin agreement.
I want to say something about agree-
ments. Some of you speak Latin, or at least study Latin. Pax est summa servanda. We believe agreements are made to be kept. This is our policy. We expect the Palestinian side to abide by its commitments. On this basis, we will be prepared to begin final status nego-
tiations. We are ready to en-
gage Syria and Lebanon in meaningful discussions. We support the broad-
circle of peace to the whole Arab world and the rest of the countries of the Middle East.
But I want to make it clear that we want a peace that will last. We must have a peace based on security for all. We cannot, and I might say we dare not, forget that more men, women, and children have lost their lives through terrorist attacks in the last 3 years, than in the entire previous decade.
I know that the representatives of the United States sitting here, the peo-
pale of the United States, are now be-
coming tragically familiar with this
experience. You have experienced it in places as far afield as New York’s World Trade Center and, most recently, in Daharan. I notice also the recent torchings of the Afro-American churches in America, which I must tell you struck a false chord and chilling note among Jews. But I want to lay the Israeli experience in perspective, and one has to imagine, to do so, to imagine such attacks occurring time and time again in every city, in every corner of this great country.

So the thing here today is as simple as it is elementary: Peace means the absence of violence. Peace means not fearing for your children every time they board a bus. Peace means walking the streets of your town without the fearful shriek of Katyusha rockets overhead.

We just visited with the wife of a friend of mine, the deputy mayor of Kiryat Shemona, who was walking the streets of Kiryat Shemona when the fearful shriek of a rocket overhead burned her car, nearly burned her, and she was miraculously saved, and she is alive and she is getting better. But peace means that this does not happen, because peace without personal safety is an oxymoron in terms. It is a hoax. It will not stand.

What we are facing in the Middle East today is a broad front of terror throughout the area. Its common goal is to remove any Western, and primarily American, presence in the Middle East. It seeks to break our will, to shatter our resolve, to make us yield.

I believe the terrorists must understand that we will not yield, however grave and fearful the challenge. Neither Israel nor any other democracy, and certainly not the United States, must ever bend to terrorism. We must fight it. We must fight it resolutely, endlessly, tirelessly. We must fight it together. We must remove this malignancy from the face of the Earth.

For too long the standards of peace, used throughout the world, have not been applied to the Middle East. Violence and despotism have been excused and not challenged. Respect for human freedoms has not been on the agenda. It has been on the agenda everywhere else, everywhere else: In Latin America, in the former Soviet Union, in South Africa. And that effort has been led by successive American administrations, by this House.

I think it is time to demand a peace based on norms and on standards. It is not enough to talk about peace in abstraction. We must talk about the content of peace. It is time, I believe, for a code of American for building a lasting Middle East peace. Such a peace must be based on three pillars, the three pillars of peace.

Security is the first pillar. There is no substitute for it. To succeed, the quest for peace must be accompanied by a quest for security.

Demanding an end to terrorist attacks as a prerequisite for peace does not give terrorists veto power over the peace process, because nearly all of the terrorist acts directed against us are perpetrated by known organizations whose activities can be curbed, if not altogether stopped, by our negotiating partners. This means that our negotiations for the Middle East must have, as one of the three pillars of the regimes in the region, must make a strategic choice: either follow the option of terror, follow the option of terrorism as an instrument of policy or diplomacy, or follow the option of peace. But they cannot have it both ways.

This choice means that the Palestinian Authority must live up to its obligations it has solemnly undertaken to prevent terrorist attacks against Israel. This choice also means that Syria must cease its policy of enabling proxy attacks against Israeli cities, and undertake to eliminate threats from Hizbollah and other Syrian-based groups. This means that the fight against terror cannot be episodic; it cannot be whimsical, it cannot be optional. It must become the mainstay of a relationship of trust between Israel and its Arab partners.

The second pillar of peace is reciprocity. This means an unshakeable commitment to the peaceful resolution of disputes—including the border disputes between Israel and its neighbors.

The signing of a peace treaty should be the beginning of a relationship of reciprocal respect and recognition, and the fulfillment of mutual obligations. It should not trigger round after round of hostile diplomacy. Peace should not be the pursuit of war by other means. A peace without pacification, a peace without normalization, a peace in which Israel is repeatedly brought under attack, is not a true peace.

But reciprocity, reciprocity means that every line in every agreement turns into a sinew for reconciliation. Reciprocity means that an agreement must be kept by both sides. Reciprocity is the glue of mutual commitment that upholds agreements, and this is the second pillar of peace.

The third pillar of lasting peace is democracy and human rights. I am not revealing a secret to the Members of this Chamber when I say that modern democracies do not initiate aggression. This has been the central lesson of the 20th century. States that respect the human rights of their people are not likely to provoke hostile action against their neighbors. No one knows better than the United States, the world’s greatest democracy, that the best guarantor against military adventurism is accountable, democratic government.

The world has witnessed the bitter results of policies without standards in the case of Saddam Hussein. Unless we want more Saddams to rise, we must apply the standards of democracy and respect for human rights in the Middle East. I believe that every Muslim and every Christian and every Jew in the region is entitled to nothing less.

I do not think we should accept the idea that the Middle East is the latest, or the last isolated sanctuary that will be democracy-free for all time except the presence of Israel. I realize that this is a process. It may be a long-term process, but I think we should begin it. I believe it is very important for the opposition in the Middle East to put the issue of human rights and democratization on their agenda. Democratization means accepting a free press and the right of a legal opposition to organize and express itself. It is very important for the opposition to be able to express itself, Mr. Speaker. I have just learned that, and we will accord that same right, as you know.

This is democracy. It is to be able to disagree, to express our disagreements, and sometimes to agree after disagreements. It means tolerance. It means an inherent shift away from aggression toward the recognition of the mutual right to differ.

I will admit, the Middle East as a whole has not yet effected this basic shift, this change from autocracy to democracy. But this does not mean that we cannot have peace in the region now, peace with nondemocratic regimes. I believe we can. It is a fact that there have been such peace arrangements. But such peace arrangements as we can now arrive at can only be characterized as a defensible peace in which we must retain assets essential to the defense of our country and sufficient to deter aggression.

Until this democratization process becomes a mainstay of the region, the proper course for the democratic world, led by the United States, is to strengthen the only democracy in the Middle East, Israel, and to encourage moves to pluralism and greater freedom in the Arab world. I want to make something clear. We do not want merely peace in our time. We want peace for all time.

To the message of peace now, we do not just want peace now. We want peace now and later. We want peace for generations. There is no divide. That desire is heartfelt. It should be a point of unity, not of disunity. I believe this is why we must make the pursuit of human rights and democracy a cornerstone of our quest.

So these, then, believe are the three pillars of peace: security, reciprocity, and the strengthening of democracy.

I believe that a peace based on these three pillars can be advanced. Yet, ladies and gentlemen, I would be remiss if I did not refer to a major challenge facing any of us.

I have touched on the problem of the Middle East that is largely undemocratic, and part of it is strongly antidemocratic. Specifically, it is being radicalized and terrorized by a number of reconstructed dictatorships whose governments are based on tyranny and intimidation.

The most dangerous of these regimes is Iran, that has waged a cruel despotic
to a fanatic militancy. If this regime, or its despotic neighbor Iraq, were to acquire nuclear weapons, this could presage catastrophic consequences not only for my country and not only for the Middle East but for all of mankind. In the international order we have to have a new world, a world where the powers united and the world unionized. Europe and the countries of Asia must be made to understand that it is folly, nothing short of folly, to pursue short-term material gain while creating a long-term existential danger for all of us. I believe that only the United States can lead this vital international effort to stop the nuclearization of terrorist states. But the deadline for attaining this goal is getting extremely close.

In our own generation, we have witnessed how the United States averted, by its wisdom, tenacity and determination, the dangerous expansion of a totalitarian superpower equipped with nuclear weapons. The policy it used for that purpose was deterrence. Now we see the rise of a similar threat, similar and in many ways more dangerous, against which deterrence by itself may not be sufficient. Deterrence must now be reinforced with prevention, immediate and effective prevention.

We are confident that America, once again, will not fail to take the lead in protecting our free civilization of this ultimate horror. But, ladies and gentlemen, time is running out. We have to act, responsibly, in a united front, internationally. This is not a slogan. This is not overdramatization. This is the life of our world, of our children and of our grandchildren. And I believe that there is no greater, no more noble, no more powerful force than the force that first time, the united force of humanity led by the greatest democracies, the United States. We can overcome this challenge. We can meet it successfully.

Let me now say a word about a subject that has been on your mind and ours, and that subject is the city of Jerusalem.

Countless words have been written about that city on the hill, which represents the universal hope for justice and peace. I live in that city on the hill. And in my boyhood I knew that city, when it was divided into enemy camps, with coils of barbed wire stretched between them. Since 1967, under Israeli sovereignty, united Jerusalem has, for the first time in 2,000 years, become the city of peace. For the first time, the holy places have been open to worshipers from all three great religions for the first time, no group in the city or among its pilgrims has been persecuted or denied free expression. For the first time, a single sovereign authority has afforded security and protection to members of every nationality who sought to come and pray there.

There have been efforts to redivide this city by those who claim that peace can come through division, that it can be secured through multiple sovereignties, multiple laws, multiple police forces. This is a groundless and dangerous assumption, and it impels me to de- monstrate why the concept of a redivision of Jerusalem is presage.

Never. We shall not allow a Berlin Wall to be erected inside Jerusalem. We will not drive out anyone, but neither shall we be driven out of any quarter, any neighborhood, any street of our eternal capital.

Finally, permit me to briefly remark on our future economic relationship. The United States—how can I tell you to this body? The United States has given, apart from political and military support to Israel, munificent and magnificent assistance in the economic sphere. With America's help, Israel has grown to be a powerful, modern state. I believe that we can now say that Israel has reached childhood's end, that it is four years old enough to begin approaching a state of self-reliance.

We are committed to turning Israel's economy into a free market of goods and ideas. I believe that such a free market of goods and ideas is the only way to achieve true economic independence; and this means free enterprise, privatization, open capital markets, an end to cartels, lower taxes, deregulation.

There is not a Hebrew word for deregulation. But by the time this term of office in Israel is over, there will be a Hebrew word for deregulation.

But may I say something that unites all of us across the political divide? I am committed to reducing the size of government; and I am quoting Speaker Gingrich, quoting President Clinton, saying that the era of Big Government is over. It is over in Israel, too.

I believe that a market economy is the only way to effectively absorb immigrants, grant the dream of ages, the ingathering of the Jewish exiles.

To succeed, we must uphold the market economy as the imperative of the future. It is a crucial prerequisite for the building of the promised land. We are deeply grateful for all that we have received from the United States, for all that we have received from this Chamber, from this body. But I believe there can be no greater tribute to America's long-standing economic aid to Israel than for us to be able to say: We are going to achieve economic independence. We are going to do it.

In the next 4 years, we are going to begin the long-term process of gradually reducing the level of your generosity and reducing America's economic assistance to Israel, and I am convinced that our economic policies will lay the foundation for total self-reliance and great economic strength. In our Hebrew scriptures, which spread from Jerusalem to all of mankind, there is a verse, 'Hashem oz l'echad ha'aretz mos et amo bashalom,' "God will give strength to His people; God will bless His people with peace." This is the original, inspired source for the truth that peace derives from strength.

In the coming years, we intend to strengthen the Jewish people in its land. We intend to build an Israel of reciprocal dialog and peace with each and every one of our neighbors. We will not uproot anyone, nor shall we be uprooted. We shall insist on the right of Jews to live anywhere in the land, just as we insist on the right of Jews to live anywhere in any other place of the world. We will build an Israel of self-reliance. We will build an Israel with an undivided and indivisible city of hope at its heart. We will build a peace founded on justice and strength and amity for all men and women of good will.

And I know that the American people will join us in making every effort to make our dream a reality, as I know that the American people will join us in prayer: "God will give strength to his people, God will bless his people with peace." Thank you very much. [Applause, the Members rising.]

At 10 o'clock and 46 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order: the Members of the President's Cabinet, the Associate Justices of the Supreme Court of the United States. The acting dean of the diplomatic corps.
PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 one-minutes on each side.

WELFARE REFORM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, today is the deadline this administration imposed on itself for granting Wisconsin the freedom to reform its welfare system. After these 100 days, the Wisconsin Legislature approved a welfare reform plan that requires work and restores the values of responsibility and family. President Clinton endorsed the Wisconsin reforms in a radio address to the Nation and eventually agreed to approve the plan by today, July 10.

Remember President Clinton’s campaign promise to end welfare as we know it? That promise energized the Nation’s Governors, who have put forward ambitious plans to reward work over dependency. But State legislators eager to end welfare as we know it have been forced to sit on their hands, waiting for permission from Washington, only to have bureaucrats rewrite their welfare reform plans and make them ineffective.

Welfare as we know it continues, despite enormous effort from our Nation’s Governors.

The President has vetoed welfare reform twice, despite his campaign promise. Today he has a chance to keep another welfare reform promise, this one made to the people of Wisconsin—or, Mr. Speaker, is this not one of the promises the President meant to keep?

FILEGATE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, at first, it was a handful. We then had 300, then 400. The number grew to 700. Today, Federal law enforcement groups estimate the number of illegally obtained secret FBI files by the White House to exceed 1,000. One thousand private investigative Americans invaded, 1,000 workers, all Republicans, who worked for Presidents Reagan and Bush, their rights violated. And, after all this, to add insult to injury, the new political spin is, Vincent Foster did it.

What is next? Will some political spinmaster accuse Richard Nixon here? Mr. Speaker, this is a serious problem, whether you are a Democrat or Republican. This cannot and must not be tolerated. There is one question that must be answered: Who ordered this criminal act? And that criminal should be put in jail. And, by God, let Vincent Foster rest in peace.

REINFORCEMENTS NEEDED IN WAR ON DRUGS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for months President Clinton promised to protect our children from the addiction of cigarettes, but what about drugs? When Clinton got in office, he slashed the drug czar’s staff by 83 percent, he eliminated 200 to 400 DEA agents, and he took the priority of drugs from top on the national security list to bottom. At the same time, marijuana use went up for 12- to 13-year-olds by 13 percent.

Sunday, the Dallas Morning News reported Mexican drug smugglers seized ranches on the Texas border for smuggling marijuana, cocaine, and heroin.

Our borders and our ranchers are helpless. County and city officials are corrupt. President Clinton’s all-talk-and-no-action drug policy has led to an invasion of our borders.

It is time we responded. Mr. Speaker, we need our Armed Forces to stop the invasion of the United States of America.

DOLE REJECTS NAACP INVITATION

(Mr. FOGLIETTA asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. I have happy that Bob Dole was in my district last night for the All Star game, but there are direct flights from Philadelphia to Charlotte, NC. I say this because America should know why Bob Dole has rejected the invitation of the NAACP to speak at their convention.

His campaign repudiated the invitation based on scheduling conflicts, but I think other conflicts are involved. Could it be that Bob Dole has nothing to say to the NAACP? Could it be that Bob Dole can’t do anything or say anything that would offend the far right wing of his party? That’s the answer. Whatever happened to the big tent? These are the same folks who talk about their commitment to what they have called the safety net for the very poor. But isn’t it interesting that both of these metaphors speak in terms of fabric. The Republican majority, led by Bob Dole and Speaker Gingrich, they are tearing up this fabric. The safety net is in tatters. And the big tent is full of holes. With Bob Dole’s rejection of the NAACP, the big tent is getting smaller and smaller.

THE CLINTON YEARS: A LEGACY OF FAILURE IN THE WAR ON DRUGS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, President Clinton is hosting a 2-day drug summit in El Paso, but 2 days hardly make up for his administration’s 3½ years of neglect. But let’s see what the numbers really say: Total drug-related cases are up 30 percent; cocaine use is up 33 percent; heroin use is up 77 percent; marijuana use is up 108 percent; and methamphetamine use is up an alarming 308 percent.

No rhetoric, just the facts.

But, Mr. Speaker, these facts have a brutal impacts on our society, especially our Nation’s children.

I’ve worked in the emergency rooms where these children come in. I’ve seen how these drugs can destroy generations of families.

How has our President responded? He cut the DEA agents by 22 percent.

He shortened mandatory minimum sentences for convicted drug traffickers.

And he even mothballed nine Coast Guard ships and seven aircraft that were needed to stem the flow of drugs into this country.

No, Mr. Speaker, 2 days cannot make up for lapses of this magnitude. President Clinton has abandoned our Nation’s drug control efforts and it is our children who will bear this heavy burden.

MINIMUM WAGE INCREASE WILL NOT HAPPEN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, yesterday was a big day for a lot of low-income American people that are hard working. The other body passed the minimum wage increase bill overwhelmingly. All the media talked about it, what a great thing it was for the low-income American people that work very hard right now for $4.25.

Folks, I have got something to tell you. You have seen the last of it. Newt Gingrich, dictator N E W T G I N G R I C H, the Speaker of the House, and the leader of the Senate, both oppose that minimum wage.
the way it was, so they are not going to have it. That is what happens when you have a dictator as a Speaker. NEWT GINGRICH is not going to permit the minimum wage bill to ever come up for a vote in the House and Senate again. Why? The National Restaurant Association is opposed to it, and they have given NEWT GINGRICH thousands and thousands of dollars. That is why.

THE PRESIDENT AND WELFARE REFORM
(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, last May, Bill Clinton clearly stated that the Wisconsin welfare reform plan was a solid, commonsense plan for moving people from welfare dependence to work. Here is what he said on May 18 during his weekly radio address, "I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work."

Today, the public comment period expires and yet we hear nothing from the White House about the Wisconsin welfare waivers. Not a peep.

Mr. Speaker, clearly there is a complete and total disconnect between what Bill Clinton does and what he says. As I have warned, Bill Clinton believes everything he emphatically says, right up until the second he totally repudiates it. The same applies to welfare reform. Bill Clinton will say anything to make people believe he wants to change welfare, but when it comes time for action, he will come to the defense of the liberal status quo.

REPUBLICAN-LED CONGRESS OF INACTION
(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, yesterday, when I spoke on the floor I was encouraged by the fact that the Senate was finally taking up the minimum wage hike; and I was hopeful that a crippling amendment that would have delayed the bill for months and exempted many small businesses so that half the people on minimum wage would not benefit from the hike would not pass. Fortunately, that amendment did not pass; and so now I am hoping that somehow we are going to get this minimum wage bill to the President's desk.

But what we have found out today is that the Republican leadership in the Senate as well as in the House continues to want delay. They do not want the minimum wage to pass. They are saying they are not going to appoint conference, and they will only appoint conference to work out the differences on the minimum wage bill if the health care reform bill also moves. What we are seeing again is an effort by the Republican leadership to stop the minimum wage hike just like they are trying to stop health insurance reform. They are going to try to drag this bill onto November so that this Congress once again will be the Congress of inaction. Nothing happens here. It is not happening because the Republican leadership does not want it to happen.

CASUALTIES IN THE WAR ON EDUCATION
(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, yet again the majority has failed to make education a priority in this year's appropriation. Bill. Education cuts included in the Labor-HHS, Education appropriations measure, H.R. 3755, total $400 million from last year's level. And these cuts are in addition to the $1.1 billion already cut by the 104th Congress.

In this most recent battle in the war on education, casualties include Goals 2000, Byrd scholarships, student incentive grants, and Eisenhower teacher training funds. Those wounded in this battle included title I funds for disadvantaged students, education, and drug free schools, bilingual education, and others.

This bill makes it clear that in the eyes of this Congress, access to higher education is not a priority, safe and drug free schools are unimportant, and improving our educational system is unnecessary.

If we want our students to grow into a competitive work force and continue our leadership in the global marketplace, education is the engine that will take us there. Education is not expendable, it is vital to our future, and the appropriations bill that passes this House should reflect this reality.

FAT LADY HAS NOT SUNG ON MINIMUM WAGE
(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, as they say in sports, "It ain't over till it's over." "It ain't over till the fat lady sings." Bipartisan majorities in both Houses have passed the minimum wage increase which would help 11.8 million Americans, 40 percent of whom are sole breadwinners and 58 percent of whom are women. But it ain't over. Because special interests and NEWT GINGRICH and the Republican leadership are already in the back room working out deals.

They do not want to appoint a conference committee to move this bill to the President's desk despite the fact that 80 percent of the American public, American taxpayers, want an increase in the minimum wage. They are saying if we do not get our special interest provision in the health care bill, you cannot have minimum wage.

That is the way it goes around here now, and it is flat-out wrong. The people deserve better. The people deserve minimum wage increases and a clean health care bill.

Would somebody give the fat lady a sheet of music? We need to pass this legislation. We do not want to knuckle under to special interests.

MINIMUM WAGE HELD HOSTAGE BY SENATE REPUBLICANS
(Ms. DELAURo asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURo. Mr. Speaker, yesterday the Senate passed the minimum wage. Normally it would be on its way to President Clinton for his signature and it would be a short time before it would be benefiting those who really need it. But not in this Congress--unfortunately here the will of the American people is consistently being undermined.

Eighty percent of the American people support a minimum wage increase, today we learn that Republicans in the Senate are holding the minimum wage hostage. According to Congress Daily, "Coming off a defeat on a controversial pro-business amendment, Senate Republicans further jeopardized final approval of a minimum wage hike by threatening to block conference action unless Democrats unleash their grip on health care insurance reform legislation."

As my colleague before me said, they want to put in their special-interest medical savings account into the health care bill. This sounds a lot like, "If you do not play by my rules, then I am going to take my ball and go home." This is a refrain that is heard in sandboxes. It has no place in the U.S. Congress. The Senate needs to get out of the sandbox, pass the minimum wage today.

REPUBLICANS PUT FAMILIES LAST
(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, Democrats are insisting that we put families first. Republicans are insisting that we put families last. Republicans have continued their attack on American families, but now with a double-barreled shotgun. They are attacking minimum wage again. The Senate is threatening to derail the passage of minimum-wage increase. They have loaded up the bill with poison pills to guarantee that it will not be signed by the President.
COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

Hon. Newt Gingrich,
Speaker, U.S. House of Representatives,
Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that Michael L. Stern of the Office of General Counsel has been served with a subpoena for records issued by the United States District Court for the Northern District of Illinois.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOSEPH M. McCADDE,
Member of Congress.

The Clerk read the resolution, as follows:

H. RES. 473
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause (b) of rule XXIII, declare the House, by a two-thirds vote by electronic device, to have waived its right to require the President of the Senate to communicate any message or papers from the President of the United States to the House in the present Congress, unless the same shall be in the nature of a communication which the House shall be of opinion should be printed in the public prints of the House.

The Speaker appointed Mrs. Constance M. Morella of Maryland to move the previous question, and the motion was agreed to.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Speaker pro tempore.

The NONCONCURRENT RESOLUTION on the appeal of the Speaker has been adopted. The previous question shall be considered as read, shall be debatable only by a member designated in the report, and shall be amendable for the time specified in the report of the Committee on the Judiciary. Any amendment, which is a minority amendment under the five-minute rule and shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2 or 6 of rule XXII are waived.

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today during the 5-minute rule.

The Speaker pro tempore.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.


Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Speaker pro tempore.

The SPEAKER pro tempore.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Woodland Hills, CA, [Mr. BEILINSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 3754, the fiscal year 1997 legislative branch appropriations bill, under a modified closed rule.
I would like to commend my California colleague, Chairman Ron Packard, and the rest of my colleagues on the Legislative Branch Appropriations Subcommittee for their tremendous work in bringing what has historically been a very difficult bill to the House floor.

Given that there may be some who would go so far as to recommend zero funding for the legislative branch, I believe this is a very responsible rule for what is a very responsible bill. As the reading clerk noted, the rule waives a number of points of order against consideration of the bill to permit timely consideration and to address some technical fund transfers in the bill.

The rule makes in order eight amendments printed in the report on the rule to be offered only in the order printed by the Member specified and debatable for time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question in the House or the Committee of the Whole. All points of order are waived against the amendments.

Finally, the rule provides for one motion to recommit with or without instructions.

PERMISSION TO OFFER AMENDMENT NO. 6 IN MODIFIED FORM TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Chair of the Committee of the Whole may postpone recorded votes on any amendment and that the Chair may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follows another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes.

F inally, the rule provides for one motion to recommit with or without instructions.

PERMISSION TO OFFER AMENDMENT NO. 1 IN HOUSE REPORT 104-663 AT ANY TIME DURING CONSIDERATION OF H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Further, Mr. Speaker, I ask unanimous consent that notwithstanding the order prescribed by House Resolution 473, it may be in order to consider the amendment numbered 6 in House Report 104-663 in the modified form that I have placed at the desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection. Mr. DREIER. Mr. Speaker, last year’s legislative branch appropriations bill was instrumental in reforming this institution to make this place more open, accountable, and cost effective. By adopting this rule, we can continue those important reforms while further streamlining and updating the operations of Congress through privatization and investment in new information technologies. Updating the technological infrastructure of the White House is an enormous challenge, but thanks to this bill we will continue the tremendous progress that we have made over the past 18 months.

The Throckmorton Index of the Library of Congress is being upgraded to provide an expanded list of documents to the public and to simplify the retrieval of information. The CyberCongress plan which will bring in state-of-the-art communication networking and computer technology to dramatically improve the work of committees is moving forward under this bill.

Also by the end of this year, every House committee should have the capability to provide immediate on-line access to legislative documents, transcripts, schedules, and other information. The goal is to provide Members of Congress with more comprehensive and complete information within a few days of the event. The exchange of information with our constituents back home. While information technologies offer us tremendous opportunities to be better public servants, we must be mindful of the need to maintain a majority of the practices, procedures, and precedents of this institution. With respect to the issue of minority committee Web sites, let me say that I agree wholeheartedly with my colleague from Sacramento, CA, Mr. Fazio, that the public should be able to conveniently access information put on a committee Web site by the minority. I hope the Committee on House Oversight can come to some compromise on the committee Internet policy that will provide sufficient safeguards in that regard.

But I disagree that the minority should be allowed to maintain completely separate committee Web sites. It would set an unfortunate precedent because the Rules of the House rightfully do not differentiate between minority and majority committees. They simply refer to committees. A committee minority may not file alternative committee reports or control separate committee rooms or conduct separate official hearings. Minority views are provided for in official committee reports, and they should be provided for on committee Web sites as well.

I would also like to say to those Members who feel they have worthwhile reform ideas but were not able to offer them under this rule, the Rules Committee has announced that it will begin holding hearings to consider reform proposals for the 105th Congress. Members with proposals for changing the organization procedures or legislative process in the House are welcome to participate. A letter of invitation to all Members was sent out just yesterday by my friend from Glens Falls, our committee chairman.

As I mentioned earlier, Mr. Speaker, this is a very responsible rule for a very responsible legislative branch spending bill.

Mr. Speaker, I include for the RECORD certain extraneous materials.

The materials referred to are as follows:

Committee on Rules,
U.S. House of Representatives,
Washington, D.C., July 9, 1996.

Dear Colleague: Today the Rules Committee is announcing a series of hearings designed to examine further congressional reform proposals. This project is entitled “Building on Change: Preparing for the 105th Congress.”

As you know, on Opening Day of the 104th Congress the House passed the most sweeping reform package since 1946. The Committee on Rules, through its committee-adopted oversight agenda, has committed to a continuous study of the rules and procedures of the House with an eye toward future reforms. Members with proposals addressing the rules, procedures, or the legislative process generally are welcome to participate in this project. The Rules Committee is not at this time taking further testimony on budget process reform.

On Wednesday, July 17 at 10A.M., the Committee will hold an “Open Day” for Members to testify on proposals to further amend the standing rules of the House. Members who wish to testify at this hearing should submit 36 copies of their testimony to the Rules Committee office in H-322 of the Capitol by 5P.M. on Tuesday, July 16.

In late July and early September, the Rules Subcommittees on Rules and Organization of the House and the Legislative and Budget Process will hold joint hearings on specific reform efforts (e.g. majority and minority party task forces). The joint subcommittees will hear testimony from select groups of Members and from public witnesses. Dates, times, and subject areas for these hearings will be announced later.

If Members have questions on this hearing schedule, please feel free to contact me or Dan Keniry in my Rules Committee office at 225-5915.

Sincerely,

Gerald B. Solomon,
Rules Committee Chairman.
### SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

**As of July 9, 1996**

<table>
<thead>
<tr>
<th>H. Res. No.</th>
<th>Date (Rept.)</th>
<th>Rule type</th>
<th>Bill No.</th>
<th>Subject</th>
<th>Disposition of rule</th>
<th>Number of rules</th>
<th>Percent of total</th>
<th>Number of rules</th>
<th>Percent of total</th>
</tr>
</thead>
</table>
Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my good friend from Sanibel, FL [Mr. Goss], the chairman of the Legislative Process and Budget Process Subcommittee.

Mr. Goss asked and was given permission to revise and extend his remarks.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am in support of this rule.

I thank my friend from greater San Dimas for this time, and I rise in support of this rule for the fiscal year 1997 legislative branch appropriations bill. Mr. Speaker, this is the first appropriations bill this year that has not been given an open rule—and in all likelihood it will be the only structured rule we see for a given open rule—and in all likelihood it will be the only structured rule we see for a given open rule this year that has not been given an open rule. However, there is simply no funding in this to address this issue through an amendment to this bill. I look forward to making progress in this area through the appropriate committees in the future.

That having been said, I would like to congratulate Chairman PACKARD and the members of the Appropriations Committee for building on the reforms we began last year. We have seen dramatic changes in the way this Congress has been run—be doing more with less, and we are committed to living within our means after decades of expansion. I am particularly pleased that the bill before us cuts a further 2.2 percent from last year's appropriated levels, saving over $37 million. These reforms, and others in the bill, are very important to restoring Americans' faith in Congress and our commitment to accountability and a balanced budget.

I would urge my colleagues to support this fair rule.

Mr. DREIER. Mr. Speaker, I urge a "yes" vote on this rule, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California [Mr. Dreier] for yielding me the customary half hour of debate time.

Mr. Speaker, the rule before us is, in general, fair, and appropriate for consideration of a legislative branch appropriations bill. It makes in order eight amendments, three of which are to be offered by Members from this side of the aisle. Each of the eight amendments would be debatable for specified amounts of time.

However, we have one serious disagreement with the majority over this rule, in that it does not make in order a very important amendment that the gentleman from California [Mr. Fazio] would like to offer. Mr. Fazio's amendment would provide a fair and unifor

At the Rules Committee meeting on this rule yesterday, the gentleman from California [Mr. Packard] argued that the House Oversight Committee's policy on committee use of the Internet was analogous to the handling of committee reports, where minority members do not issue separate reports, but rather may include their views at the end of the majority's report. But in fact, Mr. Speaker, the two venues are not analogous at all. Committee reports are issued for a designated purpose—usually to explain a bill—and have content requirements. And minority views can be found quickly and easily by turning to the end of the report.

World Wide Web sites, on the other hand, are completed free-form. Those
who establish sites are able to put anything they want on them, and in any fashion. Typically, committees post background information and pictures of committee members, committee rules and procedures, press releases, speeches, and a whole sort of things. If minority Web pages are inserted somewhere in the mix of all that, they are likely to receive much less attention than would they if they were presented on a separate Web site, where the format could be designed as the minority desires.

We ask our Republican friends to consider whether this is the policy they would want to live under if they were in the minority, as they were during the last Congress and will be again, sooner or later, in the future. Our guess is that it is not.

On more point on this matter: the majority has argued that even if they believe the membership should consider this amendment, it would not be appropriate to allow it as part of the debate on this appropriations bill, since the committee of jurisdiction—in this case, the House Oversight Committee—objects to making it in order. As a general rule, we agree with the policy which was established when Democrats controlled the House, of not allowing amendments in such cases.

However, in this particular case, Mr. Speaker, there will not be an opportunity to address this issue, since the policy is one that exists as a directive from the House Oversight Committee, and does not require the approval of the full House. The legislative branch appropriations bill is thus the only vehicle we see for resolving this matter.

There is one further matter I would like to point out about the rule, if I may, Mr. Speaker, and that is that it waives two important provisions of the Budget Act: section 302, which prohibits consideration of legislation which would increase the committee's allocation of new entitlement authority, and section 308, which requires a cost estimate in committee reports on new entitlement authority. These waivers cover the bill's provisions dealing with the pay of the director of the Congressional Budget Office.

While there are legitimate reasons for providing these waivers, we mention this matter because we have noticed that Budget Act waivers seem to be increasingly common in bills that are being issued by the Rules Committee. We want to take this opportunity to urge committees to make every effort to comply with the provisions of the Budget Act and the Rules of the House, and to urge the majority members of the Rules Committee to avoid getting into the habit of waiving these important safeguards on a routine basis.

Finally, Mr. Speaker, with respect to the bill, Mr. Speaker, I believe that it deserves the support of the House. In general, it provides an adequate, though not generous, amount of funding for Congress to fulfill its responsibilities. After 4 years of cutting positions to a point where we now have almost 20 percent fewer staff members in the legislative branch than we had in fiscal 1992, we believe that the Appropriations Committee has acted responsibly by not reducing funding for the staff further. We support the House's recommendation, with respect to the General Accounting Office, where a 2-year, 25-percent reduction in staffing is continued through this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I urge an "aye" vote on the rule, and an "aye" vote on the bill, which will be beautifully managed by my colleague, the gentleman from California [Mr. Packard].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I urge an "aye" vote on the rule, and an "aye" vote on the bill's provisions dealing with the Budget Act and the Rules of the House. We ask our Republican friends to support the majority on this matter because we have no other objective in mind.

Mr. Speaker, I like to point out about the rule, if I may, Mr. Speaker, that is that it waives two important provisions of the Budget Act: section 302, which prohibits consideration of legislation which would increase the committee's allocation of new entitlement authority, and section 308, which requires a cost estimate in committee reports on new entitlement authority. These waivers cover the bill's provisions dealing with the pay of the director of the Congressional Budget Office.

While there are legitimate reasons for providing these waivers, we mention this matter because we have noticed that Budget Act waivers seem to be increasingly common in bills that are being issued by the Rules Committee. We want to take this opportunity to urge committees to make every effort to comply with the provisions of the Budget Act and the Rules of the House, and to urge the majority members of the Rules Committee to avoid getting into the habit of waiving these important safeguards on a routine basis.

Finally, Mr. Speaker, with respect to the bill, Mr. Speaker, we believe that it deserves the support of the House. In general, it provides an adequate, though not generous, amount of funding for Congress to fulfill its responsibilities. After 4 years of cutting positions to a point where we now have almost 20 percent fewer staff members in the legislative branch than we had in fiscal 1992, we believe that the Appropriations Committee has acted responsibly by not reducing funding for the staff further. We support the House's recommendation, with respect to the General Accounting Office, where a 2-year, 25-percent reduction in staffing is continued through this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore Mr. EWING, pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempe Mr. EWING, pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore Mr. EWING, pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore Mr. EWING, pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore Mr. EWING, pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184 days to support the total cost of Government, leaving 181 days of work to support their families.
CONGRESSIONAL RECORD — HOUSE

July 10, 1996

Watt (NC) Williams Wise Young (FL) Zimmer

[45x58]tleman from Ohio [Mr. TRAFICANT].

So the Journal was approved. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, on rollover No. 294, I was absent because of the malfunction of my beeper. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on rollover No. 294, I was inadvertently detained. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollover No. 294, I was inadvertently detained. Had I been present, I would have voted “aye.”

PERMISSION FOR MEMBER TO OFFER AMENDMENT TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997, NOTWITHSTANDING HOUSE RESOLUTION 473

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the amendment offered by the gentleman from California [Mr. PACKARD] as though it were an amendment printed in House Report 104-663 and that the time for debate be limited to 10 minutes.

The SPEAKER pro tempore (Mr. E WING). The Clerk will report the amendment.

The Clerk reads as follows:

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (1) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. THORNTON. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3754, making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, and that I may include tabular and extraneous material and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3754.

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. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, with Mr. LINDER in the chair.

The Clerk reads the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the request of the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

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

This bill continues the program we began last year to right size the legislative branch of government. We are trying to become more efficient and by using technology wherever possible as long as it helps to do our job better.

This bill cuts legislative spending for 1997 by $37.4 million. That continues the tone set in the 1996 bill over the last 2-year period. The size of the legislative branch has been reduced by $262 million over the last 2 years.

We have also reduced our work force by 1,753 jobs over the last 2-year period, 726 in this year’s bill alone. That is a reduction of 6.8 percent of the entire legislative branch work force in a 2-year period.

The CBO has indicated through their calculations that, if the entire Federal budget were to be reduced in the same proportion as this committee has reduced the legislative branch budget, we would have a $100 billion surplus in our Federal budget and it would be balanced already. We would make a $100 billion down payment on the national debt. If all other agencies and programs were cut the same level that we have cut ourselves. This is just based on a straightforward extrapolation, but it indicates, I think, the magnitude of the efforts that we have taken in reducing the size and the costs of the legislative branch of government.

In specifics, this bill will make permanent law the 90-day prohibition on mass mailing, unsolicited mass mailing before elections. The bill also will fund the CyberCongress, in other words, the computer and telecommunications and information services of Congress. We will be spending about $211 million in this bill in that area. That is 12.5 percent of the entire legislative budget on this whole area of information and telecommunications and the CyberCongress.

Also, in this year’s bill we are completing the downsizing of the General Accounting Office by 25 percent. That is a 2-year process, this being the final year of that process.

We have also converted the permanent edition of the bound CONGRESSIONAL RECORD, a 26-volume document, to CD ROM. That will expedite the research possibilities for Members of Congress and researchers in general, and it will also save about $1 million a year. We are also converting the congressional serial set, a 60-volume document, to the CD ROM, the electronic information process. That, too, will save about $1 million a year.

We are also outsourcing the custodial work at the Ford House Office Building. We are conducting studies to outsource our maintenance, operational work at the powerplant, the congressional powerplant. We are also looking to privatize the Government Printing Office plant more, and the Botanic Garden.

We are also looking to further the public-private collaboration of the National Library Digital Program.

In all we have made great strides in the right direction to bring about fiscal responsibility to the Congress of the United States and to those agencies that are here to support the Congress of the United States.

We also are funding the mandatories in this bill; that is, the COLA’s for staff, salary and the benefit packages for staff and Federal workers in the Congress. And that, I think, is a must.

We are also funding the 1997 inaugural ceremonies at the Capitol, the joint inaugural committee, which we must do every 4 years after the election of a new President.

All in all we are very proud of this bill; we think it moves in the right direction.

Laster on today we will be hearing amendments, one of which is to cut
this bill by almost 2 percent, 1.9 percent. I urge the Members of Congress to realize that this bill already makes major cuts, and has over the last 2 years. No appropriations bill has cut to the level that the legislative branch has cut themselves. It would be irresponsible, I think, to cut ourselves across the board. That would include books for the blind, that would include the staff, the cost of staffing our offices. It would include the CyberCongress, it would include the police, the physicians, and every phase, every part, of this bill would be cut by almost 2 percent after we have already cut ourselves over the last 2 years by almost 12 percent, and that is 12 percent of the dollar amount of the 1995 budget year.

Mr. Chairman, it would be absolutely irresponsible, I believe, for us to inflict upon ourselves further cuts when we have set the pattern for cutting back the size of government. And, frankly, it would hurt deeply the Library of Congress, the General Accounting Office, which has accepted a 25 percent cut already over the last 2 years. To ask them to absorb another 2 percent cut again would be a bad-faith effort on the Congress after I have negotiated with the General Accounting Office to work toward this 25 percent. It would be, I think, catastrophic, and I would hope that all Members of Congress would resist this amendment of across-the-board cutting of Congress.

Mr. Chairman, I want to express my deep appreciation to the new ranking member of this subcommittee, the gentleman from Arkansas [Mr. THORNTON]. He has been a member of the committee and been an extremely active and very, very faithful member of the committee. He has now moved to become the ranking member, and it is a great pleasure on my part to work with him. He has been a great help in crafting this bill and been very supportive of the general efforts that we have tried to make in this bill, and it is a pleasure to work with him.

I also wish to express my deep appreciation to the gentleman from California [Mr. FAZIO] who is the former chairman of this subcommittee, but also the former ranking member. He has been a great help over the years in this bill, and I wish to thank him for his cooperation.

Under leave I have already obtained, I would like to insert a tabulation of the amounts in the bill:
### FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)

<table>
<thead>
<tr>
<th>FY 1996 Enacted</th>
<th>FY 1997 Estimate</th>
<th>Bill</th>
<th>Bill compared with Enacted</th>
<th>Bill compared with Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### TITLE I - CONGRESSIONAL OPERATIONS

##### HOUSE OF REPRESENTATIVES

**Salaries and Expenses**

**House Leadership Offices**

<table>
<thead>
<tr>
<th></th>
<th>FY 1996 Enacted</th>
<th>FY 1997 Estimate</th>
<th>Bill</th>
<th>Bill compared with Enacted</th>
<th>Bill compared with Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Speaker</td>
<td>1,478,000</td>
<td>1,821,000</td>
<td>1,535,000</td>
<td>+57,000</td>
<td>-66,000</td>
</tr>
<tr>
<td>Office of the Majority Floor Leader</td>
<td>1,470,000</td>
<td>1,561,000</td>
<td>1,526,000</td>
<td>+56,000</td>
<td>-35,000</td>
</tr>
<tr>
<td>Office of the Minority Floor Leader</td>
<td>1,480,000</td>
<td>1,574,000</td>
<td>1,534,000</td>
<td>+54,000</td>
<td>-40,000</td>
</tr>
<tr>
<td>Office of the Majority Whip</td>
<td>928,000</td>
<td>976,000</td>
<td>887,000</td>
<td>+29,000</td>
<td>-19,000</td>
</tr>
<tr>
<td>Office of the Minority Whip</td>
<td>818,000</td>
<td>963,000</td>
<td>963,000</td>
<td>+1,000</td>
<td>-88,000</td>
</tr>
<tr>
<td>Speaker's Office for Legislative Floor Activities</td>
<td>378,000</td>
<td>388,000</td>
<td>376,000</td>
<td>-9,000</td>
<td>-</td>
</tr>
<tr>
<td>House Republican Steering Committee</td>
<td>864,000</td>
<td>861,000</td>
<td>864,000</td>
<td>-7,000</td>
<td>-</td>
</tr>
<tr>
<td>House Republican Conference</td>
<td>1,043,000</td>
<td>1,146,000</td>
<td>1,120,000</td>
<td>+24,000</td>
<td>-13,000</td>
</tr>
<tr>
<td>House Democratic Steering and Policy Committee</td>
<td>1,181,000</td>
<td>1,211,000</td>
<td>1,191,000</td>
<td>+10,000</td>
<td>-20,000</td>
</tr>
<tr>
<td>House Democratic Caucus</td>
<td>568,000</td>
<td>816,000</td>
<td>803,000 +37,000</td>
<td>-13,000</td>
<td></td>
</tr>
<tr>
<td>Nine minority employees</td>
<td>1,127,000</td>
<td>1,155,000</td>
<td>1,127,000</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Subtotal, House Leadership Offices**

|                                | 11,271,000 | 11,688,000 | 11,562,000 | +321,000 | -297,000 |

**Members' Representational Allowances**

|                                | 390,500,000 | 398,866,000 | 363,313,000 | +2,590,000 | -35,850,000 |

**Committee Employees**

|                                | 79,829,000 | 80,524,000 | 80,222,000 | +1,560,000 | -32,000 |
| Committee on Appropriations (including studies and investigations) | 18,945,000 | 18,430,000 | 17,580,000 | +650,000 | -850,000 |

**Subtotal, Committee employees**

|                                | 95,774,000 | 99,954,000 | 97,802,000 | +2,228,000 | -1,152,000 |

**Salaries, Officers and Employees**

|                                | 13,807,000 | 15,370,000 | 15,074,000 | +1,267,000 | -296,000 |
| Office of the Clerk            | 3,410,000 | 3,880,000 | 3,836,000 | +56,000 | -251,000 |
| Office of the Sergeant at Arms | 53,500,000 | 70,464,000 | 50,206,000 | +1,853,000 | -15,255,000 |
| Office of the Chief Administrative Officer | 3,954,000 | 4,048,000 | 3,954,000 | -94,000 |
| Office of Inspector General     | 858,000 |                    | -858,000 |
| Office of Compliance            | 128,000 | 128,000 | 128,000 | +500,000 |
| Office of the Parliamentarian   | 1,180,000 | 1,036,000 | 1,036,000 | -144,000 |
| Office of the Secretary of the House of Representatives | 775,000 | 713,000 | 713,000 | -62,000 |
| Office of the Clerk of the House | 450,000 | 423,000 | 423,000 | -27,000 |
| Office of the Sergeant at Arms  | 1,700,000 | 1,817,000 | 1,767,000 | +50,000 | -50,000 |
| Office of the Legislative Counsel of the House | 4,524,000 | 4,763,000 | 4,687,000 | +863,000 | -76,000 |
| Other authorized employees      | 837,000 | 1,000,000 | 768,000 | -332,000 |
| Technical Assistants, Office of the Attending Physician | 909,000 | 625,000 | 624,000 | -316,000 |

**Subtotal, Salaries, Officers and Employees**

|                                | 83,492,000 | 102,515,000 | 86,256,000 | +2,807,000 | -16,256,000 |

**Allowances and Expenses**

|                                | 904,000 | 2,301,000 | 2,374,000 | +1,360,000 | 73,000 |
| Supplies, materials, administrative costs and Federal tort claims | 950,000 | 1,000,000 | 1,000,000 | - |
| Official mail (committees, leadership, administrative and legislative offices) | 1,000,000 | 1,000,000 | 1,000,000 | - |
| Reemployed annuitants reimbursements | 68,000 | 71,000 | 71,000 | +3,000 | - |
| Government contributions | 117,541,000 | 122,596,000 | 120,779,000 | +3,336,000 | -1,726,000 |
| Miscellaneous items | 658,000 | 641,000 | 641,000 | - |

**Subtotal, Allowances and expenses**

|                                | 120,281,000 | 128,521,000 | 124,865,000 | +4,804,000 | -1,856,000 |

**Total, House of Representatives**

|                                | 871,261,000 | 768,464,000 | 683,431,000 | +12,770,000 | -54,948,000 |

### JOINT ITEMS

|                                |                   |                   |                   |                   |
|                                |                   |                   |                   |                   |
|                                |                   |                   |                   |                   |

#### For FY 1996 and previous years, non-personnel expenses for this item were included under “Allowances and Expenses, supplies, materials, administrative costs and Federal tort claims.” Beginning in FY 1997, these expenses have been consolidated under “Salaries, Officers and Employees, other authorized employees.” The FY 1996 enacted amounts have been adjusted to reflect the revised funding consolidation.
### FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued

<table>
<thead>
<tr>
<th>Capitol Police Board</th>
<th>FY 1996 Enacted</th>
<th>FY 1997 Estimate</th>
<th>Bill</th>
<th>Bill compared with Enacted</th>
<th>Bill compared with Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capitol Police</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sergeant at Arms of the House of Representatives</td>
<td>34,213,000</td>
<td>37,286,000</td>
<td>32,927,000</td>
<td>-1,288,000</td>
<td>-4,356,000</td>
</tr>
<tr>
<td>Sergeant at Arms and Doorkeeper of the Senate</td>
<td>35,916,000</td>
<td>38,106,000</td>
<td>35,465,000</td>
<td>-454,000</td>
<td>-3,343,000</td>
</tr>
<tr>
<td><strong>Subtotal, salaries</strong></td>
<td>70,129,000</td>
<td>75,392,000</td>
<td>68,392,000</td>
<td>-1,740,000</td>
<td>-8,002,000</td>
</tr>
<tr>
<td>General expenses</td>
<td>2,500,000</td>
<td>7,806,000</td>
<td>2,685,000</td>
<td>+185,000</td>
<td>+621,000</td>
</tr>
<tr>
<td><strong>Subtotal, Capitol Police</strong></td>
<td>72,629,000</td>
<td>83,198,000</td>
<td>71,077,000</td>
<td>-1,121,000</td>
<td>-12,923,000</td>
</tr>
<tr>
<td>Capitol Guide Service and Special Services Office</td>
<td>1,091,000</td>
<td>1,091,000</td>
<td>1,091,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statements of Appropriations</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Joint Items</strong></td>
<td>84,830,000</td>
<td>90,088,000</td>
<td>84,520,000</td>
<td>-318,000</td>
<td>-15,188,000</td>
</tr>
</tbody>
</table>

| OFFICE OF COMPLIANCE |                 |                  |      |                           |                           |
| Salaries and expenses | 2,000,000 | 3,286,000 | 2,808,000 | +609,000 | +659,000 |
| Transfer from House of Rep., Office of Compliance | 500,000 | | | -500,000 | |
| **Total, Office of Compliance** | 2,500,000 | 3,286,000 | 2,808,000 | +109,000 | +659,000 |

| OFFICE OF TECHNOLOGY ASSESSMENT |                 |                  |      |                           |                           |
| Salaries and expenses | 3,615,000 | | | -3,615,000 | |
| Reappropriation | 2,500,000 | | | -2,500,000 | |
| **Total, Office of Technology Assessment** | 6,115,000 | | | -6,115,000 | |

| CONGRESSIONAL BUDGET OFFICE |                 |                  |      |                           |                           |
| Salaries and expenses | 24,286,000 | 24,775,000 | 24,286,000 | | -487,000 |

| ARCHITECT OF THE CAPITOL |                 |                  |      |                           |                           |
| Office of the Architect of the Capitol | | | | | |
| Salaries | 8,589,000 | 8,714,000 | 8,454,000 | -115,000 | -260,000 |
| Travel (limitation on official travel expenses) | (20,000) | (20,000) | (20,000) | | |
| Contingent expenses | 100,000 | 100,000 | 100,000 | | |
| **Subtotal, Office of the Architect of the Capitol** | 8,669,000 | 8,814,000 | 8,554,000 | -115,000 | -260,000 |

| Capitol Buildings and Grounds |                 |                  |      |                           |                           |
| Capitol buildings | 22,882,000 | 23,679,000 | 23,205,000 | +373,000 | +424,000 |
| Capitol grounds | 5,143,000 | 5,020,000 | 5,020,000 | | |
| House office buildings | 33,001,000 | 32,566,000 | 32,566,000 | | |
| Capitol Power Plant | 25,518,000 | 34,749,000 | 34,749,000 | | |
| Offsetting collections | -4,000,000 | -4,000,000 | -4,000,000 | | |
| **Net subtotal, Capitol Power Plant** | 31,518,000 | 30,749,000 | 30,749,000 | | |
| Subtotal, Capitol buildings and grounds | 92,544,000 | 92,004,000 | 91,580,000 | -664,000 | -424,000 |
| **Total, Architect of the Capitol** | 101,213,000 | 102,149,000 | 101,213,000 | | |

| LIBRARY OF CONGRESS |                 |                  |      |                           |                           |
| Congressional Research Service | | | | | |
| Salaries and expenses | 60,084,000 | 83,096,000 | 82,641,000 | +2,557,000 | +415,000 |

<p>| GOVERNMENT PRINTING OFFICE |                 |                  |      |                           |                           |
| Congressional printing and binding | 83,770,000 | 83,770,000 | 81,866,000 | -2,101,000 | -2,101,000 |
| <strong>Total, Title I, Congressional Operations</strong> | 1,033,870,000 | 1,114,153,000 | 1,039,692,000 | +5,822,000 | -74,461,000 |</p>
<table>
<thead>
<tr>
<th>FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE II - OTHER AGENCIES</strong></td>
</tr>
<tr>
<td><strong>BOTANIC GARDEN</strong></td>
</tr>
<tr>
<td>Salaries and expenses ..................................................</td>
</tr>
<tr>
<td>3,053,000</td>
</tr>
<tr>
<td>LIBRARY OF CONGRESS</td>
</tr>
<tr>
<td>Salaries and expenses ..................................................</td>
</tr>
<tr>
<td>Authority to spend receipts .........................................</td>
</tr>
<tr>
<td>Net subtotal, Salaries and expenses ..................................</td>
</tr>
<tr>
<td>Copyright Office, salaries and expenses ..........................</td>
</tr>
<tr>
<td>Authority to spend receipts .........................................</td>
</tr>
<tr>
<td>Net subtotal, Copyright Office ......................................</td>
</tr>
<tr>
<td>Books for the blind and physically handicapped, salaries and expenses ..................................</td>
</tr>
<tr>
<td>Furniture and furnishings ............................................</td>
</tr>
<tr>
<td>Total, Library of Congress (except CRS) ............................</td>
</tr>
<tr>
<td><strong>ARCHITECT OF THE CAPITOL</strong></td>
</tr>
<tr>
<td>Library Buildings and Grounds .......................................</td>
</tr>
<tr>
<td>Structural and mechanical care ......................................</td>
</tr>
<tr>
<td>GOVERNMENT PRINTING OFFICE</td>
</tr>
<tr>
<td>Office of Superintendent of Documents ................................</td>
</tr>
<tr>
<td>Salaries and expenses ..................................................</td>
</tr>
<tr>
<td><strong>GENERAL ACCOUNTING OFFICE</strong></td>
</tr>
<tr>
<td>Salaries and expenses ..................................................</td>
</tr>
<tr>
<td>Offsetting collections ................................................</td>
</tr>
<tr>
<td>Total, General Accounting Office ...................................</td>
</tr>
<tr>
<td>Total, title II, Other agencies ....................................</td>
</tr>
<tr>
<td>Grand total .....................................................................</td>
</tr>
</tbody>
</table>
Mr. MILLER. Mr. MILLER of Florida. Mr. Chairman, I rise today in strong support of this appropriation bill. It has been a pleasure for me to serve on this particular subcommittee because we have accomplished what our goals have been, which are reducing the size and scope of the Government and reducing the amount of money we spend here in Washington.

This bill sends an immensely important signal to our constituents back home. Our efforts to reduce the size and scope of the Federal Government have been one of the most important achievements of the second year in a row we cut the taxpayer burden of running Congress.

This bill is significant because it continues to build on the successes previously achieved. We have not only continued to cut spending, but we also continue to bring the House of Representatives into the 21st century.

In this subcommittee last year we cut over 9 percent from the legislative branch appropriation. This is $154 million that we saved the American taxpayers, and that is a very significant contribution. If every subcommittee had been able to cut their budgets proportionately, as the previous speaker said, the Federal budget would show a surplus today.

The decisions for cutting last year were not easy. We had to eliminate certain agencies that outlived their usefulness and remove many of the perks that have become institutional here in Congress. This bill continues the momentum that was established last year when by cutting an additional $37.4 million, a reduction from last year of 2.2 percent. The committee goes further than any other appropriation committee in the House. Once again we have undertaken a project to significantly reduce the costs of operating Congress to demonstrate our commitment not only to cutting spending but also learning how to spend our tax dollars wisely.

While we have cut the cost of Congress, we have also moved into the 21st century and made this a more efficient institution. The importance of this year’s legislative branch bill extends beyond merely the funding issue. Within the bill are several provisions which, in the new congressional spirit, proposals for privatizing, streamlining and modernization.

One example is the report language requesting a study of the possibilities of privatizing or transferring the botanical gardens. I understand there is a lot of support for the gardens here in Congress, but why should Congress be running this agency? It should be transferred out of the Congress budget into Agriculture. We have the arborist and other agencies that are concerned with this issue effectively. So at least we are asking for further study of what to do with this.

Another proposal that the gentleman from California [Mr. PACKARD] has requested is for the Chief Administrative Officer to review other ideas for privatizing various functions. Many other agencies and departments and businesses have privatized their in-house services from payroll to cleaning with great success.

I agree with the gentleman from California [Mr. PACKARD] that it is time for the Congress to become competitive and look for cost-effective ways to provide the most basic services.

Additionally, the gentleman from California [Mr. PACKARD] once again promotes modernization. Bill language compels the Government Printing Office to reduce the number of copies of the CONGRESSIONAL RECORD and, instead of printing them in bound copies, to use CD-ROM copies. We would continue to produce a limited number of printed copies, but now we can make available on CD-ROM the entire CONGRESSIONAL RECORD. This would provide significant space and savings in both time and space.

I just think, instead of having to pull down from the shelf a large bound volume and have to read through to find a passage, we can just put a disk in the computer and do a word search to find what we are looking for.

What we have here is a balanced bill which embodies much of the spirit of the new House of Representatives. We continue to reduce and restrain expenditures within this account. We move to privatization and streamlining many of the functions of Congress which we have promoted in other government agencies. As we begin the process of privatization and reduce the costs, the changes take time but reaps great rewards, it has been an honor on serve on this committee, and I commend our chairman for his insight and diligence and urge support of my colleagues for this bill.

Mr. THORNTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I rise to engage in a colloquy with the distinguished chairman of the Legislative Branch Appropriation Subcommittee if he is agreeable.

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

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

Mr. PACKARD. Mr. Chairman, I would be very pleased to engage in a colloquy with the gentleman.

Mr. BROWN of California. Mr. Chairman, as my colleagues know, during the full committee markup of this bill the gentleman from Wisconsin [Mr. Oaks] offered an amendment from me, which called for an independent evaluation of the General Accounting Office’s processes and procedures, building upon previous independent reports that have compelled important changes at the Agency. The amendment failed, but since then the gentleman from California [Mr. PACKARD] and I have had a chance to talk further about this study and reached an understanding.

Conceptually, I am concerned about the procedures that GAO uses to vet its reports to begin congressionally requested studies and to gauge its success. The independent study would...
have taken an outsider look at these insider's processes to suggest needed improvements.

In addition, GAO has undergone a rapid period of change, including significant downsizing and restructuring. As things stand today, staff reductions and the fiscal pressures of the Administration have resulted in a significant reduction in GAO's ability to conduct audit work and maintain its leading edge in the performance of its work. This has led to an increasing number of audit reports being issued with significant information about the GAO's ability to conduct audit work and maintain its leading edge in the performance of its work.

The American public expects the GAO to be a model of excellence and the American public. It should offend our basic sense of fairness that the American public cannot get to information about what the minority in this place is doing without passing through gates that are kept and controlled by the majority, and which can essentially be shut so that you cannot find out what you may need to know about major activities of the U.S. Congress.

If this happened anywhere else in this country, other than being buried on the floor, it would be the subject of a patient, patent violation of the first amendment to the Constitution. But because we have a special status under the Constitution and one that is clearly subject to our own abuse, we prevent ourselves from learning of the crimes we commit, and then put it off limits by not permitting a rule today that would enable us to debate and vote on it.

Mr. Chairman, I should have had that opportunity because, in good faith, when we debated this bill in the full Committee on Appropriations that such an amendment would be made in order, if this issue were not earlier resolved. The assurances that were offered in full committee and that prompted the gentleman from California [Mr. Fazio] to withdraw an amendment at that time, have not been kept, unfortunately.

So here we are today in this predicament, unable to have a vote on an issue that goes to the absolute core values of any democratic institution and any democratic process.

This is not just a passive matter, either. Evidently the HIR, House Information Office, has been directed to so engineer access to web sites. Internet sites for the House, that users from the outside will not even be able to put what is called a bookmark on a particular site so they can get back to it the next time without having to go through all the rigamarole that the majority feels is appropriate to put in the way of, again, access to information.

Mr. Chairman, does anyone here really believe that the American people, the American public, should not have free and equal access to both majority and minority points of view? Does anybody believe minority committee members should not be able to get their thoughts and positions before the American public without this form of direct electronic censorship being put in the way?

I truly do not understand how we could have gotten into a situation like this. It is absolutely insulting to the integrity and the intelligence of Members of those bodies as well as the American people.

For all of the proudest rhetoric that we got from the majority about an open debate on an open flow of information through cyberspace, that is now shown to be a cynical and empty promise. This is an extremely disappointing performance by our colleagues on the majority side, an absolute insult to democratic traditions and principles. We should be ashamed to see it stand.

Mr. THORNTON. Mr. Chairman, I yield 2 1/2 minutes to the gentleman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I have some concerns about what is in this bill. Coming from Silicon Valley, I have very strong concerns about what is not happening with technology and how we are very foolishly trying to con ourselves.

Mr. Chairman, I got the information about the CyberCongress, and that we were all going to get a computer. Mine arrived at my office 6 months late, and what we did was we called just a regular vendor out of the phone book, not a political vendor. They will sell these machines to us for $900 less than we paid for them and they will deliver them in 4 days. So we are going to spend $400,000 more on these computers than we needed to spend. It makes me very uncomfortable. I am also concerned that for those of us who use the Internet frequently, as I do, one of the things you cannot get from the CyberCongress is the voting records, how we voted every day. You can get extension of credits, you can get tributes to Little League coaches, but you cannot find out how your Congress Member voted on the Internet. I think this bill should address that.

Finally, I want to talk about web pages the previous speaker mentioned before. I just came back here from some time at home. Everywhere I went, my constituents and neighbors would say, “Do they not get it back before? Do any of them use the Internet?” I had to say, actually, probably they do not get it. I think the new policy on web pages is proof that the leadership of this body does not get it yet. To suggest that for security reasons, which is ludicrous, that the URL has to be only with the majority is a sad and illegal. Mr. Chairman, what has really evolved here is not only censorship, which Americans object to. Technologically it is foolishly, to direct electronic censorship being put in the way.
suggest that it is OK to prohibit Members of Congress from issuing a statement, from putting a differing point of view in writing and sending that to other Americans. That is what this policy on web pages does. I object to it strongly. It will be absolutely patently wrong to change the current policy on minority web pages administratively or through this bill. I think there should be an amendment allowed to deal with it, and I hope that when I go home next, I can spend more time finally got it here.

Mr. P. C. KANJORSKI. Mr. Chairman, I yield myself 1 minute simply to respond to the last two speakers.

It is the Committee on House Oversight that has jurisdiction over the operations of the cyber Congress and the information services, and also has jurisdiction over the web page. This is not the vehicle, that bill, that should be used to establish those kind of legislative policies. That committee has dealt with these things and is continuing to deal with it and to put it in this bill. It would fly in the face and really be offensive, I think, to the authorizing committee. That is why we have resisted putting those items onto this bill. It would simply be inappropriate.

If I had agreed to the web page, the committee of jurisdiction, then we would, at their instructions, put it in the bill. But for us to put it in our bill over the objections of the authorizing committee I think would not be appropriate.

Mr. THORNTON. Mr. Chairman, I yield myself 1 minute to respond to the chairman of the subcommittee, who is a gentleman of great integrity who does appropriate the technical rules of the House. Indeed it would be difficult to bring the amendment, which would correct the terrible abuse of lack of direct Internet access, to the floor on this bill. However, the Committee on Rules has allowed other bills which legislate appropriations measure to come before the House, and this is the only way an appeal could be made to the full House in this policy.

I do recognize that the chair has a great tradition on his side in not wishing to offend the authorizing committee which dealt with this, but I think that in this instance it would have been a very appropriate and fair thing for the Committee on Rules to allow the House as a whole to vote on the question of access to Web sites.

Mr. C. G. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. This is an important matter in terms of adequately funding the resources and staff we need to competently do our work. Quite frankly, it is evident from some of the products coming out of the Oversight Committee in terms of policies dealing with the web site that they are not doing their job in a competent and bipartisan manner.

It is an egregious action that was taken on a partisan matter which prohibited or prevented direct access by the minority committees to in fact have access through the Internet by our constituencies. In fact, as late as May 28 several committees, the Committee on Agriculture, the Committee on Banking and Financial Services, and the Committee on Veterans' Affairs, and the Committee on Ways and Means, did not even have a web site. By virtue of that, the minority was precluded from access to the Internet, while the Republican majority was not.

In fact, the majority had gone through the initiative in terms of providing a web site on the Internet from the Democratic Committee on Banking and Financial Services, and were in fact subsumed by the Republican majority committee by virtue of the Oversight Committee rule. Now in order to get access to that Democratic minority web site you have to go through the Republican materials, the fatal photograph of our chairman, and you have to go through a lot of other window dressing in terms of explanation as to what is going on. As the gentleman from Colorado pointed out, you may not even find the right page, or even find where the search place, so once you have done that, you could gain access again. That would obviously be helpful—but certainly the issue goes beyond that point.

Mr. Chairman, we should not be censoring the House should not be censoring the speeches of Members on this floor, nor should they be censoring the information on the Internet that is providing direct access and communication to the public. We should not be afraid of the competition of ideas in this Congress and expressing those and sharing that information on the Internet. Yet, that is what this action has achieved—our constituents can only achieve access to minority views and news in the context that the Republican majority deems appropriate.

What are the GOP Members afraid of in terms of competition in this sense? We talk about the Internet in terms of various other improper materials, and the courts have held those limits improper. It is not a matter of space, it is not a matter of security, it is a matter of GOP censorship of the minority Democratic views on these web sites. This substantive amendment is not being permitted to be offered on the floor today, and this Congress has repeatedly provided for authorization of appropriations bills and riders that go far beyond this point, and there is no other opportunity to vote on this subject to be addressed by a vote of the full House.

Today we have to take a vote on the amendment offered by the gentleman from California [Mr. FAZIO] which tries to transfer some money. I hope Members will rise to vote for that and send a signal, at least, to the Oversight Committee in terms of the abuse that the minority is going through, and limit is inappropriate and uncalled for.

The fact is that we have to go through what really amounts to censorship and editorializing by the GOP majority of the Democratic minority views. I think that this is wrong, it is patently wrong to have moved in this particular direction. This bill would be the proper vehicle, this legislative appropriation measure, to in fact deal with that issue, but it has been rejected by the Committee on Rules, again on a partisan basis.

I appeal to my colleagues to vote for and support the Fazio amendment, and at least symbolically to deal with this issue of GOP once more trying to control the voices of dissent in this House in such an inappropriate manner.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the subcommittee.

Mr. SERRANO. Mr. Chairman, I do not want to beat this subject to death, but I think we really have to understand what we are talking about here. The new way that this Congress and everyone in this country will put forth information is through the Internet. Right in this Hall today, in the Capitol throughout Washington, DC, there are young people, for instance, who are visiting during summer vacation. These young people will go back in September and begin school once again. More and more every day they are seeing their information through the Internet.

One of the things that I tell people about my web page is that I want to reach a point where they can get as much information about government and the process from the Congress to the Smithsonian to local institutions in my district to how I vote and how I think and what I feel about certain issues. To now tell people that they can visit the majority party but that they have no access to the minority party on its own with a different view is really from the beginning of this procedure to set out censorship rather than freedom. What kind of a message are we sending? This is totally improper.

The best way to see what this is like is to look at it this way. Imagine if visitors were allowed to visit the chairman of the committee but were not allowed to visit the office of the minority leader of the committee. They visit the chairman but they are not allowed to visit the other person, and if they are going to speak to that ranking member, they have to speak to them in the presence of the other. They cannot exchange views on a private and separate basis. That is what we are talking about.

Rather than doing this, we should be thinking about the future. I would like to point out that it would be a great asset for the House of Representatives personally reaches out to the world, not only in English but in different languages, so people could learn about us, learn about our democracy, read about us. The Fazio amendment would accomplish this. Americans and students could read in Spanish about the House of Representatives of this, the greatest democracy.
on earth. Instead of thinking about that, you are saying no, you cannot put your words out, and if you put them out you have to check with us first.

Ms. HARMAN. Mr. Chairman, I am pleased to join as a cosponsor of this amendment and I commend my colleagues from Michigan, Mr. Smith, and Indiana, Mr. ROEMER, for offering it.

Mr. Chairman, as a result of streamlining and working more efficiently, I returned $100,000 from my 1995 office budget back to the Treasury Department for reducing the deficit. On similar cost savings in 1993 and 1994, I have returned a total of $500,000. I am very proud of this record.

However, without the language of this amendment again added to the Legislative Branch Appropriations Act, the tax dollars I and other Members save from the efficient operation of our offices could not be returned to the Treasury. Instead those savings would be reallocated to other spending priorities.

Thus, I was pleased to have been a co-sponsor of last year's successful amendment to the Legislative Branch Appropriations Act, and I am pleased to join again this year.

Mr. Chairman, we need to send a message to the American public that Congress is working more efficiently and with greater accountability. And just as we ask other agencies of Government to reduce spending and make its contribution to reducing the deficit.


Mr. FAZIO of California, Mr. Chairman, I rise today to offer my support for the legislative branch appropriations bill before us. I have enjoyed working with Mr. PACKARD on this bill, as well as the other members of the subcommittee.

We are tasked with an important, but often anonymous role, that of drafting the legislation that allows our branch of Government to function effectively. This measure continues the spending reductions begun in past Congresses and deserves our support.

Since fiscal year 1992, Congress has reduced the legislative branch staffing by 5,500 full-time equivalent positions—a reduction of nearly 20 percent. While these cuts are necessary to reduce bloated staffing and inefficient operations, we must not reduce spending merely for the sake of reduction.

The Congress, as a coequal branch of our Government, is charged with a fundamentally important mission. Without adequate resources to check and balance the other branches, we are abdicating this constitutionally mandated responsibility.

This bill contains an appropriation of $1.68 billion for congressional operations and related agencies. I am pleased that operating funds for the House of Representatives have been increased under this bill to $683.8 million and that committee staffing has been held at current levels. The overall reduction of $37 million in this year's bill is financed from the reduction to the GAO to fulfill a staffing reduction commitment of the Comptroller General.

While I am generally pleased with this year's bill, I remain troubled by the restrictive Internet policy adopted by the House Oversight Committee. The policy would require all Internet and World Wide Web users to access information on Democratic Committee Web page counterparts.

There are good reasons for a Web page policy, but I believe that the policy decided upon by the chairman of the Oversight Committee unnecessarily restricts the free flow of information so vital to our democracy. For example, if the Republican leadership of a given committee refuses to create, or decides to terminate, an on-line committee, the Democratic minority must automatically follow suit.

I find it ironic that the other party—which has received so much credit for instituting an information-based “Cyber-Congress”—would make the first congressional policy regarding the Internet such a restrictive one. The World Wide Web is a forum for communicating information of every conceivable type. It is the “town crier” of the 21st century. To bury the valuable committee information of the minority party beneath pages of photos, biographies, and press releases from the majority party flies in the face of what Americans expect.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Fazio amendment to the legislative branch appropriations bill for fiscal year 1997. This amendment attempts to revisit action taken in the Appropriations Committee that deserves the light of full debate.

The majority has brought this appropriations bill to the floor with an onerous provision that restricts public access to congressional information. Most House committees have both majority and minority Web sites that the public can access to seek legislative information, committee schedules, and other relevant committee material. Since these sites first went on-line, they have been accessible to the public without restriction. The Republican majority would like to see this changed.

The same majority that claims to have a commitment to a “cybercongress” and the information infrastructure has placed limits on what information the public can access. They want to make all committee home pages content controlled by the majority. The public will not be able to read the minority information without reading the majority information first.

This is not the way to open up Congress to an ever-increasing electronic electorate. By limiting the information the public can access, the Republican leadership is blocking freedom of speech, and limiting debate on issues the public has a right to be informed about.

The minority, regardless of party, has a right to be heard. It is not a question of Republican versus Democrat, it is a clear question of what the public has a right to read.

The committee refused to hear an amendment offered by Mr. FAZIO on a committee that questioned this arrangement, and then claimed that since it was a regulation and not a law, that the committee need not discuss the provision. Last night the Rules Committee made a similar amendment by Mr. FAZIO out of order.

What are they afraid of? Individuals should be able to realize their freedom to access information, and the Republican majority should not define the way in which that information is available. What happens if a committee chairman decides not to put up a Web page, the minority is automatically cut off from the Internet? This is our Nation’s highest democratic body, but this process is anything but democratic.

I urge my colleagues to vote against this rule and support a free and open government.
including not more than $750 for official representation and reception expenses, $3,638,000, for salaries and expenses of the Office of the Chief Administrative Officer, $65,200,000, for salaries, expenses, and temporary personal services of House Information Resources, $22,577,000, of which $16,577,000 is provided herein: Provided, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General of the Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Legislation, $1,000,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $1,767,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,697,000; and other authorized employees, $768,000.

ALLOWS AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $124,985,000, including travel, materials, administrative costs and Federal tort claims, $2,374,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; contributions to the American Battle Monuments Commission, $71,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $120,779,000; travel expenses of individuals including purchase, exchange, maintenance, repair and operation of House motor vehicles, inter-parliamentary receptions, and gratuities to heirs of deceased employees of the House, $641,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 189(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 100. The Office of the Legislative Branch Appropriations Act, 1996 (109 Stat. 522) is amended—

(1) by striking out “For fiscal year 1996” subject and inserting in lieu thereof “(a) Subject”;

(2) by striking out “of the total amount” and all that follows through “cost of inventory” and inserting in lieu thereof the following: “the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives shall be available to pay the cost of goods sold”;

(3) by adding at the end the following new subsection: “(h) the account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Works Appropriation Act, 1991 (40 U.S.C. 174k note).”; and

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 102. (a) Section 3210(a)(6)(A) of title 39, United States Code, is amended—

(1) in clause (i), by inserting “(or, in the case of a Member of the House, fewer than 90 days)” after “60 days”; and

(2) in clause (ii), by striking out “60 days” and inserting “90 days”.

(b) The amendments made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to any mailing postmarked on or after that date.

J OINT ITEMS

For joint Committees, as follows:

J OINT COMMITTEE ON INAUGURAL CEREMONIES

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President of the United States in January 1997, $950,000, to be disbursed by the Secretary of the Senate and to remain available until September 30, 1997: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1997 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

J OINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

J OINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $777,000, to be disbursed by the Secretary of the Senate.

J OINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,470,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician’s office; (3) an allowance of $900 for medical clothing; (4) an allowance of $600 per month to the Attending Physician’s office, and $400 per month each to not to exceed nine assistants on the basis hereof for this purpose; and (5) $907,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the appropriation for appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,225,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay, differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $66,392,000, of which $32,927,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, $3,638,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $1,767,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,697,000; and other authorized employees, $768,000.

ADMINISTRATIVE PROVISIONS

Provided, That no part of such amounts as may be necessary may be transferred between the Sergeant at Arms and Doorkeeper of the Senate and the Sergeant at Arms and Doorkeeper of the House of Representatives under the heading “SALARIES”;

(2) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading “SALARIES”; and

(3) the Committee on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than forty individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals, plus no more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a check of the official history of regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1335), $2,609,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (2 U.S.C. 1074), including not more than $2,500 to be expended on the certification of the Director of the
Congressional Budget Office in connection with official representation and reception expenses, $24,288,000. Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

Administrative Provisions

SEC. 104. (a) Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease at fair market value. A congressionally appropriated amount for the payment of the purchase or exchange, maintenance and operation of a passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of monuments; "International custody of the Library; preparation and distribution of catalog cards and other publications of the Library; payment of one-half of the cost of any passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, shall be derived from collections credited to this appropriation during fiscal year 1997, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150); Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated $4,950,000 is to be expended, on the certification of the Librarian of Congress, shall be available solely for the purchase, when specifically approved by the Librarian of Congress, of special and unique materials for the collections.

Copyright Office

SEC. 106. (a) The Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discard.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 107. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to separated employees of the Congressional Budget Office for unused leave.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES AND EXPENSES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,454,000.

Travel

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

Contingent Expenses

To make the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

Capitol Buildings and Grounds

Capitol Buildings

For all necessary expenses for the maintenance, care and operation of the Capitol and electric plant of the Senate and House office buildings, and the Capitol power plant, $5,020,000, of which $25,000 shall remain available until expended.

House Office Buildings

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,956,000, of which $4,825,000 shall remain available until expended.

Capitol Power Plant

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, the Thomas Jefferson Unit, Franklin Delano Roosevelt Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol; collections received shall be deposited into the Treasury to the credit of this appropriation, $30,749,000. Provided, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1997.

Library of Congress

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $62,641,000. Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or for the payment of any repair or maintenance (except repair of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on Rules and Administration of the Senate, or the Committee on Rules and Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: Provided further, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Government Printing Office

Congressional Printing and Binding

For authorized printing and binding for the Congress and Library of Congress information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-annual directory of the continental United States House Oversight of the United States of America, $59,000. Provided, That not more than $1,000,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendances, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work, under the Architect of the Capitol, $23,255,000, of which $2,950,000 shall remain available until expended.

Library of Congress

Botanic Garden

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,902,000.

Library of Congress

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of monuments; "international custody of the Library; preparation and distribution of catalog cards and other publications of the Library; payment of one-half of the cost of any passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, shall be derived from collections credited to this appropriation during fiscal year 1997, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150); Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated $4,950,000 is to be expended, on the certification of the Librarian of Congress, shall be available solely for the purchase, when specifically approved by the Librarian of Congress, of special and unique materials for the collections.

Copyright Office

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $33,402,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1997 under 17 U.S.C. 708(d), and not more than $4,929,000 shall be derived from collections under this Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150); Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,269,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of the "International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of providing representations of United States countries in intellectual property laws and policies; Provided further, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a); $44,964,000, of which $17,340,000 shall remain available until expended.

Furniture and Furnishings

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000.

Administrative Provisions

Sec. 201. Appropriations in this Act available to the Library of Congress shall be
available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings of the Library administrator and a flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right not to be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term “manager or supervisor” means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1352 and 1353 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A); or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reimbursement expenses for the Overseas Field Offices.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reimbursement expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1997, the obligational authority of the Library of Congress for expenses described in section 5316 of such title: provided further, that the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than $3,700 workyears: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5315 of such title: provided further, that the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That the revolving fund shall be available for travel expenses, including travel expenses of the advisory councils to the Public Printer, not to exceed $75,000.

(b) The revolving fund shall be available for travel expenses, including travel expenses of the advisory councils to the Public Printer, not to exceed $75,000.

SEC. 207. (a)(1) Subject to subsection (b), the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress shall provide financial management support to the Office of Compliance pursuant to the provisions of section 5504 of title 5.

(b) The obligational authority under subsection (a) is reimbursable and revolving fund accounts may be expended or obligated—

(1) to certify payments from appropriations of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance in writing by the Executive Director of the Office of Compliance to certify payments from appropriations of the Office of Compliance. The certification shall—

(A) be held accountable for the existence and correctness of the facts recited in the certification or its supporting paper and the legality of the proposed payment under the appropriation or fund involved;

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A); or

(C) in the case of an advance payment, to comply with any of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code.

SEC. 208. (a) Amounts appropriated for fiscal year 1997 for the Library of Congress under the headings specified in subsection (b) may be expended or obligated upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(b) The headings referred to in subsection (a) are as follows: (1) “CONGRESSIONAL RESEARCH SERVICE SALARIES AND EXPENSES”; and (2) in this title, “SALARIES AND EXPENSES”; “COPYRIGHT OFFICE”; “SALARIES AND EXPENSES FOR THE BLIND AND PHYSICALLY HANDICAPPED”; “SALARIES AND EXPENSES”; and “FURNITURE AND FURNISHINGS”.

SEC. 209. From and after October 1, 1996, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the legislative branch, and the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Office of Compliance pursuant to the provisions of section 5504 of title 5.

SEC. 210. All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance that the work performed for such agency; or

(2) in the case of an advance payment, to comply with any of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code.

SEC. 211. (a) Subject to subsection (b), the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress shall provide financial management support to the Office of Compliance pursuant to the provisions of section 5504 of title 5.

(b) The obligational authority under subsection (a) is reimbursable and revolving fund accounts may be expended or obligated—

(1) to certify payments from appropriations of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance in writing by the Executive Director of the Office of Compliance to certify payments from appropriations of the Office of Compliance. The certification shall—

(A) be held accountable for the existence and correctness of the facts recited in the certification or its supporting paper and the legality of the proposed payment under the appropriation or fund involved;

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A); or

(C) in the case of an advance payment, to comply with any of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code.

SEC. 212. (a) Subject to subsection (b), the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress shall provide financial management support to the Office of Compliance pursuant to the provisions of section 5504 of title 5.
in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and such other sums as may be necessary for the Comptroller General of the United States, rental of living quarters in foreign countries; $335,520,000. Provided, That not more than $300,000,000 is appropriated hereunder to reimburse the Comptroller General pursuant to the section, to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $5,805,000 of such funds shall be available for use in fiscal year 1997: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (J FMIP) shall be available to finance an appropriate share of J FMIP costs as determined by the J FMIP, including the salary of the Executive Director and the Secretariat: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program for a Fiscal Year or a Regional Intergovernmental Audit For shall be available to finance an appropriate share of Senate costs as determined by the Senate, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Senate or the J FMIP may be credited as reimbursements for obligations incurred prior to the date such funds become available for reimbursement, and shall be available until expended: Provided further, That to the extent that funds are otherwise available for obligation, agreements or contracts for the purchase of added or replaced or the renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Privacy and Accountability (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

**TITLE III—GENERAL PROVISIONS**

**Sec. 301.** No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives, issued by the Committee on Rules and Administration, and for the Senate issued by the Committee on Rules and Administration.

**Sec. 302.** No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1997 unless expressly so provided in this Act.

**Sec. 303.** Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for the rate or compensation or designation of any such office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanently established rate or designation therefor: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

**Sec. 304.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 403 of the Legislative Pay Act of 1929 is appropriated for contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided by law, and all existing Executive order issued pursuant to existing law.

**Sec. 305.** (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-manufactured.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) of the Congress.

**Sec. 306.** During fiscal years 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) shall be available to the Architect of the Capitol upon the approval of the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "HOUSE OFFICE BUILDINGS":

(2) The Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "SENIOR OFFICE BUILDINGS":

(3) The Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

**Sec. 307.** (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House public address sound system activities shall be considered a position referred to in the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading "CAPITOL BUILDINGS AND GROUND".

(b) Appropriations for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading "SALARIES, OFFICERS AND EMPLOYEES":

(1) Pursuant to the previous orders of the House, amendment No. 6 by the gentlemen from California [Mr. CAMP] may be considered in modified form; amendment No. 1 by the gentleman from California [Mr. Fazio] may be considered at any time as though printed in the report, and debatable for 10 minutes.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the House of the said amendment for a recorded vote on any amendment and may reduce to not less than 5 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 not be less than 15 minutes.

It is now in order to consider amendment No. 2 printed which House Report 104-663.

**AMENDMENT OFFERED BY MR. KLUG**

Mr. KLUG. Mr. Chairman, I offer an amendment.
The CHAIRMAN. Is the gentleman the designee of the gentlewoman from Washington [Ms. Dunn] whose amendment is printed in the report?

Mr. KLUG. I am, Mr. Chairman. The gentlewoman from Washington [Ms. Dunn], unfortunately, was called back to her district offices because of a health problem with one of her staffers.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KLUG: Page 28, beginning on line 9, strike out "3,700 workyears" and insert in lieu thereof "3,600 workyears by the end of fiscal year 1997".

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed will each control 10 minutes.

Is the gentleman from Arkansas [Mr. THORNTON] opposed?

Mr. THORNTON. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas [Mr. THORNTON] opposed?

Mr. KLUG. I am, Mr. Chairman. If I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today again on behalf of J EN NIFER DUNN, who unfortunately had to be back in her district because of a health problem affecting one of her staffers, and also Chairman PAT ROBERTS.

Mr. Chairman, both Ms. Dunn, Chairman ROBERTS, and I believe that the Government Printing Office needs to continue to privatize and downsize.

Mr. Chairman, much of the debate over the last year has been about what level of government is capable of doing service the best, whether the Federal Government or the State government should run Welfare, whether the State government or the Federal Government should run Medicaid, the health care program aimed at women and children.

But I think, Mr. Chairman, there is an additional question involved, which is to say what business is the Federal Government involved in today that we should not be involved in any longer whatsoever? I cannot think of a better example than the Government Printing Office, established essentially and mandated today in order to print Government documents that are needed on an emergency basis. Mr. Chairman, as soon as I find a Government document that needs to be printed on an emergency basis, I will be happy to share it with you and everybody else in the Chamber.

The fact of the matter is the Government Printing Office remains in business today for the most part to print the CONGRESSIONAL RECORD. Mr. Chairman, there are 115,000 private printers in the United States, and I think they are certainly capable of printing the CONGRESSIONAL RECORD overnight. If the Wall Street Journal can have a story filed in Johannesburg, sent to New York where it is edited, sent up on a satellite dish in the Midwest, and it plops on my doorstep in Madison, WI, at 5:30 in the morning, assuredly somebody, one of the 115,000 private printers in the United States, can manage to print the CONGRESSIONAL RECORD overnight.

We continue to invest, I think foolishly, in printing equipment which is essentially out of date the minute it is put at the Government Printing Offices over on North Capitol Street.

This amendment today will reduce the full-time equivalent workyears by 100 which will save taxpayers about $5 million. While that is a kind of a marginal savings on the outside, the bottom line is we continue to cut Government Printing Office staffing levels down from 4,500 where it was several years ago, below 4,000, now on the way to 3,500.

Let me make clear I know that our chairman's biggest fight in this entire battle is not necessarily in this House. We last year passed an amendment, this year we have one more point, Mr. Chairman, before I yield to the gentleman of the Appropriations Subcommittee, in 1991 the GPO lost over $1 million, in 1992 it lost almost $5.5 million, in 1993 it lost $14 million, in 1994 it lost $21 million, in 1995 its loss was $3 million, and the fiscal year 1996 loss to date is $13 million. Every place you look, the Government Printing Office loses money because the Government should be in the business of running printing presses.

Mr. Chairman, I yield myself such time as he may consume to the gentleman from California [Mr. PACKARD], the chairman of the subcommittee.

Mr. PACKARD. Mr. Chairman, it would be of interest to the Congress to note that in this bill, we have provided funds for a study that would help to determine whether the GPO would be better off privatizing the printing of the daily journal. So we are moving in the same direction, I believe, that the offeror of the amendment would like us to go.

It is true that the Government Printing Office is losing money, about $60 million over the last 6 years, that the inplant work load has declined by about 17 percent, and that the printing work load has declined by about the same, 17 percent, and that it is realistic to assume that we can reduce the work force further in GPO. Therefore, I am perfectly willing to accept the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. The GPO has already had a series of cuts, leading to 3,700 employees. As far as I know of the work of the GPO is already contracted out. The efficiencies and effectiveness which were designed to be brought into the Government Printing Office have been successful and are on a right track. GPO should be allowed to continue on this track into the future.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the ranking member for yielding time, and I rise in opposition to this amendment.

Mr. Chairman, there has been a continuing effort to, I think, precipitously reduce the GPO to downsize its work force. I think they have gotten the message—in a manner, however, that is consistent with the requirements placed on it by Congress. That is the key. Consistent with the requirements placed on it, not by some third party, but by Congress itself.

There is a point, Mr. Chairman, when the essential demands of the House and the Senate to put a RECORD on the desk of each Representative and Senator the next morning and, frankly, at the request of every citizen in our country, to print the Federal Register in a timely fashion, to print bills for committees and subcommittees, there is a point where this kind of reduction in personnel will cause the GPO to become unable to react satisfactorily.

Since 1993, the GPO has reduced its work force by over 1,000 persons. This is not an agency that is growing or is bloated. It is an agency that has been reduced, and the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTON] have reduced it further by an additional 50 in this bill.

The Committee on Appropriations in this bill has already adopted, as I say, the reductions after examining the process carefully; and the GPO management has a program to continue downsizing its work force in a managed framework.

I know that the gentleman from California [Mr. PACKARD], because I have been at some of his hearings, is keenly aware of the questions arising by GPO activities and is looking at it very closely.

I submit that this additional FTE cut will make the process of downsizing
even more difficult for the GPO and should not be adopted. This amendment attempts to micro-manage the Government Printing Office by an arbitrary reduction of its workforce. That is no way to run a very successful printing operation or the Congress depends heavily on and which the American public depends.

I would urge that this amendment be defeated, Mr. Chairman, and for the House to permit GPO to continue its orderly program of downsizing.

Why is that important? It is important, first of all, because we have people that we have asked to perform duties for the Congress and for the American public.

If management is given a figure to reduce to, they can effect that if you give them sufficient time to let attrition and a change in the undertakings, the responsibilities of that agency, to occur. If, however, you do it precipitously, there is no alternative but to RIF people. As everybody knows, a reduction in force under the Federal work rules is a very costly endeavor indeed, which is why even in the private sector they try to avoid that if at all possible.

Mr. Chairman, I would hope that the House would support the action of the committee which has already reduced based upon its judgment of what can be done within the time frame available in the FY 1997 budget the cuts. I commend the committee for its actions, and I would hope that they would be sustained by the House.

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

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. Rose].

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

Mr. ROSE. Mr. Chairman, I rise in opposition to the Dunn amendment which would reduce the Government Printing Office by 100 full-time employees.

Some Members may say, what is the big deal about reducing 100 full-time employees from this office. If you take into consideration that in 1976 there were 8,000 employees at the GPO and presently there are 3,800 employees at the GPO, that becomes a big deal. One thousand cuts have occurred since 1993. These reductions were accomplished through attrition and improved computer technology. The GPO has managed the transition to electronic technologies and downsized without interrupting services to the Congress, other Federal agencies and, most importantly, to the public. They have done an excellent job.

As computer technology changes the way the Federal Government does its business, it should be sensitive to reducing the workforce, the people, which produce government documents. The futurist, John Nesbitt, in his book "Megatrends" wrote that as society becomes more high tech, it should remain high touch. I believe that can be interpreted to mean that as a computer society becomes bigger and more important in our lives, we should not let this advancement influence the way we treat our fellow human beings.

Mr. Chairman, I believe that as the Congress becomes more high tech, it but sure is not high touch. Vote against the Dunn amendment, please.

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

Let me just respond briefly to the gentleman from North Carolina, in talking about concerns and feelings and a sense of having empathy. My empathy goes out to the taxpayers of America who continue to fund an organization that I think largely is out of date and I think the gentleman from North Carolina brings up a very good point. With the increasing use of the Internet, the Government is less reliant on paper than ever before. CD roms can now replace entire volumes of hard-bound documents.

The point is in the current environment we are going into, it does not call for a continual support of the GPO. It essentially says that GPO has an even tougher job in the future justifying their existence, period.

Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. ROBERTS].

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

In the recent past I was the ranking Republican on the House-Senate Joint Committee on Printing. That is the congressional entity with oversight of the GPO's operation. I have been over there many times and talked with many employees and many of the GPO staff and folks down there as well. I think the basic problem here is the financial loss. In 1991, as has been stated in the debate, when the GPO lost $1.2 million, 1992 losses began to increase to $5.2 million; in 1993, losses topped out at $21.8 million. Even during this fiscal year, the GPO has already lost $13 million. Only the Federal Government, it seems to me, would continue to run an agency at a total loss to the taxpayer. There is a lot of red ink down there, we have to fix it.

The first question that comes to mind is, where does all the money go in regard to the GPO? Every study that we have had in regard to this operation says about 80 percent of all the GPO costs are dedicated to personnel costs. Now, the second question that comes to mind is: Why is so much money being lost? Well, I do not think we can blame the employees. That is not the intent. They are doing their jobs and they are doing them well, for that matter. Rather, it is the advanced technology that has been discussed on the floor in this regard and the move toward something called electronic printing that has changed the way that the GPO does business.

The entire Government is using less paper and shifting to on-line services to gather and disperse information. The traditional customers of the GPO are simply turning to these alternatives to get their information much more quickly and in a cost-efficient manner. This amendment simply reflects the future of government as dictated by technology and as demanded by taxpayers. That is what the amendment is about. With management moving toward less paper and more reliance on web sites and CD-ROM's, we will need fewer people to produce the government documents.

I have said many times in the last few years, at many hearings, the world is changing and the GPO must change as well. While I recognize and appreciate the efforts of the GPO, I believe we must continue to guide the GPO down the path to a smaller, more efficient Government. We have a responsibility to the taxpayer to reduce costs, just as all of the printing businesses on America's Main Streets do in the same situation.

I would point out that last year this amendment or a very similar amendment received bipartisan support and the vote was 293-129. It reduced the FTE's by 350. That was down from 3,900 to 3,550. Then 250 FTE's were restored in conference. I believe the final conference version simply brought the FTE count to 3,800.

So, first we achieved the reform, and then it is taken away in conference. First we make the cuts, which are reasonable cuts, by a vote of 293 to 129. Then 250 are restored in conference. So we really did not even do what the House voted for in the last session of Congress. This has nothing to do about employees, nothing to do about the good work at the GPO. It is advanced technology and the way the Government does its job in regard to that technology.

So I am very happy to cosponsor the amendment on behalf of the gentleman from Washington [Ms. Dunn] and also my colleague from Wisconsin. I urge its support.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, we have a loss of about 3,700 people in the Government Printing Office now. That is less than 50 percent of what it used to be. We used to have about 8,000 people in the Government Printing Office, and they had a reputation for doing a very good job. They still have a reputation for doing an excellent, professional job. If we talk to people in the private sector, the Printing Industries of America, whatever, they will say that they have a high level of respect for people in the Government Printing Office.

The gentleman from Kansas [Mr. ROBERTS], our friend, said this is not about people, this is not about those employees. Well, the fact is, it is.
We are cutting another 100 people that are doing their job, have consistently done everything that the Congress has asked them to, have been subject to continuing downsizing. They accept the downsizing. They are on a glide path. They are reducing the number of people that work there, not as fast as they are reducing their workload.

The only thing that makes sense is that this is some kind of vendetta against the Government Printing Office and it does not make sense. We were here last week. Let us do it in the way that we previously agreed to. Reject this amendment.

Mr. THORNTON. Mr. Chairman, may I inquire of the time remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. THORNTON] has 3 minutes remaining, and the gentleman from Wisconsin [Mr. KLUG] has 2½ minutes remaining. The gentleman from Arkansas, a member of the committee, has the right to close.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA], showing the bipartisan opposition to this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding. It does indicate that there is bipartisan opposition, because opposition to this amendment is to really assist this Congress and the people of the United States.

This amendment that I oppose and many others oppose would arbitrarily reduce the Government Printing Office by 100 additional full-time employees. These are people who have worked for many years for the Government Printing Office for us. The legislative branch appropriation bill, it already reduces the Government Printing Office by 100 full-time employees, reducing its staff from 3,800 FTE’s to 3,700 FTE’s.

Twenty years ago, GPO had a staff of 8,000, less than half that amount. More than half of these cuts have occurred since 1993. The Government Printing Office has been able to accomplish these reductions by careful management, attrition and by updating their computer systems. An additional cut of 100 employees would disrupt the GPO’s work. Between 75 and 80 percent of GPO’s work is already being sent to outside bidders, and we know that GPO gets the best price around.

The remaining work done in-house is often asked of Congress to be done on a moment’s notice and they do it.

This amendment would arbitrarily disrupt both the productivity of the Government Printing Office and the lives of its personnel. I urge my colleagues to join me in opposing the Dunn amendment.

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

Mr. Chairman, let me just make a few brief points in closing because we are just about out of time on both sides. I simply want to make the point that, more so than anything else, if we are going to be interested in somebody’s interest in this debate that is going on, the interest should be that of the American taxpayers. The General Accounting Office, which has the investigative arm of Congress, when it has done investigations in the past on the Government Printing Office, essentially says, whenever we print a document there, it costs 2½ times what it does in the private sector.

In response to the point earlier of the gentleman from Maryland [Mr. HORER], I do not want to see the Government Printing Office disrupted. I think it should largely become a procurement arm of the government and get out of the printing industry itself.

Over the last 5 years, as we have pointed out, the Government Printing Office has lost $27 million. The gentleman on the other side are correct that the Government Printing Office does what Congress asks it to do. What we are trying to say on this side of the aisle is we have asked it to do so many things and it should ask it to do less, and we should ask it to do with fewer people than we see at the present time.

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

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

Mr. Chairman, the committee has carefully reviewed this and has determined that the reductions, which are significant, have been recommended by the committee, are appropriate and that the functioning of the GPO, which, among other things, has the responsibility of transferring authority to the electronic media, can be well carried out within the committee’s recommendation.

I believe that the adoption of the amendment will impair that function, and I urge opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104-663.

Does the gentleman from Wisconsin [Mr. OBEY] wish to offer his amendment?

If not, it is now in order to consider amendment No. 4 printed in House Report 104-663.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. 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. VOLKMER: Page 31, after line 2, insert the following:

The aggregate amount otherwise provided under this heading hereby reduced by $250,000, and the amount of such reduction shall be retained in the Treasury for purposes of deficit reduction and shall not be available for any other purpose for fiscal year 1997.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Missouri [Mr. VOLKMER] and the gentleman from California [Mr. PACKARD] will each control 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

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

Mr. Chairman, this amendment is offered for two purposes. One is to show my dissatisfaction with the operations of the GAO, and especially for some of the studies that have come forth that I have been cognizant of, that I find less than professional. I wish to see notice on the GAO that I believe they can do the job a lot better, and I feel more objective, than what I have seen in the past.

I acknowledge that the committee has already cut GAO by a significant figure and, therefore, my amendment really is not meaningful. But this amendment was drafted over a month ago in preparation. I told my staff that I wanted to be able to take this opportunity to suggest that the GAO can do a better job.

But the second purpose of me being here is to talk about the appropriation bill that is now before us.

Back last year during the Government shutdown, when Speaker GINGRICH decided that the Government should shut down in order to persuade the President to sign a balanced budget that they wanted, and other bills that they wanted, we had Federal employees, many of which are in my district, who did not know whether they were going to be able to work, did not know whether they were going to be paid if they did work. And many of them were very hurt by the actions of this Congress.

I had one lady who worked for a Federal agency who called me up, and she has children. She got a paycheck for 2 weeks’ work that was around $5. At the same time, Mr. Chairman, every employee of the legislative branch, GAO, committee staff, my staff, everybody else was feeling great. They were getting paid right along because their appropriation bill had been signed in October.

Well, I called my friend over at the White House, not the President but somebody else, and talked to him at that time about it. I said, next year we will probably be ending up at the same place, and it looks to me like we are going there. When I look at the Independent Agencies bill, I look at the Labor, HHS and Education bill, going down the same road, dead end, not going to get done. Not the only one that says that. Their own leader, the gentleman from Texas, is saying it. He is saying we are not going to get it done, we have got to have a continuing resolution until March to get by this. Well, my position is, and I think I would like to find out from the gentleman from California, who I consider a good friend. Ever since we have been here, we have worked together on things.
Mr. Chairman, I believe that this bill should be the very last bill that gets signed by the President. If other Federal agencies, employees of this Federal Government are not going to know whether they are going to get paychecks or not, are not going to know whether they are going to be able to work or not at their jobs, I do not believe that my employees, that any committee staff, GAO, Library of Congress, police force, you name it, they should have this same problem.

My position is, if all that happens, maybe we will actually get it done, rather than having your own staff gripe at Members and saying, well, I do not. I still have people for dinner, because those people out there, a lot of them did not have money for dinner. They might come along and ask: Can I come over to your house for dinner? I need something to eat, if it is on your own committee or your own personal staff.

So my suggestion is let us go slow on this bill. If we want to finish up here today and have the Senate take it up later when Members take it to conference, I do not want to come out of conference until everything else is done. Then, when all the other bills are out of the way and we know that the Government will not shut down again, because last time it was shut down because somebody in this House, the Speaker and a few other people on that side, decided they wanted to shut it down. They were going to teach the President a lesson. Well, that same thing could happen. Very easily, somebody on their way on that side, they decide, well, let us shut the Government down again.

If it does, why should our employees have the comfort, and that is what it is, a comfort of knowing that they are going to be able to go to work the next day. They are going to get their paycheck at the end of the month when all these other Federal employees do not have any idea at all about it.

Mr. PACKARD. Mr. Chairman, if the gentleman will continue to yield, I would say to take it out on the GAO as a means of trying to convey the gentleman’s concerns for whether we shut the Government down again or not is probably not the appropriate thing to do.

I certainly am not, and this subcommittee is not, going to be making the decision as to whether we shut down or not.

Mr. VOLKMER. I agree with that.

Mr. PACKARD. My personal observation is that there is bipartisan agreement that shutting down the Government is not a good procedure, and I think we will use every effort to avoid that, and I assume we will avoid that. I think, speaking directly to the gentleman’s amendment, I have some real concerns because we have cut the GAO over the last year’s bill and this year’s bill to 25 percent of the dollar cut from the previous year, and a 37 percent cut in the staff. That is not a significant amount of money in their large budget, but the fact is it would be a slap in the face for them, I think, after we have made an agreement that we would not ask them to sustain more than the 25- percent cut. In fact, it is not to have sustained less than the 25-percent cut this year, but they agreed to keep their word, and I would have a very red face to go back to them and say, $250,000 we will cut further. 

Mr. VOLKMER. Mr. Chairman, re- claiming my time, the gentleman has time to do all that, but I am trying to get an answer to a simple question and I have not got it yet.

Does the gentleman think that his should be the last bill to go until all the other bills are done or should he go ahead so all his workers and his committee staff, they get the comfort of knowing they are going to get paid while they go ahead and shut down the Government? Mr. VOLKMER. Mr. Chairman, re- claiming my time, the gentleman has time to do all that, but I am trying to get an answer to a simple question and I have not got it yet.

Mr. VOLKMER. Mr. Chairman, I believe that it is all right to tell other people in the Federal Government, others that they can be shut down, they do not get paid, but he is going to take care of his.

Mr. PACKARD. I think our job as appropriators is to appropriate the funds necessary to run Government, and that is what we are doing in my bill and that is what we are doing in the other bills. Certainly I am not suggesting that we shut the Government down.

Mr. VOLKMER. Mr. Chairman, re- claiming my time, it is obvious to me that the gentleman from California is willing to shut down the Government on other people, like he did, and the gentleman participated in that. I can say to him that I agree he shut down the Government and let it be shut down, and those people did not get paid for a long time. They went weeks without pay and then, at the same time, he had the comfort of knowing that this committee staff, sitting around him now, his personal staff, they all got their paychecks and everything else. That was comfort.

All I am saying is if there is going to be sacrifice, I think we should start with the sacrifice. I do not think that we should consider our people and the people that work for this legislative branch better than other Federal agencies. That is why I am asking the gentleman to hold off on this bill and not do it until every other appropriation bill for all Federal agencies are done. If there is going to be a shutdown, and I think there is a possibility there will, then the gentleman should let his legislative staff and my legislative staff have to suffer also.

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

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to this amendment.

It really is punitive to the GAO and the message and the signal that the gentleman wishes to convey to our leadership on both sides and the President as to whether we shut the Government down or not. It is totally extraneous to this issue. I would really invite the gentleman to withdraw his amendment because we have cut the GAO far more than I think he ever would have had he been chairman of this subcommittee. Mr. Chairman, I do not believe this is the forum in which we debate the whole issue of whether we shut the Government down again or not. I do not anticipate that debate coming for several weeks or maybe several months, but the point is that will not be made by this bill.

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

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

Mr. PACKARD. Mr. Chairman, I do not believe this is the forum in which we debate the whole issue of whether we shut the Government down down again or not. I do not anticipate that debate coming for several weeks or maybe several months, but the point is that will not be made by this bill.

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

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman that that is correct.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PACKARD

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (c) If it has been finally determined by a court or Federal agency that any person
intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, or debarment, suspension, or suspension and debarment procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. PACKARD] will be recognized for 5 minutes and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume to tell Members that this is the Traficant language regarding “Buy America.” I have no problem with the amendment and will accept it.

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

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

I want to thank the distinguished chairman of the committee, and I want to thank the distinguished ranking member, the gentleman from Arkansas [Mr. THORNTON], for the great job he has done.

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

Mr. TRAFICANT. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, we have no objection to this amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the chairman’s consideration and the committee staff who helped with this, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

There was no objection.

Mr. PACKARD. Mr. Chairman, I wish to have a colloquy with the gentleman from California [Mr. Cox].

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

Mr. PACKARD. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I rise to applaud the committee for its work in promoting the Books for the Blind Program. The Books for the Blind Program is funded through the Library of Congress and ensures that our blind and visually impaired populations will have continued access to printed reading materials.

This past week I had the pleasure of addressing the national convention of the National Federation of the Blind, an organization representing those members of our society who must rely almost exclusively on the Books for the Blind Program for reading materials of all kinds, whether educational, informational, or for the latest best seller. I therefore wish to commend my colleagues on the committee for increasing funding for this worthy program and its services.

Due to the tremendous role this program plays in the lives of our blind and visually impaired fellow citizens, I would like to inquire of the gentleman from California what effect, if any, would section 208 have on the Books for the Blind Program.

Mr. PACKARD. Mr. Chairman, re-claiming my time, I would be happy to speak to the gentleman’s point.

Section 208 allows the Library of Congress to request that funds from the five-line-item appropriations funding the Library of Congress be shifted to meet its needs. The Books for the Blind Program is one of these five line items, but of course this committee has not significantly decreased its funds for the blind. In fact, we increased funds in this year’s bill.

As the gentleman pointed out, this program is the primary source of reading material for the blind, and the committee has been pleased to increase funds for this service in the bill that we are debating today. Under section 208 the Librarian could request, for instance, that funds be added to the Books for the Blind account and taken from the other four line items. It is most unlikely, though possible, that the Librarian could request funds to be shifted out of this account; however, even were the Librarian to make such a request, it would have to be approved by the House and Senate appropriations committees before any transfer could take place. I personally have to approve that, and of course we have been very protective of the Books for the Blind. So section 208 provides a mechanism by which the efficiency of the Library of Congress and the Books for the Blind program can be maximized.

Mr. COX. Mr. Chairman, I yield to the gentleman, if the gentleman will yield further, I thank the gentleman for his explanation, and I applaud his efforts in ensuring that the Books for the Blind Program continues to provide services so desperately needed by the Nation’s blind and visually impaired citizens.

The CHAIRMAN. It is now in order to consider amendment No. 5, printed in House Report 104-663.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment and instruct the printer to insert a copy in theRecord.

The text of the amendment is as follows:

Amendment offered by Mr. Smith of Michigan: Page 35, after line 22, insert the following new section:

Sec. 310. Amount appropriated in this Act for “HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members’ Representational Allowances” shall be available only for fiscal year 1997. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Michigan [Mr. SMITH] and a Member opposing each will control 10 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the distinguished co-sponsor of this amendment, the gentleman from Indiana [Mr. ROEMER], and that he be allowed to control that 5 minutes of time.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Many Members of this body who come to Congress come with the goal of saving taxpayers money, being frugal with their own office spending accounts as is possible. Since entering Congress, many of us try to save for the taxpayers and keep our office expenses to a minimum.

Over the last 3 years in my Michigan’s 7th District office, we have saved $636,000. After my first year of cost cutting and making the effort to be conscious of spending, I was appalled and disturbed that a Member’s savings did not save money; that the money would go automatically into other accounts and add to those accounts to expand spending.

In my first year in Congress, like many first-year Members, we were striving to make sure that we do not buy more than what is needed in stationery, that we do not waste the money by overspending on computers or any other items only to find out that someone else spent the money that was saved. Mr. Chairman, this amendment, like the amendment that we put in last year, for the first time allows the savings to go to the Department of the Treasury for deficit reduction.

This amendment is identical to the amendment that we passed last year, and I urge my colleagues to pass this amendment. Last year, this amendment was passed by a vote of 423 to 21 margin as an amendment to the legislative appropriation bills to return these unspent funds to the Department of the Treasury. If we do not have some consideration, some incentive for Members to be careful on how they spend taxpayers’ money, then we are not as apt to do it.
So I say let us pass this amendment, let us notify each office of how much they have under spent, how much they have saved taxpayers, and let us make sure with this amendment that that money will be going toward deficit reduction rather than simply into another account.

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

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, this amendment was accepted last year and I would certainly be anxious to accept it this year. It expresses the very intent of our bill, and that is to return these funds to the Treasury.

It is the intent of the committee bill. It is the desire of the chairman and, I believe, the ranking member, that this be done. I do not think there is any opposition from any member of the subcommittee.

So, Mr. Chairman, I hope that the amendment will be accepted and that we can move on to the following.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment, and do so for the following reasons. Mr. Chairman, as we travel across America and see people working so hard, sometimes both people in the family are working to support their children. Sometimes small businesses are making very, very tough decisions to stay in a mode where they are growing and maybe just making it through that year. We here in the House of Representatives need to make decisions to help balance the budget and move toward a balanced budget sooner rather than later.

Now, if balancing the budget starts at home, it certainly should start in the House of Representatives here with our own accounts.

What this amendment simply does, it simply says that when you make some of those tough choices and those tough decisions in your own office to save money, do not let money be respent and go toward somebody else’s office where they are spending more money on their office or on mail.

Last year we were able to pass this amendment from 403 to 21. The gentleman from New Jersey [Mr. ZIMMER] and myself and the gentleman from Michigan [Mr. SMITH] and the gentleman from Michigan [Mr. CAMP] and a host of other people, the gentleman from Minnesota [Mr. MINGE], helped pass my this amendment and say for the first time that when you are fiscally responsible as a Member of Congress, you are going to contribute to deficit reduction and not contribute to somebody else’s office funds when they are spending too much of those funds on mail or staff or some other thing.

Let me say too, Mr. Chairman, that this language is identical to my bill, which is H.R. 26. I have 126 cosponsors on this legislation, both Republicans and Democrats, working together to find new innovative ways to help balance the budget and reduce the deficit that Congress and the Presidents have created over the past 15 years.

So, Mr. Chairman, I think this is an innovative approach. It certainly is an approach where we say balancing the budget must start inside the Beltway. It must cut Washington, DC, spending first. It must say that it starts in the home, which is the House of Representatives. And it says, I think in a bipartisan way, the support of bipartisanship that so many people in this country want to see that, we have come up with a new idea, a new way to balance the budget.

Mr. Chairman, I am very proud to be an original sponsor and the sponsor of the bill H.R. 26. I am very, very happy to work with the gentleman from Michigan [Mr. SMITH] and others.

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

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

Mr. THOMSON. Mr. Chairman, I would like to congratulate the distinguished gentleman from Indiana for his leadership in this bipartisan effort and would like to state that certainly the amendment is acceptable to the minority. As the chairman has stated, it is acceptable to the majority. I hope that he will have the ability to get a good vote on this for the gentleman.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the gentleman.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not a giant step in the way we are changing business in the United States Congress. Maybe it is a step into the baby step forward. But still, if every Member of Congress knows how much they are spending for the cars, for the computers, for everything they buy in that office, and we start running our offices like a business, it will help save taxpayer dollars.

Last year, for the first time in history, we had made a decision in this Congress to return this money to Treasury to go toward deficit reduction. Balancing the budget needs to be ever on our minds as we strive to make sure that our economy and jobs expand. I urge my colleagues to support this amendment.

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

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

Mr. Chairman, I would just say in concluding my remarks, because we were hopeful that a number of the cosponsors, such as the gentleman from Michigan [Mr. CAMP], the gentleman from Minnesota [Mr. MINGE], the gentlewoman from California [Ms. HARDMAN], the gentleman from Wisconsin [Mr. KUG], the gentleman from Florida [Mr. GOSS], the gentleman from Alabama [Mr. BROWDER] might show up to speak, but I know a number of Members have commitments and hearings and markups and so forth.

Again, Mr. Chairman, the strong vote last time by the House, by the entire body here who controls how we spend our money and how we save our money, 403 to 21; 403 Democrats and Republicans coming up with a new idea, saying to this body and to taxpayers across the country, we will save money in our office accounts, tighten our own belts and contribute that money to reducing the deficit. That is a positive step forward, I think.

I do not know whether the gentleman from Michigan intends to call for a rollcall vote. Certainly, with the bipartisan support of the Republican and Democratic sides, I will not call for a vote, especially in light of the strong vote that we had last time, but I would continue to urge Members to support this measure when they are talking to the gentleman from California [Mr. PACKARD] and the gentlemen from Arkansas [Mr. THOMSON], and that we may also look next year at including the leadership fund in this package of savings as well, so that everybody across the board contributes to deficit reduction.

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

Mr. SMITH of Michigan. Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] and I have both offered free-standing bills on this. I hope we can move forward.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman from Michigan for yielding and I want to commend my colleague from Indiana for working on this matter for a number of years. I appreciate my colleague from Michigan’s support on this as well. I think this is a positive amendment and I would urge my colleagues to vote for it. This would allow Members to return unspent office funds to the Treasury. It would allow them to use those funds returned for specifically deficit reduction and I urge the passage of this amendment.

Mr. Chairman, the 104th Congress has led a historic effort to reduce the deficit and incorporate fiscal responsibility into Federal spending.

Today, we again have the opportunity to lead by example. This amendment would allow Members to return unspent office funds to the U.S. Treasury for the specific purpose of deficit reduction. It would reaffirm our commitment to eliminating the Federal debt.

It is important that fiscal responsibility start at home. Since being elected to Congress in 1991, I have not spent over $565,000 of my office funds. Like most Americans, I have spent very carefully and made do with what I had.

Naysayers claim that money can’t be returned to the U.S. Treasury. Many Members, however, save taxpayer money by spending
less. These Members should be recognized for their efforts and taxpayers should be re-warded by allowing them to use unspent funds to reduce the deficit.

We should not abandon this effort because it requires some changes. This Congress has changed many things, and if need be, we can change to allow Members to contribute sav-ings to deficit reduction.

By adopting this amendment we reaffirm our commitment to deficit reduction and fiscal re-sponsibility. I urge my colleagues to support the amendment.

Mr. SMITH of Michigan. Mr. Chair-man, I yield myself such time as I may con-sume.

Mr. Chairman, in this bill, there is $363 million appropriated for legisla-tive representative office expenses. Let us make a commitment today, now, that we are going to manage and safe-guard those funds to the greatest ex-tent of our managerial ability to make sure that taxpayers get their money’s worth from the operations of our individ-ual offices.

Mr. Chairman, I yield back the bal-ance of my time.

The CHAIRMAN. The question is on the amendment offered by the gent-lman from Michigan [Mr. SMITH]. The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 104-664.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will des-ignate the amendment, as modified.

The text of the amendment, as modi-fied, is as follows:

Amendment No. 6, as modified, offered by Mr. CAMPBELL: Before the short title at the end of the bill, add the following new sec-tion:

Sec. 312. (a) In addition to any other esti-mates the Director is required to make pur-suant to the Congressional Budget Act of 1974 and the Rules of the House of Representa-tives for the expenditure of the Con-gressional Budget Office shall, upon the request of the chairman of the Committee on the Budget of the House of Representatives (after consultation with the minority leader of that committee), prepare an estimate for any major spending legislation, as des-ignated by the majority leader of the House of Represen-tatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from that legislation on the basis of assumptions that estimate the dynamic economic feedback effects of such legislation, and shall include a statement identifying those assumptions. Such analyses shall be submitted to the chairman of the House Ways and Means Committee and to the ranking minority member of the Committee on Ways and Means and of the committees of subject-matter jurisdic-tion, and if timely submitted, shall be included in the estimates the Director is required to make pursuant to this section to be used for informa-tional purposes only.

(b) In addition to any other estimates the Chief of Staff is required to make pursuant to the Congressional Budget Act of 1974, the Internal Revenue Code of 1986, and the Rules of the House of Representatives, the Chief of Staff of the Joint Committee on Taxation shall, upon the request of the chairman of the Committee on Ways and Means of the House of Representatives (after consultation with the ranking minority member of that committee), prepare an analysis of any major tax legislation, as designated by the majority of the House of Representatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from that legislation on the basis of assumptions that estimate the change in the fiscal impact of such legislation, and shall include a statement identifying those assumptions. Such analyses shall be submitted to the chairman of the House Ways and Means Committee and to the ranking minority member of the Committee on Ways and Means and of the committees of subject-matter jurisdic-tion, and if timely submitted, shall be included in the estimates the Director is required to make pursuant to this section to be used for informa-tional purposes only.

The CHAIRMAN. Pursuant to House resolution 473, the gentleman from California [Mr. CAMPBELL] will be rec-ognized for 10 minutes, and a Member opposed will be recognized for 10 min-utes.

Mr. Chairman, I yield myself such time as I may con-sume. The amendment that I offer would permit an additional form of un-derstanding and analysis of the eco-nomic effect of legislation that we pass here.

I begin by emphasizing the amend-ment does not replace any existing method at all. But in addition to exist-ing methods, occasionally it is appro-priate to consider what is called a dy-namic economic model, and this has application on the tax side as well as on the expenditure side. Most of the literature in the academic world of ec-onomics has dealt with the dynamic ef-fects of tax changes, but I have been careful in this amendment to specify that this additional method shall apply to the dynamic effect of ex-penditures as well.

Mr. Chairman, I think that it is im-portant that we have that kind of infor-mation available. This amendment allows that the chairman of the Com-mittee on the Budget can request CBO, in addition to all the other means of analysis of a fiscal spending bill, to perform a dynamic economic analysis as well; the chairman of the Commit-tee on Ways and Means, similarly, in addition to all other forms of economic analysis, can request dynamic eco-nomic modeling on tax bills as well.

In each case the Chair is required to consult with the ranking minority member I would point out that this methodology is used already in several of the United States, specifically I know of the one in my own State of California. That it is actually a more difficult process, but I think it is very important, and I guess from the Joint Economic Committee point of view, the best I think to say is very simply that we talk about growth policy in taxes, and I think on both sides of the aisle we share the belief that there is a stimulus that can be gained if we are smart about tax policy. And I also recognize, I think on both sides of the aisle, that high tax policy can work as a negative aspect of the economy and we do not want that to be a blanket on our revenue. And yet the rules that we operate under deny any of that takes place.
And so, the gentleman’s amendment gives the chairman of the committee the opportunity, the choice to make as to whether or not they want to treat a particular item of tax policy and score it and figure out what is going to happen in some situations. We have not followed that. We have not followed the precedent of scoring, the way the Committee on the Budget does. CBO is advisory. They provide the option for the Committee on the Budget to use new, crazy, funny numbers to score a variety of proposals, either on the tax or the spending side. CBO is advisory. This provides the option for the Committee on the Budget to use new, crazy, funny numbers to score a variety of proposals, either on the tax of the spending side. Let me continue with another one:

We should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

Third quote:

Should financial markets lose confidence in the integrity of our budget scoring procedures, tax inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

This is an amendment that should not be adopted.

Mr. CAMPBELL. Mr. Chairman, I yield myself 30 seconds.

It may be that my good friend and colleague has been referring to an earlier version of the bill because the majority leader is not in this bill at all. So the gentleman’s opening comment worrying about the delegation of authority to the majority leader is not in this bill or in this amendment.

Let me repeat what the amendment does. It technically, it never replaces. And regarding Alan Greenspan’s testimony, what he was saying is absolutely right. Never in our lifetime will we know everything. But as a supplement to what we now do as opposed to a replacement for it, I do not believe he was speaking in opposition. Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself 2 minutes, and I rise in opposition to the amendment.

Mr. Chairman, this bizarre amendment in some ways yields incredible powers to the majority leader. Second, I would remind Members who eventually decides how things are scored here is the Committee on the Budget. CBO is advisory. This provides the option for the Committee on the Budget to use new, crazy, fun numbers to score a variety of proposals, either on the tax or the spending side. Let me continue with another one:

So, Mr. Chairman, the amendment of the gentleman from California will go a long way, in my view, toward unfogging our glasses and letting us know ahead of time what it is that our policy will produce.

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

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. RODRIGUEZ].

Mr. SABO. Mr. Chairman, I yield myself 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

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

As a member of the Committee on the Budget, I participated in hearings on the concept of dynamic scoring and acknowledge to the amendment’s sponsor that, as a hypothetical matter, the dynamic approach in scoring, we may have some very egregious partisan-driven assumptions placed on a dynamic model, and it would, I think, jeopardize seriously the budget debates of this House.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I oppose this amendment as a member of the Committee on the Budget. In some of the debates we have already heard today, it needs to be pointed out to the House we already have dynamic scoring. That is already, when it is portable it is. That is the way it ought to be. The idea that CBO uses only static scoring is erroneous. If dynamic scoring is a good thing, it would be a good thing in all instances, not just when the Committee on the Budget finds that it will serve its purpose to use it in consultation with the ranking minority.

Mr. SABO. Mr. Chairman, I yield myself 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

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

As a member of the Committee on the Budget, I participated in hearings on the concept of dynamic scoring and acknowledge to the amendment’s sponsor that, as a hypothetical matter, the dynamic approach in scoring, we may have some very egregious partisan-driven assumptions placed on a dynamic model, and it would, I think, jeopardize seriously the budget debates of this House.

Mr. SABO. Mr. Chairman, I yield myself 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

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

As a member of the Committee on the Budget, I participated in hearings on the concept of dynamic scoring and acknowledge to the amendment’s sponsor that, as a hypothetical matter, the dynamic approach in scoring, we may have some very egregious partisan-driven assumptions placed on a dynamic model, and it would, I think, jeopardize seriously the budget debates of this House.
Budget. He stated, clearly, our political process has a bias to words deficit spending, a bias toward deficit spending. Accordingly, we should be especially cautious about adopting technical scoring procedures that might, might undermine the integrity of our budgetary assessments of the budgetary consequences of fiscal actions. We must avoid restating key legislative decisions on controversial estimates of revenue and outlays. Should financial markets lose confidence in the integrity of our budget scoring procedure, the rise in inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

We should oppose this amendment today. It does not serve a helpful purpose. At a time in which we clearly are needy, have got the deficit heading in the right direction. This is not a time to be experimenting with somebody's philosophy.

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cox].

Mr. COX of California. Mr. Chairman, is it not the case because we cannot know everything, which was the burden of Alan Greenspan's comment, we must, therefore, know nothing? This is a very sound amendment. It would permit us some additional information only. Are we so frightened of information that we do not wish to know it?

Right now under our current arrangements, the Congressional Budget Office makes macroeconomic estimates of gross domestic product, unemployment, interest rates. And then the Joint Committee on Taxation, when it takes a look at our revenue legislation, finds that these things are fixed and immutable like the old stars in an Aristotelian firmament. Nothing that we do with revenues can affect unemployment. Nothing that we do with tax legislation can affect interest rates or gross domestic product. Those things are fixed.

Yes, we can take behavior into account, but only within this box that is already fixed in advance by CBO. We know this does not work. We know it produces false results.

When I was on the Committee on the Budget, I had a chance to ask the director of CBO, Robert Reischauer why it was that on average CBO's estimate of the deficit was in error by over 100 percent. That kind of estimating error would be damned anywhere in the private sector. His answer was, we are not as far off as OMB, as the White House budget estimators. There is no way in the world that anyone can say that what presently we do makes sense or generates optimal results.

When we increased the rate of tax on capital gains by 40 percent in 1986, revenues to the Treasury dropped by a third. But CBO, using this model, and joint tax, using this model, told us that revenues were going to go up but we increased that stated rate.

We have a lot of real world evidence that tells us that the flat earth economic model, if we can call it an econometric model, simply does not work as in use around here.

So what my colleague, the gentleman from California [Mr. CAMPBELL], is telling us is, let us experiment, yes, by looking at this for informational purposes only. We will not use it. It will not supplant our current scoring system, but we can have the information. If Members want to bury their heads in the sand and follow flat earth economics forever into the future, vote no. But if they want evaluation and new information, vote yes on this very sound amendment.

Mr. SABO. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, rise in opposition to the amendment from my friend, the gentleman from California. The previous speaker said that in 1981, we made these changes. In 1986, we made tax changes. And if we had been able to dynamically score and increase the rosy scenario even greater, we would have suggested even more revenue come in.

Look at what happened right after 1981, when we assumed that all of these tax reductions would increase revenue. They underestimated revenues.

I submit that the facts suggest that CBO already overestimates. Let us not create even more rosy scenarios. I urge the defeat of this amendment.

Mr. Chairman, I rise in opposition to this amendment, offered by the distinguished gentleman from California.

I leave other Members out the technical reasons why this amendment should be opposed. I would like to focus on the practical impact.

The clear intent of this amendment is to encourage more optimistic assumptions about Federal revenues and expenditures, in the projections made by the Joint Committee on Taxation and the Congressional Budget Office. Before we do so, let us look at the historical record. Over the last 15 years, we have seen our national debt soar from $1 to $5 billion. Additional deficits have been budgeted.

Let us look at the accuracy of our projections by CBO over this period. With the exception of the last few years, the CBO has consistently and dramatically underestimated budget deficits. In fact, it did so for 13 consecutive years, with an average underestimate of $42 billion.

Some years, the difference was astounding. In 1990, CBO projections underestimated the deficit by $119 billion. In 1983, the underestimate was $91 billion. As CBO's annual Budget Outlook show these underestimates reflect both a consistent underestimate of spending and an overestimate of revenues.

Thus, in a period in which deficits have skyrocketed, and which CBO has chronically underestimated our deficits, we are contemplating this amendment to legitimate CBO's tendency to use overly rosy projections.

Mr. Chairman, my colleagues on the other side of the aisle spent several months last year railing against the virtues of CBO projections, of using conservative estimates. They strongly attacked the administration for using less conservative assumptions.

Now, in a remarkable about face, we are considering a proposal to use less conservative, less reliable projections of Federal spending and revenues. Budget expert after budget expert have criticized this approach.

With month's passage of a budget that actually increases the deficit each of the next 2 years, it is clear that we are retreating from a position of fiscal discipline. Let us not turn this retreat into a rout.

Vote down the Campbell amendment.

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

To my friend from Utah, is it his statement, is the gentleman informing the body that CBO, under present estimation techniques, has gotten it wrong in every year that he has for us on the committee?

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

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

Mr. ORTON. Mr. Chairman, what this chart shows is that in each year, the CBO has underestimated deficits up until 1993, which they overestimated the deficit. About half, look at 1990, they underestimated the deficit by $119 billion. Half of that was revenue.

In CAMPBELL, Mr. Chairman, is not the point of the gentleman's chart that under present methods of estimation, CBO has it wrong every year that he shows us up?

Mr. ORTON. Mr. Chairman, if the gentleman will continue to yield, CBO has it wrong, but under the gentleman's proposal CBO would have it even more wrong and we would have even higher deficits.

Mr. CAMPBELL. I yield to the information store. There is no way we can do harm by providing additional sources of information.
As my good friend from Utah just admitted, the present system is so bad we have been estimating wrongly every time. In order to take account of both sides in this debate, this dynamic method is applicable to fiscal as well as tax policy. It is being used in three States.

Mr. OBÉY. Mr. Chairman, what this is about is very simple. It is about giving away goodies without having found a way to pay for them. We have seen time and time again that our Republican friends in Congress want to propose to cut taxes for the wealthy and for special interests. It has been their No. 1 priority. The problem is that they keep running into a situation in which the common sense budget rules require them to pay for any tax reductions that they provide.

We saw last year how the Republicans would like to pay for those tax breaks. They wanted to cut Medicare, they wanted to cut education, they wanted to cut school lunches; the American people objected. And so now what are we back to? We are back to the resurrection of the David Stockman rosy scenario business.

I would remind my colleagues what happened the last time the country used dynamic scoring. We were proposed by David Stockman, who ran the budget office for President Reagan, that if we passed his magic budget which cut taxes and raised defense spending, we would cut our deficit from $55 billion to zero within 4 years. Instead, using his dynamic scoring, that deficit went up from $55 billion to $208 billion, and finally they shaved it a bit to $125 billion.

I would simply suggest, if we were not paying for the added deficits that were added during those Reagan years, this budget would be in balance right now. That is the problem, that is the problem, and this amendment will simply take us back to those good old rosy scenarios that phonily estimate on revenue, and that allows us to spend more money on other things. We dare not do that if we want to remain fiscally responsible or even retain a pretension at fiscal responsibility. I would simply say, experience, as my colleague just told us, is that quality which enables us to recognize a mistake when we make it again, and, if passed, this amendment today will be making the same mistake again. I urge my colleagues not to do it.

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

The CHAIRMAN. The amendment offered by the gentleman from California [Mr. GUTKNECHT] will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 104-663.

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 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

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

The CHAIRMAN. The question was taken; and the amendment was agreed to by the Yeas and Nays: Yeas 213, Nays 203.

Mr. CAMPBELL. 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 35 after line 3, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

Mr. PACKARD. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I yield to the gentleman from California [Mr. CAMPBELL].

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] and a Member opposed each will control 10 minutes.

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] and a Member opposed each will control 10 minutes.

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] and a Member opposed each will control 10 minutes.

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] and a Member opposed each will control 10 minutes.

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] and a Member opposed each will control 10 minutes.

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

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. 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. COBURN asked and was given permission to revise and extend his remarks.

Mr. COBURN. As my colleagues know, it is interesting. The gentleman from California [Mr. PACKARD] and his committee have done a good job. This debate is not about whether or not they have done a good job. It is whether or not we can let us not do a better job.

We have the greatest respect for what the gentleman from California and his committee have done. But as my colleagues know, it is these 2 pennies. Is it can we save 2 pennies? Can we be 2 percent more efficient? Can we do more?

I have been in Washington 19 months, and what I have heard is “can’t.” The fact is that the debt that our children, our children and grandchildren, are going to get to pay back is rising at 2 percent a day, and what we are saying is: 2 percent. Now, if we were at war right now and we got together as a country and said we have an objective, the objective is to defeat the enemy, well, we have an enemy in front of us. The enemy is our deficit and our debt.

Two percent, 1 percent; 2 pennies out of every dollar to preserve opportunity for our children; it is not too much to ask. The two gentlemen that are speaking in favor of this amendment ran their offices for $100,000 less than the Congressmen before them in spite of the fact this past year, in spite of the fact that we had a reduction in the opportunity for more. So the point, I would say, is we can effectively represent our districts, we can effectively accomplish what we need to accomplish by being 2 percent more efficient.

The fact is in this bill spending goes up about 1.9 percent over last year, and the two gentlemen who are speaking in favor of this amendment ran their offices for $2.7 billion a day because this Congress will not live within its limits of the money that comes to it.

When I leave this place, I want to be able to say that I did everything that I could to ensure opportunity and preserve opportunity for my children and the children of children from my district. Mr. PACKARD, Mr. Chairman, will the gentleman yield?

Mr. COBURN. Mr. Chairman, I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I think I need to correct one misunderstanding that apparently the gentleman has got in this amendment. We are cutting this year 2.2 percent in addition to last year’s cuts of 9.5 percent. We are not increasing 1-point-something; we are cutting this bill. If every committee and every program in the Government cut to the extent this bill cuts, the Federal budget would be in balance this year and there would be a $100 billion surplus.

Mr. COBURN. Mr. Chairman, that would be a great thing.
the fact is that unless something miraculous happens, we are not going to deal with the mandatory spending, so we are forced to deal with the discretionary spending.

In the budget resolution many of us were very concerned that there was a bump-up in the second year, so 1.9 percent off all of the appropriations bills would eliminate that bump-up. This is not aimed at any particular committee. It is very easy to demagog on House expenditures if we put this to a vote in the general public, they would cut us 80 percent.

At the same time, the truth is that there needs to be functions here, and for the first time in a few years, we have to do more out of discretionary. I do not believe 1.9 percent will devastate our ability to convert to computers. We are spending $211 million on that, 12 percent of the full funding. A 1.9 percent change there is not that. To date we have not done what we need to do, which is to be able to move into the age of the computer communications, the Internet.

We can deal with this. If we can deal with 1.9 percent changes and bigger changes in social spending, if we can deal with those 1.9 percent cuts in other areas, we can deal with it in legislatively appropriations. It is inconsistent for this Congress to say that we will cut everybody else and we will put the pressure on everybody else, but we will not put that much on ourselves. A 2.2-percent cut is commendable and better than we have done in the past, but we can do more than that, and we need to be willing to sacrifice if we are going to eliminate the budget deficit.

In Indiana, they do not understand why it has taken us 7 years. We should be able to balance our budget in a lot shorter time than that. To date we have not done that, unless we deal with mandatory, we have to do more out of discretionary. I do not believe 1.9 percent will devastate our ability to communicate.

I want to commend the gentleman from Minnesota [Mr. GUTKNECHT] for being persistent in spite of pressures with this. Persistence is one of the traits that Minnesotans develop because of the cold weather. I think the persistence in SPAN, which is in his district, are the two things which gave him that special courage.

We are going to continue to do this because we believe it is critical to our children and to this Nation to a move to a balanced budget. It is important that we in the legislative branch take the initiative. This 1.9 percent plus 2.2 is a 41 percent reduction. That is not going to cripple our ability to communicate, to do committees, or our personal work.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER], a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment. I do so reluctantly, because I feel I am a very strong fiscal conservative. I think my record, both on the Committee on Appropriations and the Committee on the Budget, will demonstrate that. But this is not the way to do it.

Across-the-board cuts did not work when we had Gramm-Rudman. We need to make the tough choices. That is what we are doing in the Committee on Appropriations, making tough choices in all the appropriations bills. We have made those tough choices. Going across the board in the way to go, especially for this specific appropriation bill, because in this appropriation bill we have cut over 10 percent from the 1995 numbers. We have cut in real dollars, not baseline cutting, but real dollar cuts. So to cut more, are we going to cut security in the Capitol? We have made those tough choices and decided how many security we are going to need. We do not need to have additional cuts like this. I oppose this amendment, and urge my colleagues to oppose this amendment.

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

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 2 minutes.

Mr. GUTKNECHT. Mr. Chairman, the gentleman from Florida just referred to Gramm-Rudman. I think that is a great example. That is an example of a plan that did not work. The reason it did not work is because Congress did not have the courage to stay with the plan. What this amendment is about and what all the amendments we have offered to all the other appropriations bills is about is keeping faith with the plan we offered last year.

The gentleman from California is absolutely right, they have done a good job. We are actually reducing the cost of operating this Congress. But the truth is that by increasing the amount we are going to spend on ourselves by 1.9 percent over what we said we were going to spend last year. This amendment is a good faith amendment. It is about keeping faith with the people of this country. It is about keeping faith with our kids.

Mr. Chairman, 1.9 percent, as I said earlier, is like getting a haircut of one-eighth of a inch. You would not even notice it. We would not notice it in this bill, frankly. We may have to buy less computer. If we are asking our budgets at $100,000 less than we are authorized to earlier.

I talked about Prime Minister Netanyahu. I do not always remember who gave this quote, I want to close with this quote. I do not remember who said it. He said, if you want to change the world, you have to first change your neighborhood. If you cannot change your neighborhood, at least you ought to be a good example.

Mr. Chairman, I rise today in opposition to this amendment. I do so reluctantly, because I feel I am a very strong fiscal conservative. I think my record, both on the Committee on Appropriations and the Committee on the Budget, will demonstrate that. But this is not the way to do it.

Across-the-board cuts did not work when we had Gramm-Rudman. We need to make the tough choices. That is what we are doing in the Committee on Appropriations, making tough choices in all the appropriations bills. We have made those tough choices. Going across the board in the way to go, especially for this specific appropriation bill, because in this appropriation bill we have cut over 10 percent from the 1995 numbers. We have cut in real dollars, not baseline cutting, but real dollar cuts. So to cut more, are we going to cut security in the Capitol? We have made those tough choices and decided how many security we are going to need. We do not need to have additional cuts like this. I oppose this amendment, and urge my colleagues to oppose this amendment.

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

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 2 minutes.

Mr. GUTKNECHT. Mr. Chairman, the gentleman from Florida just referred to Gramm-Rudman. I think that is a great example. That is an example of a plan that did not work. The reason it did not work is because Congress did not have the courage to stay with the plan. What this amendment is about and what all the amendments we have offered to all the other appropriations bills is about is keeping faith with the plan we offered last year.

The gentleman from California is absolutely right, they have done a good job. We are actually reducing the cost of operating this Congress. But the truth is that by increasing the amount we are going to spend on ourselves by 1.9 percent over what we said we were going to spend last year. This amendment is a good faith amendment. It is about keeping faith with the people of this country. It is about keeping faith with our kids.

Mr. Chairman, 1.9 percent, as I said earlier, is like getting a haircut of one-eighth of a inch. You would not even notice it. We would not notice it in this bill, frankly. We may have to buy less computer. If we are asking our budgets at $100,000 less than we are authorized to earlier.

I talked about Prime Minister Netanyahu. I do not always remember who gave this quote, I want to close with this quote. I do not remember who said it. He said, if you want to change the world, you have to first change your neighborhood. If you cannot change your neighborhood, at least you ought to be a good example.
$37.4 million in reductions. The gentleman who offers this amendment does so because the budget allocation was higher across the board than he wanted. I would simply point out to the gentleman that in our subcommittee, we have reduced the budget outlay by 20 percent below the budget allocation for this bill. This Congress is leading by example. We have done the work. We have saved the money. I urge defeat of the amendment.

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

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

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

The CHAIRMAN. Pursuant to the provisions of House Resolution 473, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed. The Sergeant at Arms informed the Committee pro tempore (Mr. CASTLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The Committee resumed its sitting. The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 104-663.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASTLE: Page 35, after line 22, insert the following new section.

SEC. 310. (a) Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice: "THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE." or a notice to the same effect in words which may be prescribed under section (c). The notice shall be printed in a type size not smaller than 7-point.

(b)(1) There shall be published in the itemized report of disbursements of the House of Representatives as required by law, a summary tabulation setting forth, for the office of each Member of the House of Representatives, the number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings.

(2) Each such tabulation shall also include----

(A) the total cost (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 32(2d)(7)(B) of title 39, United States Code); and

(B) the total number of pieces of mass mail (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 32(2d)(7)(B) of title 39, United States Code).

(c) The Committee on House Oversight shall prescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

(d) For purposes of this section----

(1) the term "Member of the House of Representatives" means a Representative in, or delegate from, a State or territory;

(2) the term "mass mailing" has the meaning given such term by section 3210(a)(6)(E) of title 39, United States Code.

The CHAIRMAN. Pursuant to the House Resolution 473, the gentleman from Delaware [Mr. CASTLE] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Chairman, I am here to start, my congratulating the chairman for what I think has been an excellent job of trimming the legislative appropriations, and particularly in the area that I am going to talk about, which is the taxpayer funding of franked mail.

The fiscal year 1997 level of funding will be 40 percent lower than the 1996 level of funding. That is an impressive reduction. I do not even know if the chairman is aware of the reductions over the course of years, but starting in the year 1992, to this day, before I came here in 1992, it was $59 million. In 1993 it went to $47,711,000. In 1994 it went to $40 million, in 1995 to $31 million, in 1996 it went up to $35,630,000, and this year is an appropriation of $20 million, so it really is an extraordinary job that the chairman has done and that the Committee on House Oversight has done in addressing this particular situation.

In recognition of that, I do not intend to have in the past, to introduce an amendment to try to further reduce that funding. I think there are a couple of areas for which there is still room for improvement. Too often the franking privilege is not treated as a privilege and is abused. For example, the volume of outgoing franked mail vastly outpaces the volume of incoming mail.

In 1995, the House sent out four times more mail than it received. If the House were to tell it received, franked mail costs would have been only $12.4 million, saving $18.6 million or 60 percent from actual mail costs. Also, use of the franking privilege does facilitate this. I think Members have a legitimate need to respond to the increasing concerns of their constituents and the franking privilege does facilitate this. I think the public understands this and would support that use of taxpayer dollars.

Unsolicited mass mail from Members, however, I think falls into a different category. I believe that most Americans do not want to receive all the unsolicited mail they get from Congress, particularly if they are aware of the facts that they as taxpayers pay for it themselves. Some Members here, I believe, would disagree and would argue that the newsletter contains valuable and useful information. I am not trying to prevent that from being used. But I think we should give the public the information it needs to make the determination.

This is what the amendment, the taxpayer's right to know amendment, will do.

It has two components, both of which are based on procedures which the Senate already follows. The first component would require all mass mailings to contain the disclaimer, "This mailing was prepared, published, and mailed at taxpayer expense." This will encourage Members to be more judicious in the mass mailing they send to their constituents, and it is entirely consistent with this Congress's attempt to let sunshine disinfect the policy process.

The second part of the amendment would require the CAO's quarterly Statement of Disbursements to publish to total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings on a per-residential-address basis. Currently there is no way for the public to get information about the amount Members spend on unsolicited mass mailings versus constituent response mail. My amendment will allow this comparison to take place and I think the public has a right to know how their tax dollars are being spent.

The bottom line here is that this simple amendment will provide information to taxpayers about franked mass mail. It does not ban mass mailings or change the definition from current law. It simply requires public disclosure about the use of frank for mass mail.

I urge Members to pass this amendment.
Mr. THOMAS. Mr. Chairman, will the gentleman yield?
Mr. CASTLE. I yield to the gentleman from California.
Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the gentleman for his amendment.

His amendment follows a long line of positive amendments offered on both sides of the aisle, and as a matter of fact originally in a bipartisan effort by the gentleman from California [Mr. FAZIO] and the then gentleman, still gentleman, but member of the House from Minnesota, Mr. Frenzel, to begin to separate the cost of franked mail from the general fund category. We have not yet reached the Senate stage. The gentleman from Delaware indicated that it puts us in the same position as the Senate, and I know he is aware that the Senate actually separates the unsolicited mass mail from the other franked mail. We do not do that. But what the gentleman's amendment does is in essence do it in the report so that people can see not only the amount but the number of addresses to which the franked mail has been sent.

The gentleman alluded to the way in which what I view continues to make changes. He of course is aware that at the beginning of the 104th Congress we cut franked mail by yet another one-third of the total amount and that we moved it up the statutorily required 60-day ban to a voluntary 90-day ban. Once again I want to compliment the gentleman. His addition of a required statement that it is at taxpayer expense is a good, positive notifier of where the money is coming from. It also perhaps might be somewhat of a conscience conditioner in terms of whether you mail it out or not, and by giving it a separate report, we do move closer to the Senate, separating the response mail from the unsolicited mass mail.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would like to thank the head of the Committee on House Oversight for what I think is an extraordinary job of dealing with this issue of franked mail. I think we really have in a bipartisan way responsible addressed this particular issue in this Congress and he is absolutely right on some of the numbers. We are just trying to refine the numbers.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?
Mr. CASTLE. I yield to the gentleman from California.
Mr. PACKARD. I appreciate the gentleman yielding.

Mr. Chairman, I certainly appreciate this amendment and I am very much grateful that the gentleman has worked it out to the satisfaction of the authorizing committee chairman, Mr. THOMAS. With that agreement, I will be more than pleased to accept the amendment.

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

Mr. CASTLE. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, the minority has no objection to the amendment. I congratulate the gentleman on working it out and bringing it to the House.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CASTLE]. The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 104-663.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FAZIO of California: Page 3, after line 3, insert the following caption: "(INCLUDING TRANSFER OF FUNDS)

Page 3, line 6, insert before the period at the end the following: and, in addition, $4,000,000, which shall be derived by transfer from the amount provided in this Act for "Office of the Chief Administrative Officer" under the heading "Salaries, officers and employees" and shall be available for obligation only by members for initiatives to promote the increased use of computers and other electronic technologies funded by this Act to carry out the initiatives described in the amendment.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from California [Mr. FAZIO] and a Member opposed each will control 15 minutes.

Mr. PACKARD. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California [Mr. PACKARD] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee report says that $211 million is provided in this bill for computer and telecommunications investments and that there is quote, "an inexorable movement toward CyberCongress.'" But, quite simply, we are not yet there. My amendment was a referendum on whether the CAO and HIR are giving us what we pay for.

We have provided generous resources to the Chief Administrative Officer and to our computer agency over the past 2 years, $16.5 million in this bill for operating expenses, $8.2 million for telecommunications projects, a doubling over last year. That does not count the $6 million in reimbursements and the $11.7 million in chargebacks that our offices pay for services to the HIR agency.

With Chairman PACKARD, I approved a $20.5 million reprogramming at the end of the fiscal year 1995 for telecommunications and computer investments. The CAO and HIR have requested $85 million over the next 5 years for computer and telecommunications investment. But, notwithstanding the New York Times, which wrote a glowing piece on the CAO, there is evidence that our computer support is failing short.

First of all, I, along with VERN EHLERS, have been part of an effort to identify a new House-wide messaging system, and we are making steady if slow progress on that project. But, in the meantime, our e-mail has been so unreliable and so slow that many users have just abandoned it for daily use.

The Financial Management System was finally switched over to a new system on June 4, 5 months later than the CAO had originally promised the Members. Your June district office rent payments, which are supposed to be sent in in a timely way to your land office, are still awaiting your landlords in your district office rent payments, which are promised the Members. Your June dis-
Hon. Vic Fazio, Rayburn House Office Building, Washington, DC.

DEAR MR. FAZIO: In response to your inquiry, the American Library Association agrees that access to Congressional information should not be a partisan issue. Recent press reports have described a controversy about access to Congressional committee pages on the World Wide Web. For the past 18 months citizens have been able to access majority Web pages from a central menu. Under a recently adopted policy, the House of Representatives Committee Office Web Service created a menu list only by the committee majority with access to the minority's page only through the majority's page.

ALA is concerned about this policy and the effect it would have on an informed electorate. This policy would concern us no matter which party was in the majority during any given Congress.

ALA reaffirms its long-standing conviction that open government is vital to a democracy. Of the many issues raised by this policy, I would like to highlight two.

There should be equal and ready access to data collected, compiled, produced, and published by any format of the United States. In the interest of equity, the majority and minority viewpoints should be available without either one being dependent on the other.

The House Library Association is a nonprofit educational organization of 38,000 librarians, library trustees, and other friends of libraries dedicated to promoting the public interest in a free and open information society.

Sincerely,

CAROL C. HENDERSON, Executive Director, ALA Washington Office.

MUCKRAKER (By Brock B. Meeks)

THOMAS BUILDS A ONE-WAY WEB

In the House of Representatives, all Web sites are created equal. But the Republicans couldn't stomach that thought, so they rewrite the rules.

All seemed fair in the wake of amicable but protracted negotiations to revise the rules governing Internet use for House committees and subcommittees—on both the majority (Republican) and minority (Democrat) sides—was allocated a separate but equal amount of server space to create a Web page if they so desired. Under the negotiated plan, Democrats could independently set up their own sites, to post whatever committee information they deemed appropriate.

But that rule didn't sit right with Representative Bill Thomas (R-California), chairman of the House Oversight Committee, which writes the rules governing Internet use. He figured it gave the Dems too much freedom and would allow Web surfers simply to bypass any Republican-controlled Web sites. So he rewrote the rules and rammed the changes through by exploiting his power as committee chairman.

Under the new rules, all subcommittees can have separate pages, but those pages must be "linked to, and accessible only from the committee's page." While a Republican
it appears they are no less enlightened when nothing short of a desperate act, bordering according to a House Rules Committee majority does bookmark the minority page URL and bent from all angles. All one would have to agree Web pages.

Since the Net is simply another way to communicate with the American people," said Rep. Vic Fazio, D-Calif., the top Democrat on the Oversight Committee. "There is absolutely no reason that the majority should control information freely disseminated over the Internet.

Fazio also points out that a committee’s majority doesn’t have access to or control over the content of press releases or correspondence produced by the minority. Since both sides must be able to communicate, and one that “is taking on greater importance,” it should be treated as such, Fazio said, “There is absolutely no reason that the majority should control information freely disseminated over the Internet.”

Thomas’s reasoning is beyond me. The Republicans stand a good chance of losing control of the House in the coming elections. If they do, and power returns to the Democrats, then Thomas has just — his own party. The Democrats will be in power and their committee chair will hold the power to approve content on the Republican committee Web pages.

At first blush, such a power trip seems bent from all angles. All one would have to do is bookmark the minority page URL and thus bypass the majority. According to a House Rules Committee majority staffer, each committee’s homepage would be generated with a CGI script to prevent browsers they’ve thought of everything. I know the Republican “revolution” has hit on tough times, but this is nothing short of a desperate act, bordering on extortion.

Congress is infamous for its “sausage-making” approach to drafting legislation. Sadly, it appears they are no less enlightened when it comes to drafting rules for the Internet. Bratwurst.gov, anyone? Meeks out . . .

BROCK M. MARKS

[From the Office of the Democratic Leader, J une 4, 1996.]

REPUBLICAN POLICY RESTRICTS INTERNET ACCESS FOR OPPOSITION

WASHINGTON.—If you want to find certain Democratic views on the World Wide Web, you’ll have to go through Republican territory.

Until now, Web pages produced by the Republican and the democratic staffs of House committees were all accessible from the main menu on the House’s Web page. No more. Under a new policy that has Democrats crying foul, users will find Democratic committee pages listed only on the committee’s main page, which like the committee themselves are controlled by Republicans.

“Before we’re talking about is an attempt to control the minority’s communications with the American people,” said Rep. Vic Fazio, D-Calif., the top Democrat on the Oversight Committee.

“There is absolutely no reason that the majority should control information freely disseminated over the Internet.” Fazio and other Democrats want to access Democratic views, Web surfers may have to scroll through Republican rhetoric and a large photograph of the Republican chairman.

In addition, if Republicans on a particular committee decide not to have a Web site at all, Democrats can’t have one either. “If a chairman doesn’t like the contents of the minority’s Web page, he could simply decide not to have a Web page at all,” Fazio said.

A few committees currently have Democratic pages but no Republican pages. If a committee chair wants to, he could kill the Democratic page, until the Republican counterpart, said Bill Pierce, spokesman for the Oversight Committee.

The old policy gave each side disk space to produce Web pages but did not regulate how they are accessed.

Republicans explain that the party in control has every right to control the content of its Web pages, just as in the real world, they note that all members use the same committee stationery, which highlight Republicans. “We are not in a whole new relationship with the Internet, which is simply an additional way of communicating,” said Oversight Chairman Bill Thomas, R-Calif., according to minutes of a May 23 meeting where this was discussed. “Committee activities are under the control of the chairmen of the committees.”

Democrats say the Internet is more like a press release, which they can distribute on their own. The deepest concern is that this is a first step toward Republican control of content.

“Is it even possible that committee chairmen may interpret the new policy to mean that they have virtual veto power over the information that the minority chooses to post on its Web page,” Danforth Coven of the House Democratic Policy Committee wrote in a May 28 memo. “There’s no chance of that, said Pierce, the Oversight Committee spokesman. “It has nothing to do with content.”

In practice, in this scenario, the majority’s leadership advantage argued, a voter might have to scroll down through endless pictures of Commerce Committee Chairman Thomas Bilbo (R-Miss.) and text detailing the Republican Party’s accomplishments before linking up to the minority’s site.

CONGRESSIONAL RECORD — HOUSE

H7199

July 10, 1996

[From Roll Call, May 27, 1996]

PRE-ELECTION MESSAGES BANNED BY HOUSE

WASHINGTON. —If you want to find certain Democratic views on the World Wide Web, you’ll have to go through Republican territory.

Until now, Web pages produced by the Republican and the literary staffs of House committees were all accessible from the main menu on the House’s Web page. No more. Under a new policy that has Democrats crying foul, users will find Democratic committee pages listed only on the committee’s main page, which like the committee themselves are controlled by Republicans.

“Before we’re talking about is an attempt to control the minority’s communications with the American people,” said Rep. Vic Fazio, D-Calif., the top Democrat on the Oversight Committee.

“There is absolutely no reason that the majority should control information freely disseminated over the Internet.” Fazio and other Democrats want to access Democratic views, Web surfers may have to scroll through Republican rhetoric and a large photograph of the Republican chairman.

In addition, if Republicans on a particular committee decide not to have a Web site at all, Democrats can’t have one either. “If a chairman doesn’t like the contents of the minority’s Web page, he could simply decide not to have a Web page at all,” Fazio said.

A few committees currently have Democratic pages but no Republican pages. If a committee chair wants to, he could kill the Democratic page, until the Republican counterpart, said Bill Pierce, spokesman for the Oversight Committee.

The old policy gave each side disk space to produce Web pages but did not regulate how they are accessed.

Republicans explain that the party in control has every right to control the content of its Web pages, just as in the real world, they note that all members use the same committee stationery, which highlight Republicans. “We are not in a whole new relationship with the Internet, which is simply an additional way of communicating,” said Oversight Chairman Bill Thomas, R-Calif., according to minutes of a May 23 meeting where this was discussed. “Committee activities are under the control of the chairmen of the committees.”

Democrats say the Internet is more like a press release, which they can distribute on their own. The deepest concern is that this is a first step toward Republican control of content.

“Is it even possible that committee chairmen may interpret the new policy to mean that they have virtual veto power over the information that the minority chooses to post on its Web page,” Danforth Coven of the House Democratic Policy Committee wrote in a May 28 memo. “There’s no chance of that, said Pierce, the Oversight Committee spokesman. “It has nothing to do with content.”

In practice, in this scenario, the majority’s leadership advantage argued, a voter might have to scroll down through endless pictures of Commerce Committee Chairman Thomas Bilbo (R-Miss.) and text detailing the Republican Party’s accomplishments before linking up to the minority’s site.
News Release from Congressman Vic Fazio, May 28, 1996

The following is a statement from Rep. Vic Fazio about the House Oversight Committee's action on the Fazio amendment. "What we're talking about is an attempt to control the minority's communication with the American people. If a chairman suppressed his minority, he could simply decide not to have a Web page at all. The committee's majority doesn't have access to control the content of press releases and correspondence produced by the minority. The Internet is another way to communicate—an electronic form that is part of the larger culture of American life and society—and should be treated as such. There is absolutely no reason that the majority should control information freely disseminated over the Internet."

Mr. Fazio of California. Mr. Chairman, I reserve the balance of my time. Mr. Packard. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I want to thank the chairman, strongly oppose this amendment. This amendment would transfer $4 million from the Chief Administrative Officer of the House to the Members' representational allowance. The Chief Administrative Officer asked this year, and felt justified that he needed $20 million. If the Members are to be able to accomplish the things that the House has asked him to do and his office to do. This would literally cut them $2.5 million below current levels. We did not give them the $17 million he asked for. We gave them $16 million, and that was barely enough to cover the mandates; in other words, the COLA's for staff and the staff benefit packages, which are mandated by the Government. We had to find that, but we gave him no more than that. We have asked them actually to cut back on their employment levels by 13 positions in this year's bill. To take $4 million out of their existing levels in this bill would require them to fire 130 additional staff members of the Majority. We think that would be unconscionable.

The bill provides $8 million for the CAO's budget for telecommunications. The telecommunications, incidentally, is for computers and telecommunication systems that benefit each of the Members' offices. Over $1.5 million is for local and district office telephones that connect directly with our Washington offices, again directly benefiting our communications within each of our offices.

But the biggest problem of this amendment is not what it does to the CAO's office but it is what it does in reversing a policy that the maker of the amendment, Mr. Fazio, was strongly supportive of last year and really gave us a great deal of help in getting it passed in our bill last year, and that was the reforms that we wanted to bring about in Congress. Those reforms are absolutely crucial to the effective operation of the Members' offices. That was in all of the allocations in budget categories that are allowed for each Member's office. We consolidated those into one account with the help of the gentleman from California, and we gave the Members of Congress individually some flexibility, not some but almost total flexibility, in the use of those accounts. That was a good move. I think moving toward a consolidated bill that was held over was a very good move, and I personally want to thank the gentleman from California for helping us to do that.

In my judgment, this is a reversal of that process. This takes us back to where we were before that would not be a move in the right direction; a step backward, I think.

Mr. Fazio of California. Mr. Chairman, will the gentleman yield?

Mr. Packard. I yield to the gentleman from California.

Mr. Fazio of California. Mr. Chairman, I concur. I think this is a 1-year effort to surround this funding for purposes of Member investment in computerization, telecommunications, simply because I do not think the CAO has spent his money wisely.

But I agree with the gentleman and with the chairman of the Committee on House Oversight that, as a general rule, we ought to give complete license to the Members.

Mr. Packard. Reclaiming my time, I think that this is just the first step, though, in reversing that process and the next step would be some Member of the Congress would want to put control over the House Oversight Committee.

Mr. Brown of California asked and was given permission to revise and extend his remarks.

Mr. Brown of California. Mr. Chairman, I yield 2 minutes to the gentleman from California, Mr. Brown.

Mr. Packard. Reclaiming my time, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in full support of the amendment which he has put before us with regard to the transfer of the $4 million from the CAO to the Members' allowances, but I would like to discuss the other item which the gentleman from California referred to, and that is the policy with regard to minority access to the Internet through the majority. This was the subject of a rather extensive article in the Washington Post on July 1 which is headlined "House Web server leaving minority off the menu." While that may be a slight exaggeration, I think it is true that what this does is put an additional control on e-mail, travel and everything else that Members now have some flexibility in.

So I would hope and I would urge the Members of the House to resist this amendment that would be, in my judgment, regressive from the policies that we have established in the past.

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

Mr. Fazio of California. Mr. Chairman, I yield 2 minutes to the gentleman from California, Mr. Brown.

Mr. Brown of California asked and was given permission to revise and extend his remarks.

Mr. Brown of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in full support of the amendment which he has put before us with regard to the transfer of the $4 million from the CAO to the Members' allowances, but I would like to use a minute or so to discuss the other item which the gentleman from California referred to, and that is the policy with regard to minority access to the Internet through the majority. This was the subject of a rather extensive article in the Washington Post on July 1 which is headlined "House Web server leaving minority off the menu." While that may be a slight exaggeration, I think it is true that what this does is put an additional control on e-mail, travel and everything else that Members now have some flexibility in.
Now, in an ideal world, of course, the majority would contend, and it might be true, that this was not a roadblock and that there was no effort to censor or in any other way restrict communication. This is not an ideal world, and I fear that this is just the fact that we have to use access through the majority is going to be a block which many constituents will find insurmountable because it will take an additional 1 or 2 minutes on their computer if they have a slow computer to scroll through and find out what the majority actually is within this vast network.

It is for this reason that it is a roadblock when we should be trying to make it easier, not because I suspect that the majority would want to do anything to restrict our minority page that I think this is a poor policy. We are doing everything possible to make it easier for people to communicate, constituents to communicate with their Representatives. This goes in the opposite direction. It is poor policy, and I urge that something be done to correct this at the earliest possible date.

Mr. PACKARD. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

[Mr. THOMAS asked and was given permission to revise and extend his remarks.]

Mr. THOMAS. Mr. Chairman, first of all, let me rise to comment on the specific amendment which we are supposed to be dealing with during this time, and I do not know about the desire for Members to have a referendum on the CAO. I am concerned about the language of the amendment which the gentleman from California, who as a member of the Appropriations Committee and the authorizing committee has the ability to move freely between the two and accurately ascribe credits to where appropriate. This goes in the opposite direction. It is poor policy, and I urge that something be done to correct this at the earliest possible date.

At the beginning of this Congress, we took the separate categories of the Members’ representational account and put them into one so that Members would have freedom to choose between staff or computers or travel or a district office. Now, the gentleman from Colorado wants to go back to the policies of old, that he has already repudiated by his vote in committee, to free up the ability to determine where the member spends his money.

So on that particular amendment, I would ask for your opposition.

Now, the Internet. The gentleman from California said something that I agree with, and that is that the Internet is a different form. After that, I had a fairly fundamental disagreement with what he has had to say. I really believe the people who took the floor earlier and said this was a gag rule—the gentleman from Colorado said it was un-American, that this is censorship I think got a little carried away with their rhetoric.

The reason I agree with the gentleman from California [Mr. Fazio] that this is information in a different form is that we really ought to look at that information in a different form so that we can understand what we are talking about. The Committee gives reports. They hold hearings. They write a report. Very often the minority dissent from the majority report, and so you have the majority report and the minority report. It is not uncommon for the separate document available to those constituents who want to find out about the hearing? No. It is included in a package that says, “Committee on House Oversight, House of Representatives, to which the minority views.” It is the majority and the minority combined.

The gentleman, and I think he waxed eloquent in the Committee on Rules, that it was possible that visitors would probably thumb through 120 electronic pages to be able to find the minority location.

Every committee in the House except the Committee on Standards of Official Conduct and the Committee on Intelligence has a Web site. We might understand why those two prefer not to have a Web site: The Ethics one probably would be too full and the Intelligence one would be blank. But for the other committees, here is the Committee on Standards of Official Conduct, picture of the chair, Democrats, minority of the committee. We do not have to thumb through pages; it’s right there. It is on the front, just like the reports.

Committee on Economic and Educational Opportunities, right up front. The gentleman now wants “Welcome to the House Committee on Banking and Financial Services. Greetings from Chairman Jim Leach.” The Democrats’ view, right up front. House Committee on the Budget, they even put a donkey so that those folks who have trouble navigational can locate the minority home page.

The gentleman from California [Mr. BROWN] was complaining about the Committee on Science. We do have to go to the second page on the Committee on Science because the chairman decided “Hot News” would take up a third of the page. Current issues that affect both the majority and the minority would take up a portion of the first page; but right there, the Democrats.

Let me talk about information in another form in another way. If we go to the House of Representatives telephone directory, we will find staff listed alphabetically. We will find staff listed by Members’ offices, and we will find staff listed and Members listed by committee. On that page it says Committee on House Oversight, for example, just thumbing to that page, the majority, the minority, the majority staff, the minority staff, located by committee.

What the gentleman from California and the others are really asking for is something that is unprecedented in the history of the House, a wedge, you will, to open up the opportunity to create a distinct and separate structure for the minority.

Now, if our colleagues had been in the majority for 40 years and now have to suffer under the yoke of being in the minority, our colleagues would not accept the fact that their colleagues share the page with the majority in the phone book or share the pages under the cover of committee reports or that they are second on the Internet page, second or third for particular information. Our colleagues would want their own distinct structure.

Well, it has never been that way. They are trying to use this argument of censorship on the Internet as a wedge argument to begin to unravel the 40 years of history that they established as the majority.

Now, the new majority is somewhat more conservative than the old and we probably would tend to hang on to those areas that worked well. One of the areas that worked well was to use the committee as the structure, under that, the majority and the minority. All we are doing is continuing that structure on the Internet as well.

Mr. PACKARD. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. Fazio of California. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, in listening to the prior speaker, it occurred to me that perhaps he has not searched through the electronic pages and the analogy to committee reports. Now I am new to the Congress, but I read some committee reports and they tend to go through legislation, and there are pros and cons on each side, and they are bound together in one volume. I think that is just dandy. That is the way it ought to be. But if you take a look at Web sites, that is not what you find.
Mr. PACKARD. Mr. Chairman, reclaiming my time, I think the association, though, to this body or to any Members of this body or either side of this body is an inappropriate association.

Mr. Chairman, I simply want to express one point, and that is that this amendment will cost money. The House information resources can negotiate a large volume of purchases and thus get volume buying and volume cost discounts for the entire cyber Congress initiative. Some 440 individual contracts are negotiated by each Member, and that would lead to a lot of additional expense. It would lead to a lack of standardization of our equipment in each of our offices, and, overall, I think it would be chaotic.

In conclusion, Mr. Chairman, from today's issue of The New York Times I read where it says, "For years, each lawmaker has decided which computer system to purchase and how to install in their office. This has led to a congressional Tower of Babel that receives a total of 300,000 E-mail messages a week. Some messages arrive three days late on one of nine overlap systems."

So I really would oppose this amendment and feel, again, it would be regressive.

Mr. Chairman, first of all, may I inquire how much time I have remaining.

Mr. CHAIRMAN. The gentleman from California [Mr. PACKARD] has 3 minutes remaining, and the gentleman from California [Mr. FAZIO] has 30 seconds remaining.

Mr. PACKARD. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. THOMAS].

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

I find it rather hypocritical to respond to the comment about fascism that "I have done my homework and I know that it was a quote and, therefore, in quoting others on the floor that it is not a breach of the rules; however, since I am a new Member I may not be aware of the rules."

It seems to me we cannot have it both ways. The gentleman knew exactly what he was doing, and what she did was interject a level of hostility which is totally inappropriate on this particular subject. What she does not know, perhaps, is that there was never any intention not to provide the ordinary software procedures for return to sites that is returning to by those people who browse frequently.

The problem arose when the ranking Member, using that unique authorizing and appropriations avenue that he has moved to the appropriations route to try to meet his needs instead of sitting down with the chairman of the committee and working it out.

As we move forward with this new technology, just as we have in every area, just as the letterhead says, chairman and minority, we will share. And we share far more than the other side ever shared when they were the majorities. I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

This amendment takes money away from our movement to the cyber-Congress initiative to the electronic age for this body and for each of our offices, and all of which really benefits our communications and our operations. These investments will make us more efficient and more effective in our offices, both in our congressional districts and here in Washington. Instead, this amendment would free up additional money in our allowances for additional mailings and travel and a variety of other things that I think the public would really object to. I think that would really move in the wrong direction.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. FAZIO].

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 473, the Speaker of the House now resumes the consideration of those amendments on which further proceedings were postponed, in the following order: Amendment No. 6, as modified, offered by the gentleman.
from California [Mr. CAMPBELL], and amendment No. 7 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote, if so ordered on the pending question following this vote.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CAMPBELL

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 239, noes 181, not voting 14, as follows:

[Roll No. 295]

AYES—239

Allard
Anderson
Andrews
Arcand
Armey
Ashcroft
Bartow (CA)
Barton
Bass
Baucus
Bauer (LA)
Ballenger
Bachus
Armey
Andrews
Allard
Ayer
Tower (NC)
Taylor (MS)
Taylor (TX)
Taylor (WI)
Taylor (NY)
Taylor (OK)
Taylor (AZ)
Taylor (CT)
Taylor (IN)
Taylor (UT)
Taylor (IL)
Taylor (CA)
Taylor (AL)
Taylor (DE)
Taylor (IA)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Taylor (MT)
Taylor (OH)
Taylor (DC)
Taylor (NC)
Taylor (CT)
Taylor (MN)
Taylor (WA)
Taylor (AZ)
Taylor (MO)
Taylor (ME)
Taylor (WI)
Taylor (NE)
Taylor (KY)
Taylor (PA)
Taylor (GA)
Taylor (IN)
Taylor (OR)
Taylor (NV)
Taylor (MD)
Mr. CUBIN, and Messrs. PORTMAN, MCINTOSH, and BROWDER, changed their vote from "no" to "aye.

So the amendment was rejected.

The result of the vote was announced as above recorded.

**The CHAIRMAN.** Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 473, 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 gross.

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. FAZIO OF CALIFORNIA.**

Mr. FAZIO of California. Mr. Chairman, I offer a motion to recommit. Mr. FAZIO of California. Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on Oversight and Government Reform on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have the House here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other party.

Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, purely and simply, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.

I believe will have the effect of stifling voices of dissent, which will not serve this body or our country well.

As the House is aware, every office will soon be getting a computer as part of our new CyberCongress initiative. I was interested in this and did get the cost for the computer, which is $5,367.12. I took the specs for that computer and went to a normal vendor outside of the favorite inside vendor and asked them for an estimate. That came in with a cost that is $900 per computer, less for a better machine, 120 megahertz as compared to the 100 megahertz that the House has purchased. If that were expanded to all 435 offices, that would be nearly $400,000. That is what I thought.

Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on Oversight and Government Reform on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have the House here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other party.

Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, purely and simply, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.

I believe will have the effect of stifling voices of dissent, which will not serve this body or our country well.

As the House is aware, every office will soon be getting a computer as part of our new CyberCongress initiative. I was interested in this and did get the cost for the computer, which is $5,367.12. I took the specs for that computer and went to a normal vendor outside of the favorite inside vendor and asked them for an estimate. That came in with a cost that is $900 per computer, less for a better machine, 120 megahertz as compared to the 100 megahertz that the House has purchased. If that were expanded to all 435 offices, that would be nearly $400,000. That is what I thought.

Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on Oversight and Government Reform on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have the House here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other party.

Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, purely and simply, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.

I believe will have the effect of stifling voices of dissent, which will not serve this body or our country well.

As the House is aware, every office will soon be getting a computer as part of our new CyberCongress initiative. I was interested in this and did get the cost for the computer, which is $5,367.12. I took the specs for that computer and went to a normal vendor outside of the favorite inside vendor and asked them for an estimate. That came in with a cost that is $900 per computer, less for a better machine, 120 megahertz as compared to the 100 megahertz that the House has purchased. If that were expanded to all 435 offices, that would be nearly $400,000. That is what I thought.

Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on Oversight and Government Reform on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have the House here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other party.

Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, purely and simply, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.
congressional_record_house_1996-07-10.txt
So the bill was passed.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.
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 15 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 his 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 to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman from Florida [Mr. Goss] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. Frost], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. Goss asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Mr. Speaker, the appropriations bill for the Department of Labor, Health and Human Services, Education, and related agencies always involves some controversy and usually involves much heated debate. Issues such as abortion, labor policy, the Federal role in education, stir passions and invite dialogue.

I am therefore, very pleased that the rule before us is completely open. Any Member who wishes to offer a germane amendment may do so. Also, in the interest of comity and in recognition of the legitimate differences of opinion over some of the fundamental aspects of this bill, I offered an amendment in the Rules Committee to double usual time for general debate to 2 full hours, as requested by the ranking member the gentlemen from Wisconsin [Mr. Obey], and we acceded to that request.

In addition, the rule allows the chairman of the Committee of the Whole to postpone or roll votes, a step we have taken on many bills recently which has helped, I think, provide for a smoother and more predictable schedule for Members in committee with important business taking place off the House floor.

Finally, the rule includes a preprinting option, I repeat, option, for the benefit of Members who file their amendments in advance. It is not mandatory.

Mr. Speaker, there will certainly be very comprehensive debate about the specifics of this bill. In fact, I think some of it has already started on the other side. I will not spend a lot of time previewing those discussions because this is about the rule.

I would, however, like to thank Chairman Porter and his committee for the good work they have done to bring this bill to the floor. This legislation, as you will see, is indeed a lighting rod last year, and I think most of us will also remember it spent much time being stalled in the other body.

I think most Members will recognize the effort that has been made this year to produce a bill that is free from many of the controversial policy riders that hindered the progress in the fiscal year 1996 bill, a real effort that deserves our attention. While H.R. 3755 fully complies with the strict limits that were effective and do the most good, programs such as Head Start, and reduced or eliminated the tax dollars going to wasteful or ineffective or out-of-date or off-the-mark programs; Goals 2000 is one that comes to mind.

This is simple, common sense, the same common sense that was used by fami-
I do so knowing that there are honorable people who serve on the Committee on Rules, and that by and large they try to do the right thing every time. But I can tell my colleagues in this instance the Committee on Rules acted far out of character when it voted to strike from a bill that has been sponsored by 8 of the 13 members of the Committee on Rules that I tried to offer as an amendment to this bill was defeated in the very same Committee on Rules, by and large they did not listen to the eight people who sponsored the bill.

The bill is all about keeping promises. The bill is all about changing the way Congress does business. First to the promises. When we think about it, the only people in America who were really promised free health care were those people who enlisted in the military when their recruiter told them, if you serve our country honorably for 20 or more years, if you are the only people in this country who have served for more than 20 years, who fought in World War II, Korea, Vietnam, most recently Desert Storm, Panama and Grenada who had their enlistment officer tell them just that and who, effective on July 1 of this year, upon reaching the age of 65 when they showed up at the military hospital for the treatment they had been receiving for years were told we cannot take you anymore. You have to go to a private doctor. Medicare will reimburse some of those costs, but not all of those costs.

So, now at the point in their life where they cannot go back to work because they are over 65 and not very many people hire people over 65, where they thought they had been promised free health care for the rest of their lives, they were being told they are not. They are being told that now they have to dig into their pocket.

Now, sometimes it is not a whole lot of money if it is just a common cold. But what if it is something like leukemia? What if it is something like cancer? What if it is a serious heart condition that involves not dozens of dollars but tens if not thousands of dollars? Now they have to pay, and they have to pay dearly for something that our Nation promised them.

The amendment that I would like to offer is really not my idea. It is the brainchild of the gentleman from Colorado [Mr. HERLEY], and it is cosponsored by 204 Members of this body. It is cosponsored by both the chairman and the ranking member of the Veterans' Affairs Committee. It is cosponsored by the chairman and ranking member of the National Security Committee. It is cosponsored by the chairman of the Committee on Appropriations. It is cosponsored by myself, and it was a part of the Blue Dog coalition budget because we think it is important that this Nation keep our promises.

When brought before the Committee on Rules with all of the things that I have just told my colleagues, the importance of keeping promises, the importance of this Congress, of any Congress ever before keeping its word to the American people, in particular keeping our word to those people who have given the most to our country, the Committee on Rules voted in a party line vote. I am sorry to say, not to bring it before this body. That is wrong and it is time we changed things.

If Members recall, 1½ years ago a group of people were swept into office in a manner as usual, no more letting parliamentary rules keep the right thing from happening, no more losing the forest for the sake of a couple of trees. Today is an opportunity for those people to keep their word.

Today is an opportunity for the 270 people who cosponsored this bill to put their vote where they put their signature, and that is to defend the rights of our military retirees who served this country so well, who keep the part of the bargain. And all they ask in return is for our Nation to keep its word. As I said before, they are the only people in this country who were promised health care. Prior to Medicare and Medicaid coming along, they were the only people who got health care. And now is it not ironic that the people who dodged the draft, that the people who may even be here illegally get free health care? But the people who paid with 6 months at a time at sea on aircraft carriers and submarines, the people who lost limbs, the people who lost their vision, the people away from their families, whose families split up because they were defending our country, they are not getting the health care they were promised.

Mr. Speaker, this rule is wrong. It needs to be defeated, and we need to give those veterans of our country, our military retirees, what they were promised.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to the gentleman from Mississippi, who is my friend and the substance of whose bill I support very much support, even though I am sorry to say I am not a cosponsor primarily because I wasn’t aware of the substance of all the bill until yesterday, has been guided on how to go about accomplishing his mission, observing, with the protocols of the House. The first we have heard about this and the first I had heard about this last night as we were in the Rules meeting.

It just so happens that through an agreement in the protocol between both parties, the minority and the majority on this, we were not able to stick to our protocols in the Committee on Rules and make him in order. However, there were other options for him to pursue without disrupting what I think is a good, open rule for us to get on with the debate with one of the major appropriations bills that has the funding for major agencies of the Federal Government and a great many people who are depending on the activities of those agencies.

It seems to me the right way to deal with that is through the established rules and protocols of the House, and we have been happy to provide that information to the gentleman from Mississippi and I hope he will follow that course and he will have my support if he does.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE; 103D CONGRESS V. 104TH CONGRESS

(August 10, 1996)

<table>
<thead>
<tr>
<th>Rule type</th>
<th>103d Congress</th>
<th>104th Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of rules</td>
<td>Percent of total</td>
<td>Number of rules</td>
</tr>
<tr>
<td>Open/Modified Open 2</td>
<td>46</td>
<td>44</td>
</tr>
<tr>
<td>Structured/Modified Closed 3</td>
<td>49</td>
<td>47</td>
</tr>
<tr>
<td>Closed</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>104</td>
<td>108</td>
</tr>
</tbody>
</table>

1 This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

2 An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and a requirement that the amendment be properly in the Congressional Record.

3 A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report accompanying it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

4 A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).
Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KNOLLENBERG], a member of both the Committee on Economic and Educational Opportunities and the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, every hard working American family stands to benefit from the policies the Republican Congress is moving forward.

Despite the outrageous scare tactics and the “sky is falling” strategy of the Democrats, the future will be better for our children and our grandchildren.

We have successfully aimed to cut wasteful spending, reduce duplication, and lower taxes to get the Government out of our workers checkbooks. And with a balanced budget, lower interest rates will mean lower mortgages, lower car payments, and more affordable student loans.

We have pushed for welfare reform that rewards hard work and perseverance, and it is the only way to bring this matter to the floor at this time.

Military retirees and their dependents who are Medicare eligible over the age of 65 are now being forced out of the military health care system and on to Medicare. Under current law, the Department of Defense cannot be reimbursed by HCFA for treating Medicare-eligible retirees. Without Medicare reimbursement, the Retired Officers Association said these words: The DOD has no funding or financial incentive to treat military Medicare eligibles; thus, they are being shoved out of the military health care system and on to Medicare.

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is about fairness, as the gentleman from Mississippi [Mr. TAYLOR] said earlier, and this is the only way to bring this matter to the floor at this time.

Military retirees and their dependents who are Medicare eligible over the age of 65 are now being forced out of the military health care system and on to Medicare. Under current law, the Department of Defense cannot be reimbursed by HCFA for treating Medicare-eligible retirees. Without Medicare reimbursement, the Retired Officers Association said these words: The DOD has no funding or financial incentive to treat military Medicare eligibles; thus, they are being shoved out of the military health care system and on to Medicare.

If that were not bad enough, CHAMPUS eligible beneficiaries who enroll are abruptly disenfranchised from Tricare when they become Medicare eligible.

After we looked at the Persian Gulf war 3 years ago and realized that we could have had a problem if as many people had gotten hurt as possibly could have, in treating them, we decided we ought to not persist in a drawdown of medical personnel and medical infrastructure in our active guard and reserve forces. And so at that time we gave up Tricare, allowing the Governors of the various States to select medically underserved areas in those States, and then we would use reserve and guard personnel to go and conduct what we would call, I suppose, defensive medicine, screening for high blood pressure and so forth, to keep that ready military medical infrastructure in place in case we have another situation like the Persian Gulf.

I am convinced that military medical readiness will suffer if these people are continued to be denied access to care. Our military medical system must attract, train, and retain physicians and other health care personnel if it is going to be a capable and viable national resource for our defense.

Medicare subvention provides this institutional foundation which is needed to meet any contingency operation and will ensure that our military retirees have the freedom of choice in health care that they have earned, have been promised and deserve.

Now they say, well, this is out of order because we are in an open rule on Labor-HHS. This is telling HHS in this bill that they can reimburse the Department of Defense for these people. It is the same money, the same illnesses, the same medical people, but we do not force military retirees over the age of 65 out of military hospitals. That is just plain wrong.

There is a remedy under this bill to do it. If we could defeat this rule or the previous question, then we can have our amendment, which was denied us in the Committee on Rules, brought on the floor for a vote. That is all we ask.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise again to a time when this Congress is offering to the American public the multistrike bill and everyone is out. I would have hoped that after last year we could have come to the table of compromise on the Labor, Health and Human Services and Education appropriations bill, but we find that this department is underfunded some $6.15 billion below the President’s request.

What strikes me the most is that we have given up on children by underfunding Head Start by $38.1 million, which serves only 740,000 out of the two million children who are currently eligible for this important and effective early childhood program.

Just a couple of weeks ago I had the opportunity to be in California discussing the crisis of juvenile crime all over the Nation, and one thing that we were assured of or convinced of, as the
RAND study has indicated, that it is the upfront cost that will allow us to invest in Americans and prevent the incarceration of citizens in their later life.

I cannot understand my Republican colleagues for striking out Head Start once more and disallowing the numbers of children that need this service to not be served. Additionally, I cannot understand if this is a Nation of working people, supporting working Americans, that we would cut the dollars that work for safety and health and also pensions security.

J ust yesterday, in a very grateful manner, the Senate voted overwhelmingly to support the increase in the minimum wage. We now in the House of Representatives will be dealing with a bill that says to the American workers that they are out. We strike them out on workplace safety, we strike them out in health care and we strike them out in pension security.

We have over the last 2 years to ensure that our young people have an appreciation for work. The Youth Summer Jobs Program has been one that I have personally taken charge to see that we respect the fact that young people work. We cut it in 1995, they cut it in fiscal year 1996, but yet we were able to see that it survived. Here we go again, we are now at 442,000 youth who cannot be served because of the cuts in the Summer Youth Jobs Program. I think it is important that we recognize that America is a country of inclusiveness.

I would say that, in addition to including our youth, we should recognize those who suffer from mental illness and drug abuse. The bill provides less funding for the Substance Abuse and Mental Health Services Administration. The amount, $1.85 billion, is an aggregated cut of $33.9 million below the current funding level and is $284 million below the administration's request.

J ust for a moment, one of the things I have heard often when I have spoken to my health care providers in Texas is that mental health is an important issue. I think if we defeat this rule we will be able to support youth, children, and those who suffer from mental illness and substance abuse. I ask my colleagues to defeat the rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. De LAURO], the distinguished member of the Committee on Rules.

Ms. De LAURO. Mr. Speaker, I rise in strong opposition today of the Labor, Health and Human Services and Education appropriations bill. While we should be investing more in education to give our children the tools of opportunity in order to succeed, the Gingrich Congress continues its assault on education.

The central theme of the leadership revolution has been to deny educational opportunities at every level of their academic development. And this bill is more of the same.

The enrollment in public schools today is rising. Tuition costs for college are going through the roof and working families are being squeezed just to make ends meet. This Congress should be doing everything in its power to expand access to a college education, to maintain support for local schools, ensure that every child who walks into a classroom is healthy, fed, and ready to learn.

This bill does the exact opposite. It slashes education. That is dumb and it is wrong. I urge my colleagues to cite the blows inflicted by this bill.

Our national investment in elementary and secondary education is cut by $400 million from last year's level. The bill kicks 15,000 children out of Head Start. It denies 120,000 children needed help in reading and mathematics for next year.

The bill stops Federal funding of school reform. Goals 2000, which enables teachers to reform our schools, to discover innovative methods to improve the performance of all students, is eliminated under this bill. It slashes safe and drug-free schools, putting children in my district in New Haven, CT at risk of violence in their schools.

In higher education the bill would deny 191,000 students Pell Grants next year. The bill denies 96,000 deserving postsecondary students the opportunity to receive low-interest Perkins loans. It reduces funds to administer the student lending program, limiting the number of loans available to students and working families for 14 colleges and universities in Connecticut.

The Gingrich revolutionaries just do not get it. We have been down this road before. The American people have spoken out loudly and clearly in opposition to an extreme Republican agenda, yet it has reared its ugly head once again in this bill. The American people understand that the only way that we move competitively into the 21st century is through an educated work force.

Educating our kids is primary to families today. Dismantling public education in this country is the wrong way to balance a budget. We should reject this all-out attack on education for middle-class Americans.

Some of my opponents say the Republicans have changed their tune from 4 months ago, found faith in America's public education. This is simply not true. I believe we must reject this extreme antieducation bill.

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio, Judge Pryce, a distinguished member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank my friend from Florida, Mr. Goss, for yielding me the time, and I rise in support of both the rule and the Labor-HHS appropriations bill.

First, this is another open rule. With the exception of the legislative branch appropriations bill, which we considered earlier today, all of the regular spending bills that have come to the floor of the House this year have been considered under an open amendment process, and we continue that same spirit of unrestricted debate today.

Second, I'd like to commend Chairman Porter for creating a very responsible bill—one that keeps its commitment to preserving and protecting the health, welfare, and Social Security of the American people.

Although this year's bill freezes spending for many programs at last year's level, the bill does provide increased funding for education and Head Start, for block grants that support child care and community services, for the Violence Against Women Act, for the National Institutes of Health, and for valuable outreach and support programs like TRIO—which encourages young people in my district of Columbus, OH, to pursue a college education.

Even with the increased funding levels, Mr. Speaker, the bill is within the 602(b) level, and as our colleagues who is crucial to this on the glidepath to a balanced Federal budget.

As we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is most effective in our society. This bill achieves this important goal by emphasizing, among other things, local control, parental involvement, and basic academics.

Notwithstanding the challenge of balancing the Federal budget in 6 years, I believe H.R. 3755 makes the right kind of investment in education, job training, and health, while also shrinking the size of government and funding only those programs that have demonstrated their effectiveness.

Mr. Speaker, the Labor-HHS bill is one of the largest of the 13 annual spending bills, and under this open rule, we will have the opportunity to discuss spending priorities in a fair and open manner, and I look forward to that debate. I urge my colleagues to support this open rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote to the previous question. If the previous question is defeated, I shall offer an amendment to the rule which will make in order the amendment by the gentleman from Mississippi, Representative Taylor.

The Taylor amendment seeks to allow HCFA to reimburse DOD for treatment in military medical facilities of military retirees and their dependents over the age of 65 who are Medicare eligible.

Mr. Speaker, I include the text of the proposed amendment to the rule at this point in the RECORD.
Mr. Speaker, at the beginning of this Congress the Republican majority claimed the House was going to consider bills under an open process. I want to point out that 60 percent of the legislation in this session has been considered under a restrictive process.

Mr. Speaker, I include the following extraneous material for the RECORD:

**FOOTNOTE**: Mr. Rangel objects and asks for the recorded vote.

Mr. Rangel said the point of order was not sustained.

Mr. Cannon objects and asks for the recorded vote.

Mr. Cannon stated the point of order was sustained.
Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I again thank the gentleman for yielding me this time.

Mr. Speaker, the people of this body are going to have two chances to vote on Medicare subvention. Again, 270 Members, including the chairman of the Appropriations, the gentleman from South Carolina [Mr. SPENCE]; the chairman of the Committee on Veterans’ Affairs, the gentleman from Arizona [Mr. STUMP]; and the ranking Democrats who serve on those committees are cosponsors of this measure.

**1730**

It is the right thing. They are the only people in America who were promised health care and the only people in America who are being denied the health care they deserve.

We have a chance to fix that. Two hundred fifty-seven Members of this body, including most recently 250, because the gentleman from Minnesota [Mr. PETERSON] has signed on, have said this is something that this Nation ought to do. It is a promise that ought to be kept.

Mr. Speaker, we should defeat the rule and make this in order. If it is not, then I am going to take the words of the gentleman from Ohio [Mr. PRYCE], who is a cosponsor of this measure, to task and see if it is truly an open rule, and we will offer it as an amendment so that the Members of this body will have the chance to do the right thing for our Nation’s military retirees; to prove that we are putting right over procedure and we are going to keep our promises to the military retirees of this country.

Mr. GOSS. Mr. Speaker, I would say to the gentleman from Texas [Mr. FROST], we had one member of the Rules Committee on Rules come in unexpectedly. I would ask if I may deviate to recognize the gentleman from Utah, Ms. ENID GREENE. It will be a short statement.

Mr. Speaker, I yield such time as she may consume to the gentleman from Utah [Ms. GREENE].

Ms. GREENE of Utah. Mr. Speaker, I rise in support of the rule. It is an open rule that will provide thorough consideration of the issues by allowing amendments to be offered on the floor.
Mr. Speaker, I think it is important that we note that for too many years Washington has spent tax dollars and created bloated bureaucracies to show that we care. Nowhere is this more apparent than when we look at what Washington has done to our education system. Today, we have 760 federally run education programs administered by a jumble of 39 separate Federal departments, agencies, boards, and commissions, at a cost of $120 billion to the American taxpayers.

But, Mr. Chairman, for all those programs and all that money, student academic performance in this country has not improved in the last 20 years. In fact, we have seen a steady decline in student performance as parents and local communities have less control over their children’s educations.

SAT scores have dropped from a total average of 925 in 1972 to 902 in 1994. 66 percent of our 17-year-olds do not read at a proficient level; reading scores are down, science scores are down, and United States students score worse in math than all major countries except Spain.

Now, there is no doubt that many of these programs are well intentioned, but good intentions are not good enough when dealing with our children’s education. Clearly, the Washington education bureaucracy simply has not accomplished what needs to be accomplished for our children and there may be no better example of how using spending as the chief or only measurement of improvement has failed our children than my own State of Utah.

Mr. Speaker, my State of Utah ranks last in the 50 States in per-pupil spending in the Nation, yet it ranks second in the number of high school graduates, first in the Nation for the number of residents who have attended college, and the scores of Utah students taking the ACT test in 1996 rose in every subject and were higher than the national ACT group in math than all major countries except Spain.

As the President said in his State of the Union Address, “The era of big government is over,” and it is time to empower our State and local communities to pick up where Washington needs to jump off.

Let me stress, Mr. Speaker, this bill does not gut education programs. This bill freezes spending at last year’s level for programs for disabled students as well as for the Safe and Drug-Free Schools Program. Spending for the Head Start Program is increased by $31 million above the 1996 level, and Pell grants are increased to a maximum of $2,500, up from $2,470 just last year.

Mr. Speaker, with all the help the Federal Government has been doing over the last 30 or 40 years, is it not time to explore other ways of giving our children the first-rate education they need and deserve?

Mr. Chairman, I urge my colleagues to support the rule and the bill.
support the rule, and we should vote "yes" on the previous question for a very simple reasons. We have an appropriations bill here that has got billions and billions of dollars that are necessary for many critical programs, as we have said.

I think that the gentleman from Mississippi has made a very eloquent statement about an amendment that he feels very strongly about, and I frankly think it is a good amendment and I wish it could have been made in order that we have rules in the House and his amendment is not germane. And we all know it.

The gentleman's amendment was voted on in the Committee on Rules and it was voted down in the Committee on Rules because it is not germane. It is legislating on an appropriations bill. We do not legislate on an appropriations bill unless we follow a protocol. The protocol is well-known. The protocol is to have consideration of the bill (H.R. 3755) the bill is considered as having been read the first time. Pursuant to the provisions of H.R. 3755, the bill is entitled "An act to make appropriations for the Department of Labor, Health, and Human Services, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes." Accordingly, the House resolved it-
Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 1 hour.

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

(By unanimous consent, Mr. PORTER was allowed to speak out of order.)

**LEGISLATIVE PROGRAM**

Mr. PORTER. Mr. Chairman, I take this time simply for the purpose of explaining to Members what the schedule will be for the remainder of this evening.

The vote that was just taken is the last recorded vote, as I understand it. We will have the 2 hours of debate on the bill according to the rule, 1 hour on each side, and we will then proceed to amendments under title I, the Department of Labor, and will complete that title this evening with votes, if any, to be rolled over to tomorrow, and we will designate title II also.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois [Mr. PORTER] for 1 hour.

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

1815

Mr. PORTER. Mr. Chairman, let me begin by thanking the chairman of the full Committee on Appropriations for the extremely helpful role he has played in working the bill through the subcommittee mark and the full committee. Obviously he has, I think, one of the toughest of all jobs in the House, splendidly, and we are all greatly in his debt.

I also want to thank each of the members of my subcommittee who worked so hard, especially the gentleman from Wisconsin [Mr. OBEY], the ranking member, for his contribution to the bill, and for all of their participation in the very difficult process that we have gone through in marking up and reporting the bill. It has not been easy for any of us.

Finally, I want to thank our staff. The staff of the full Committee on Appropriations have been extremely helpful to all of us. We hope to have all of the bills, including this bill, out by the end of the week. We have gone through a very, very tough job, and we have taken that responsibility and we must take it seriously. We have carried our responsibility in this bill.

Let me talk about what we have done on the increase side. Job Corps operations is a program aimed to help the most at-risk youth in our society. It removes them from their current environment to one where they can get real job training, a chance for a working life and career in our society. Job Corps is increased by $92 million.

The community services block grant, which is an extremely flexible program that can support many social services programs, including nutrition, education, employment, and crisis services, is increased by $100 million, from approximately $300 to $400 million.

Innovative education program strategies is increased to $69 million, and we are increasing several categorical programs to increase funding for this broad block grant.

The Centers for Disease Control and Prevention, the premier agency in the world in the search for the causes and treatment of a broad range of diseases, is increased by $75 million, to $2.2 billion; $82 million dollars is provided for infectious disease control, $335 million is provided for breast and cervical cancer screening, and other health promotion and disease prevention programs are also increased.

Mr. Chairman, health professions training funding is increased by $34 million. Family planning is maintained at last year’s level of $192 million; $92 million is provided for community and migrant health centers, and other health service programs are increased as well. Again, Mr. Chairman, these are programs that serve the poor, the disadvantaged, and the most vulnerable in our society and they are given high priority in our bill.

Head Start funding is increased to $3.6 billion. Again, this is a program aimed directly at the poorest, most vulnerable children, and while not without its faults in some of its applications, is a high priority in this bill. TRIO is increased by $37 million, an 8 percent increase. Pell grants, and I heard the gentleman say we were cutting Pell grants, the gentleman from Connecticut earlier, Pell grants are increased this year by $30, to $2.5 billion. Federal work-study grants are up over 10 percent, to $685 million.
Mr. Chairman, it is here that I have the greatest difficulty of understanding the criticisms of my friends across the aisle. We have increased these student financial aid programs this year, and many of them were increased or frozen last year. Yet my friends still insist that the majority is cutting post-secondary education. We are not.

Funds for college education, post-secondary education, are increasing.

The bill also continues our efforts at reform. The bill revises Paragraph 39 of Omnibus Consolidated Appropriations and Rescissions Act of 1996. Among those included are provisions prohibiting the issuance of regulations by the NLRB related to single-site bargaining, provisions that have been carried in this bill for several years prohibiting the use of funds for abortions—the current Hyde language—provisions that limit the use of funds for the creation of human embryos for research and the use of embryos.

In addition, the subcommittee included several additional legislative provisions. Language is included strengthening the current language regarding OSHA ergonomic standards. The recommended language would prohibit the development or issuance of standards or guidelines and the collection of data with respect to repetitive motion injuries. Language is also included that would raise the minimum jurisdictional level it originally was set at in 1990. Finally, Mr. Chairman, language is included that prohibits the use of CDC funds for the advocacy of gun control.

Mr. Chairman, we are about to hear a great deal of discussion from our friends on the other side of the aisle on their belief, and the President's, that we now need more money on these and other programs. In the end, however, we are going to have to be responsible. In the end, every dollar we spend above current amounts in the bill are borrowed and must be repaid by our children, who have, after all, no vote and whose futures we are mortgaging if we spend beyond our means.

This is a responsible bill, Mr. Chairman. It reflects the priorities for education and health and job training and the greatest cost reductions. I commend it to the Members. I believe it is a fair, responsible bill and does the job for the American people.

I would like to clarify the intent of language included in the section of House Report 104-659 relating to the buildings and facilities account within the National Institutes of Health. The report indicates that the committee expects that the detailed construction documents for each project be reviewed by an outside party acceptable to both NIH and Congress. This outside party could be a single entity or a panel of experts drawn from various institutions. Such a review would take place at the end of the procurement stage of the project. The review should focus on a thorough examination of program and cost estimates, but need not involve review of detailed construction documents.

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

Mr. OBÉY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, I think, defines a major way the differences in tone and approach between the two political parties in this House. For years we have had a decline in the school-age population in this country. It has been going down for a number of years. But the fact is that we are now experiencing a steady increase in in-school enrollment in this country, and, in fact, next year there will be more students enrolled in local school districts than at any time in the country's history.

We would simply ask the question on this side of the aisle: Why should we be cutting per-pupil expenditures for those students at a time when we are experiencing an increase in student enrollment?

If we take a look at what is happening to per pupil expenditures and look at it in real dollar terms, we will see that per pupil expenditures at the federal level are declining from $287 per student to $222 by the end of the sixth year of the Republican budget which just went through this House several months ago. This is the first year's step in that budget process.

Last year the Republican majority in this House tried to cut $7 billion out of the education cuts which had been made by House Republicans in this bill last year.

This year's bill has a more stealthy approach to make those same reductions. On the surface, it appears to be pretty much a stand-pat budget but, in reality, there is a $500 million reduction in Department of Education programs, and over the next 6 years, we would wind up with a reduction of some $35 billion in current services and we would wind up with cuts of about $57 billion below the President's requests.

That is a 20 percent cut in real deliverable program levels by 2002. We simply think that that is in the interest of the country. We do not think that that will help the economy grow. We believe that these reductions come at the worst possible time for local schools. Schools face sharp competition for resources from State and local sources.

When budget squabbles and national and local level comes at the same time that Federal education aid dollars are declining in real terms while school enrollment, as I just indicated, is rising. That creates a double-jeopardy situation which I think is unhealthy.

This bill begins the process under which this year up to 15,000 Head Start kids will be squeezed out of the program under this bill. Over 150,000 title I children will lose title I services that help them to read and to master science and math. The President's budget would have supported nearly 450,000 additional title I students. By the end of the Republican 6-year budget plan, more than 1 million kids will not be receiving the reading and math help they need under the title I program. Under Goals 2000, which is the program that was begun under President Bush, supported by then Governor Clinton, under that Goals 2000 program which would help 8,500 local schools fund and standards so that kids can compete globally, that program would be terminated in this bill. That results in 2 billion fewer dollars provided for school improvement between now and 2002 that 340,000 science and math teachers and science teachers will lose the training that they need to upgrade their skills because the bill eliminates the Eisenhower Teacher Training Program. Over 300,000 students will lose vocational education and training opportunities in just this year alone under the bill. There will be 14,000 kids who lose bilingual education opportunities. Two hundred twenty thousands students who receive Perkins loans and grants under the State-assisted student education program will be able to get the help they need to attend college. There are 107,000 fewer college kids who will receive Pell grant programs compared to the President's budget. Seventy-nine thousand fewer summer youth jobs will be provided under this proposal. Displaced worker assistance will be provided to 32,000 fewer workers than last year.

This is the bill that is supposed to help children and workers get ahead. In this bill, this bill is supposed to lead to a systematic disinvestment in education and puts roadblocks in the way of those workers and those children.

I would point out that there has been a lot of talk through the past years about how sound Social Security and Medicare will be in the next century. Raising the wages and the earning power of the American workforce is crucial to being able to strengthen those funds, because you need to resource people living so that they can increase their payments into those funds. This is the bill that most directly impacts our obligation to give kids from working families a
chance to make something of themselves and it is being short-sheeted in my view.

In addition to the education problem, we have added over 2 million seniors in the last 5 years to our population. Yet this bill slashes the Pell Grant by 15 percent below the President's request and 9 percent below what is needed to simply maintain last year's level of operations. That means cuts in our ability to help guarantee workplace health and safety, pension protection, and immigration reform.

The bill also cuts funding for the NLRB by 15 percent below last year's level and 20 percent below the President's request. We do not think that is wise. In addition, it contains a number of riders which we do not believe make much sense.

Low Income Heating Assistance Program, a program which I started with Senator Muskie a long time ago, that Low Income Energy Assistance Program is crucial to help seniors and vulnerable individuals pay their home heating bills. I come from a part of the country where you get 40 below zero weather, and I am not talking about chill factor. I am talking about real term temperature cold. In 1996 the Low Income Energy Assistance Program was slashed by $419 million. This bill provides $100 million less than the President requested and it appropriates not one dime for fiscal 1998 for that program.

I would simply point out that from 1981 to 1994, the low-income population eligible for LIHEAP has grown by 10 million people. Yet the percentage of eligible households served by it has dropped from 36 to 21 percent and the percentage of assistance on their fuel bills which people get from the Federal Government has declined from 23 percent to 12 percent in 1994 and it will go down even more.

So for this and a variety of reasons, I would simply say that we on the minority side feel that this bill is not adequate to the challenge facing the country and I regretfully intend to vote "no" when the bill reaches its final passage stage.

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

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, as a former fourth grade school teacher and the mother of two, I understand the importance of education to the health and vitality of our Nation. We who are in positions of authority have a solemn responsibility to formulate policies which will provide all children with access to quality education.

Mr. Chairman, 66 percent of 17-year-olds do not read at a proficient level, and 30 percent of all children entering college have to take remedial education classes. These sorry statistics are the unfortunate result of several factors, the most important of which is the unrelenting growth of the Federal education bureaucracy.

Only 1 percent of all education spending in the United States comes from Federal sources, yet one study found that it accounted for over 50 percent of all the paperwork for local school districts. We need more teachers, we need better teachers in the classrooms with more students, not more bureaucrats buried under mountains of paper.

This Congress has trimmed the fat from the education budget but it has not cut vital and effective programs. Both Pell grants and the work-study program reach an all-time high under the Republican budget this year. These programs are proven successes and should be preserved. Yet out of a Federal education monolith consisting of 760 programs and costing $120 billion a year, there is much that must be reformed. Of these programs, only 3.6 percent are science-related, only 1.8 percent are reading-related, and only 1.1 percent are math-related. Our limited Federal resources are being squandered.

Washington, DC is not the place to look for education policy. We need to look at the local school districts, the teachers, the parents, the local committees, and families that must be allowed to educate children without interference from the Federal bureaucracy.

What works for New York State may not work for the children of the central coast of California, where I come from. I say, give those who know education best the ability to make policy that works for the folks at home, for their own communities, their own children. We in Washington, DC should offer support but not be the way. Our children deserve better.

Mr. OBERY. Mr. Chairman, I yield 11½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding me the time.

Mr. Chairman, I want to rise to make an observation with respect to what is happening in the Congress and in the United States of America regarding how we spend our money and how we make our money and how we spend our money.

The chart to my right shows that in 1962, 70 percent of the Federal budget was so-called discretionary spending. Discretionary spending is decisions that we make about where we want to invest our money to make our country stronger and more viable as a Nation, to make people more secure and more able to compete. That has now dropped down to less than 36 percent.

Half of that is for our national defense. It is a defense that supports the national defense, and I have done so since 1981 when I first came here. We added $12 billion to defense this year when it passed this House. Why did we do so? We did so on the premise that to freeze defense was in fact a cut. In fact, I think that rationale was correct. But I am not so sure why that rationale does not apply to the defense of this Nation as it relates to the education of our children and the safety of our families.

In 1983, the Department of Education issued a report. It was a stark and compelling report, and it was entitled "A Nation At Risk.''

What do they say? I am quoting from that report, issued under the imprimatur of Secretary Terrence Bell, who recently passed away. He was a fine Secretary of Education, a member of the Reagan Cabinet. The report said this:

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. We have dismantled essential support systems which helped make these gains possible. We have in effect been committing an act of unthinking unilateral educational disarmament.

Mr. Chairman, I will oppose this bill because it sounds retreat, and America ought not to retreat. In a time when we need to have families as our focus, at a time when we need to strengthen education and strengthen children, sounding the bugle of retreat is not a proper policy.

We will have a very substantial increase in the numbers of children going to our schools over the next 6 years. Next year, in fact, we will have more children in school than in any year in our history.

What does that mean? That means there will be a greater burden on local and State governments. As the previous speaker said, the Federal Government contributes only 6 percent of the educational resources available to our families and to educate our children. But that 6 percent is a critical part. In fact, it is the part which deals with some of the most vulnerable children in America, those who have economic, cultural, and educational deprivations in their families, and who therefore start out behind the others with whom they will go to school.

This chart shows that we are going to have 3.4 million more children entering school from 1997 to 2002. It also shows that the Republican budget's freeze at $14.4 billion for elementary and secondary education is essentially a retreat, because it will effectively be, in 2002, $12 billion in real dollars, in resources available. In an atmosphere where the need is growing, our investment is decreasing.

□ 1845

That does not make sense for our families or for our children. I said that the numbers of children were increasing, and I showed Members on the chart where the budget goes from $14.4 billion to approximately $12 billion in real terms by 2002. Now, that is when we will be experiencing an addition of 3.4 million new young people in our school system.
Those children do not disappear. Those children will not have another chance at being 3 or 4 or 5 years old. This is not something that we can catch up on tomorrow, when perhaps, as George Bush says, our wallet will match our will. I believe that we ought to have the will, and I clearly believe we have the wallet. As a matter of fact, as a Democrat for a balanced budget, I voted for the coalition budget. The coalition budget, in fact, balanced the budget—spending less than the Republican or the President’s alternative, and provided an additional $47 billion for education. How did it do that? Because we did not pretend that we could cut taxes, balance the budget, and make sure that families were secure in the knowledge that their children would receive the kinds of education that they need.

Under the President’s budget, there would have been $7.05 billion for title I. Title I is for economically deprived children. Some additional help is needed to be competitive, so that they can join our workforce in competing with an increasingly able workforce around the world. A freeze in real terms would serve 6.8 million children in 2002. The chair of the freeze and some additional help in point of fact, that policy will result in an actual decrease to 5.8 million children who will be served in 2002. This is opposed to the President’s budget, which will serve 6.8 million children. There are 6 million other children that will have no seats for title I assistance in the schools of our Nation because of this Republican budget. I believe that policy is inconsistent with our desire to compete in the global marketplace, with our desire to pledge to families that they can be secure in the knowledge that their children will have the kind of education, Head Start, and title I assistance that is the area of education right now, and I want to talk about some other priorities that can dramatically improve and change the lives of individual children.

This next chart shows in very specific terms what will happen in the cities and towns of America. Let me give some examples. In Dallas, TX, a freeze in title I as proposed by the Republican budget has already caused teachers to lose their jobs and 726 students lose help next year. S. 726 students next year in Dallas, TX, as a result of this bill will not get the kind of help that they need. The Miami-Dade area will lose 40 teachers and 1,101 students next year. It will lose 256 teachers and 6,366 students over the next 5 years.

Ladies and gentlemen of the House, in order to stay even, just this year, we would have to add $2.6 billion to this bill for title I.

Now, recall with me my opening statement that we added $12 billion to the defense bill so that we could stay even and remain the strongest Nation on the face of the earth. My Republican colleagues pointed out that if we did not have that additional $12 billion, if we froze funding at last year’s level, that we would in fact be putting at risk the Nation by underfunding our defense. Ladies and gentlemen of the House, let us not underfund the defense of America by underfunding the children, the education of America. I urge a “no” vote on this appropriation bill. Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER], a very able member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the previous speaker tried to scare us about what is happening in education, and I just want to set the record straight. The Federal Government only pays 5 percent of the total amount of money in elementary and secondary education. Ninety-five percent of the money comes from State and local governments, and that is where the responsibility belongs, with the family and State and local governments.

He talks about title I. Where are the cuts? Title I has increased 40 percent in the last 7 years, and it is flat funded for this year. There is no cut. The amount of money going for title I stays at $6.7 billion.

I rise in strong support of this bill, and I want to talk about something other than the area of education right now, and I want to talk about something that is very, very important, and that is the area of biomedical research.

Biomedical research is a fundamental priority that can dramatically improve and change the lives of individual Americans. There, for the second year in a row, we have significantly increased funding at the National Institutes for Health and for the Centers for Disease Control. Another reason, by the way, I am supporting this bill very strongly is we want to eliminate wasteful and duplicative spending programs, and this bill eliminates 39 programs in addition to the 109 programs we eliminated last year. So I support this program because what it is, we set Federal priorities, we take a hard look at those functions of the Federal Government and decide what they can do and the responsibility of the Federal Government should do. We identify those crucial programs and increase the funding for those that are the most important, and we decrease funding for wasteful or nonessential bureaucracy.

The National Institutes for Health is a perfect example since it represents a true Federal responsibility. By providing over a 6 percent increase, we are continuing our commitment to ensure the health and welfare of our citizens. Under the leadership of Chairman PORTER, we have committed to building a new clinical research center, and this has been paid for.

The Human Genome Project, which is literally mapping the entire human DNA, is moving forward ahead of schedule. Funding for AIDS research is once again increased. We have seen breakthroughs at NIH for the treatment this disease, and the Republican plan continues to provide the resources needed to find a treatment and cure.

We should support the National Institutes for Health because it is truly one of the great institutions of the entire world. Dozens and dozens of Americans have been awarded the Nobel Prize with help from NIH research grants. Some of the most important medical discoveries of the 20th century have occurred at the NIH campus or through NIH grants to the Universities in this country.

America has created the finest medical research facility in the world, and it ensures that the United States remain a true force for the improvement of our health and well-being as a society.

Another great institution is the Centers for Disease Control in Atlanta. It reaches across the entire country and entire globe. This bill increases funding for several CDC prevention programs. We increase funding for breast and cervical cancer screening, chronic and environmental disease prevention, infectious disease, AIDS education and prevention, lead poisoning prevention, and the prevention of health services block grant. CDC is an example of an activity the Federal Government is uniquely qualified to accomplish. We have increased funding in 1996 and again in 1997.

This is a good bill. I urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Jul 10, 1996

CONGRESSIONAL RECORD – HOUSE H7219
Mr. PORTER. 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. 3755 and include extraneous and tabular material and charts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] has 43 minutes remaining, and the gentleman from Wisconsin [Mr. Obey] has 39½ minutes remaining.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755).

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 further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. Walker in the chair.

The Clerk read the title of the bill. The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] has 43 minutes remaining, and the gentleman from Wisconsin [Mr. Obey] has 39½ minutes remaining.

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

Mr. PORTER. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana [Mr. Livingston], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Chairman, I would call the attention of the Members to the charts beside me. First, a chart depicting the expenditures of the U.S. Government in 1962, Jack Kennedy's heyday, when the Federal Government in that fiscal year spent $106.8 billion with a very minor deficit. The deficit today runs around $150 billion.

It was a different day, a different era. Half of that was defense, which is depicted in the lower yellow portion of the pie, and roughly one-sixth of the budget, a little bit more than one-sixth, is the nondefense discretionary portion, which includes the programs funded in this bill.

□ 1900

The blue portion refers to the entitlements, which at that time consisted of Social Security and welfare and various other mandatory spending programs. The red is interest on the debt, which then was a "big" $7 billion.

Times have changed, Mr. Chairman. Today—for fiscal 1997—the chart looks entirely different. More than half is blue, the mandatory portion of the budget, which is now Social Security, Medicare, Medicaid, welfare and other mandatory programs. The total amount now that we propose to spend is $1.6 trillion compared to $106 billion in fiscal 1962.

Today we spend 15 times more than we spent back in Jack Kennedy's day. As I say, half of it is for mandatory spending. We raise most of the money, and we transfer it to other people. We tax the American people and pass it on to the next guy.

The discretionary portion looks entirely different. Before, half of the whole budget was defense; now it is only one-sixth. But the other sixth, or the other half of the third, represents discretionary spending which is now about $269 billion, and a good portion of what is in this bill makes up that amount.

Actually some of what is in this bill is also funded in the mandatory portion of the budget, but what is significant about this chart is the red. The significant of the red on this chart is the fact that it has grown disproportionate to the entire pie, which itself has grown by 15 times since 1962. The red represents the interest on the debt.

Within the next year or so the red, the interest that we pay on the debt, the borrowing of $100 billion, $200 billion, $300 billion a year over the last many years, is now rapidly approaching the mandatory portion of the budget. And we soon will, exceed what we spend on the defense of this Nation, our first priority under the Constitution of the United States.

So I have heard various Members from the other side of the aisle troop down here and say we have to take care of the little children, the infirm, the elderly, we have to take care of the disabled and people who cannot help themselves, and my answer is if we do not get a handle on this problem, all of those people along with every one of us is in deep trouble.

The interest on the debt is the first thing the Government must pay. Otherwise we default. If we do not want to default, we have to pay the interest on the debt even before we worry about the security of our Nation and of every man woman and child in this Nation.

If we do not get that interest on the debt in control, that tendency that has caused us to borrow up to $100, $200, to $300 billion a year, because we are spending that much more than we receive every single year with the exception of perhaps 3 years since World War II, frankly, the red color on the chart will encompass everything else, and we will not be able to afford anything else.

So I would say take care of the little children first by balancing our books. Now, the other side will say, well, we are balancing them on the backs of the children. I say that is not true. The fact is we are making significant savings. In fiscal year 1995 we saved a net of $16 billion. In fiscal year 1996 a net of $20 billion, and in fiscal year 1997, which we are in now, it will be another 15 to $20 billion. Minimum, a net savings to the American taxpayer of $53 billion under what was appropriated by the Democrats when they had control in the Congress.

If we look at President Clinton's budget compared to where he would take us had he had a Democratic Congress, we are saving around $80 billion, all of that out of the discretionary spending area. That saving is achieved by cutting everything fairly and equitably.

Is it out of education? No. First of all, the Federal Government only spends roughly 5 percent of the entire education budget. This is the chart showing what the United States spends on education. State and local governments spend 95 percent; the Federal Government puts up an additional 5 percent. Mr. Chairman, I want to point out that despite the fact that we have heard this hue and cry about cutting the people that are least able, total nondefense discretionary spending is going up. The fact is, yes, we are eliminating duplicative programs. We have cut unnecessary programs. We have already eliminated a number of programs; gone from 655 in 1995, to 515 in 1996, and to 464 in 1997, in this bill.

At the same time the savings generated by these eliminations are, in fact, going to the States in the form of block grants, block grants for States and localities to spend the money as they please. Community service block grants has gone up from $390 to $490 million. For child care and development programs, it has gone up from $955 to $950 million. For social services block grant, it has gone up from $2.4 to $2.5 billion. And for maternal and child block grants, it has gone up by $3 million from $678 to $681 million. We are spending more, not less, on block grants.

Student aid is going up. The student aid has increased. Maximum Pell
Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in the future. We are investing the country back on an even keel in an orderly fashion. If we have our way, with 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.
Mr. Chairman, H.R. 3755 also fails our Nation’s school children, jeopardizing their academic future. At a time when school enrollments are on the rise, and are in fact the highest in history, the bill freezes funding for teaching assistance, special education, the Administration on Aging, and the National Senior Volunteer Corps. Funding provided for these three programs alone falls over a billion dollars short of the administration’s request. The bill also threatens seniors’ quality of life by short funding low-income home assistance, the Administration on Aging, and the National Senior Volunteer Corps. Funding provided for these three programs alone falls over a billion dollars short of the administration’s request. These resources are desperately needed by working poor families who not only need to work but equally important want to continue working. In addition, funding for the Centers for Disease Control’s National Center for Injury Prevention and Control Program is cut $2.6 million. These funds are critical to further research on the prevention and control of fires, poisonings, and violence including homicidal, suicide, and domestic violence. Programs under the auspices of the Substance Abuse and Mental Health Services Administration are also especially hard hit by H.R. 3755. The over $38 million cut in substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent in fiscal year 1996, and that for treatment demonstrations was cut 57 percent. As a result of the dire funding situation, with respect to at-risk youth, 5 million individuals will be denied the substance abuse prevention services they desperately need. In total, funding for these four programs alone is $670 million below the administration’s request, and over $70 million below the current funding level.

Mr. Chairman, each and every day, parents across this country continue to raise their children telling them to get to work and go to school and follow the rules, and you will succeed. H.R. 3755 denies these kids access to many of the most critical tools they need to succeed. I strongly urge my colleagues to vote “no” on H.R. 3755 in its current form.

On the other hand, the bill that we have before us is level-funded from last year’s appropriation. So the first question we have to ask ourselves is: Do we level-fund for the next fiscal year in the context of a balanced budget, or do we spend an extra $7.8 billion? I come down on the side of balancing the budget.

The second question we ask ourselves tonight is: Are we making an adequate investment in these very important programs, and in particular I would ask, are we making an adequate investment in education? I would submit to my colleagues that under this bill we are making substantial additional expenditures in education.

Mr. Chairman, this is a very important debate. This bill is a very important part of our effort to balance the budget for this Nation. If the President of the United States had his way with this appropriation, we would spend an extra 12 percent on this bill. We would spend an extra $98 million in Job Corps alone if the President had his way on this bill.

Mr. Chairman, this first chart I have gives a history of Head Start funding. It shows that under this appropriation bill we will appropriate an additional $31 million for Head Start in fiscal year 1997. It also shows that in the last 7 years alone Head Start expenditures have increased by 132 percent. This is at a time when enrollment in this program has not increased by nearly that percent.

Now, the second chart I have is simply an account of Pell grant maximum awards, and my colleagues can see that the maximum award for 1996 is $2,470. Under this bill it will go up to $2,500.

Other increases in this bill are the Job Corps program, a $45 million increase; the work-study program, an increase of $68 million; impact aid, an increase of $68 million. We have also level-funded important programs such as the Safe and Drug-Free Schools State Title I funding for the disadvantaged.

It is very, very easy to be for a balanced budget in an election year, but it is hard work to actually get to a balanced budget. It is hard to actually plug in those numbers that will reduce the deficit, when we consider them item by item by item.

I would respond briefly to the comments by the distinguished gentleman from New York [Mr. O’HANEY], my dear friend. His quarrel is with the overall budget plan which includes tax relief. There are many colleagues on the other side of the aisle who object to the budget allocation. They said, “We did not vote for these tax cuts and we should not be bound by the budget plan.”

Mr. Chairman, we have to make judgment calls, and if I have to make a judgment call on the side of the hard working taxpayer, I will do that. If I can put another $1,000 in the take home pay of a young family making $25,000 or $30,000 and still level-fund these very important programs, I will do that.

This is a choice of another $7.8 billion in spending or a balanced budget. Mr. Chairman, I urge my colleagues to choose a balanced budget and vote for the bill.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Ms. LOWEY].

Mrs. LOWEY. Mr. Chairman, first I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership for funding the National Institutes of Health. This bill provides for a 6 percent increase which I wholeheartedly support. This increase will enable important research to continue in the area of breast cancer, diabetes, Alzheimer’s disease, AIDS and many others.

The bill also increases funds to train child welfare workers to better care for abused and neglected youngsters. In addition, I thank the chairman for working with me to prevent cuts in public television funding, and I also thank him for continuing to work with me to fully fund domestic violence programs.

However, Mr. Chairman, I rise to state my deep concern with this bill. This bill has always been called the people’s bill. But again, for the second year in a row, this bill falls short of meeting the needs of the people of this Nation: our schoolchildren, college students, elderly, and hard-working men and women across the country.

Unfortunately, this bill represents a serious reduction in our Nation’s investment in education. While the draconian cuts above $4 billion proposed by the majority party of last year have not been repeated, the bill still fails to fund the necessary investment in our Nation’s schools.

It was the proposed $4 billion in education cuts, coupled with steep reductions in job training and worker protection, which led to two government shutdowns last fall. It is hard work to actually get to a balanced budget. It is hard to actually plug in those numbers that will reduce the deficit, when we consider them item by item by item.

I would respond briefly to the comments by the distinguished gentleman from New York [Mr. O’HANEY], my dear friend. His quarrel is with the overall budget plan which includes tax relief. There are many colleagues on the other side of the aisle who object to the budget allocation. They said, “We did not vote for these tax cuts and we should not be bound by the budget plan.”

Mr. Chairman, we have to make judgment calls, and if I have to make a judgment call on the side of the hard working taxpayer, I will do that. If I can put another $1,000 in the take home pay of a young family making $25,000 or $30,000 and still level-fund these very important programs, I will do that.

This is a choice of another $7.8 billion in spending or a balanced budget. Mr. Chairman, I urge my colleagues to choose a balanced budget and vote for the bill.
and 75 percent of the cuts in worker protection programs were restored.

But the bill before us today takes us down the same path as last year. Under this bill, the Federal Government is further shrinking its responsibilities to our children and our grandchildren. In the 1994-95 school year, when Democrats were in control of the Congress, the Federal Government contributed 5.6 percent of State and local expenditures for education. Under the bill before us today, the Federal Government contribution to local education will be down to only 4.7 percent.

This bill also shortchanges students in colleges, universities, community colleges and training programs across our Nation.

By the year 2002, an additional 1.5 million students will be enrolled in college. This is an increase of almost 10 percent in student enrollment. The cost of a college education is increasing faster than the rate of inflation. Unfortunately, this bill does not take into account increased college enrollment or increased college tuition.

The Pell Program is the cornerstone of Federal college assistance, providing aid to 4 million needy students. Pell recipients are not well-off, and more than 90 percent of the aid goes to students from families and incomes below $30,000. The Pell Program is one of the few sources of grant aid still available. Pell helps to cut down on the crushing college debt burden assumed by so many students and their families today.

But in the bill before us today, the maximum Pell grant is $2,500, only $30 above last year. This $30 increase in the Pell grant would buy a single college textbook. The Pell funding in this bill is simply inadequate to meet the costs of higher education today.

The bill is also inadequate when it comes to the Perkins Program. The bill provides no capital contributions to the Perkins Program. Three-quarters of a million low income students depend on the Perkins Program. In my state of New York, Perkins provided low-interest loans to nearly 60,000 deserving students.

In addition, the bill before us today completely eliminates the SSIG Program. In fiscal year 1995, SSIG was funded at over $60 million. Last year we funded SSIG at $31.3 million, but only after a long and protracted fight over funding priorities. If we added a modest $31.3 million to the SSIG Program, we could provide aid to 105,000 students and generate over $100 million in State student aid funds.

The bill also fails to fund the President's important teen pregnancy initiative, provides no funding for school infrastructure, and eliminates the Women's Educational Equity Act.

The bill was flawed from the start because it was a direct outgrowth of mixed-revenue, Republican priorities. Last year, the House gave the Pentagon billions more than Pentagon requested. This year the House voted to give the Pentagon $1 billion more than it requested. This is wrong, Mr. Chairman. It is shortsighted. We cannot afford to keep shortchanging the important priorities of this Nation.

Mr. PORTER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to point out that under Republicans in the last 2 years we have raised maximum Pell grants by $160, and under the last 4 years of Democratic administrations, the gentlewoman from New York might realize that they cut maximum Pell grants by $60.

Mr. Chairman, I yield 3½ minutes to the gentleman from Arizona [Mr. KOLBE], a member of the full committee.

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

Mr. KOLBE. Mr. Chairman, I want to begin by commending the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, Education, and Training, for the very hard work he has done, and he and his staff, on this bill, putting together a very tough bill under very tough circumstances.

Mr. Chairman, I think they put together a very tough appropriation for the Departments of Labor, Health and Human Services, and Education, ensuring that the medical needs and the education needs of the young and the old are met, and that we feed not only the body but the mind and the soul.

But I stand here today mostly not in my capacity as a member of the Committee on Appropriations, but as a member of the Committee on the Budget where some of these overall priorities are being established, because this bill that we are looking at today incorporates the goals and the promises that the Republican Congress made to provide our children with a better future.

Mr. Chairman, simply stated, the budget resolution we agreed to for our children is to balance the budget. If we do not get runaway Federal spending under control, we are not going to have any money for college loans in the future; we will not have money for Head Start; we are not going to have any money for children's health programs.

Through all of our history, each succeeding generation has always enjoyed the promise of having a better life and standard of living for themselves than the generation a generation before. But compare what Government spending has been between 1962 and 1997.

This chart here shows the amount of money that was spent on discretionary nondefense spending in 1962 was enormous, more than half of the total Federal budget, and when we add the other part of the yellow in there, almost all of the budget was in discretionary spending. Look at how that has dropped by the year 1997, so discretionary spending is down here to a much smaller part of the pie. Whereas it was once 50 percent, today it is less than 20 percent on those same kinds of programs.

The kinds of programs that the gentleman from Illinois asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Chairman, I want to begin by commending the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, Education, and Training, for the very hard work he has done, and he and his staff, on this bill, putting together a very tough bill under very tough circumstances.

Mr. Chairman, I think they put together a very tough appropriation for the Departments of Labor, Health and Human Services, and Education, ensuring that the medical needs and the education needs of the young and the old are met, and that we feed not only the body but the mind and the soul.

But I stand here today mostly not in my capacity as a member of the Committee on Appropriations, but as a member of the Committee on the Budget where some of these overall priorities are being established, because this bill that we are looking at today incorporates the goals and the promises that the Republican Congress made to provide our children with a better future.

Mr. Chairman, simply stated, the budget resolution we agreed to for our children is to balance the budget. If we do not get runaway Federal spending under control, we are not going to have any money for college loans in the future; we will not have money for Head Start; we are not going to have any money for children's health programs.

Through all of our history, each succeeding generation has always enjoyed the promise of having a better life and standard of living for themselves than the generation a generation before. But compare what Government spending has been between 1962 and 1997.

This chart here shows the amount of money that was spent on discretionary nondefense spending in 1962 was enormous, more than half of the total Federal budget, and when we add the other part of the yellow in there, almost all of the budget was in discretionary spending. Look at how that has dropped by the year 1997, so discretionary spending is down here to a much smaller part of the pie. Whereas it was once 50 percent, today it is less than 20 percent on those same kinds of programs.

That is a $3 billion increase. Anybody outside Washington, Mr. Chairman, understands that that kind of spending, a $3 billion increase, is just that, it is an increase. So we are not talking about cuts. We are talking about increases. It is the other side that wants to talk about cuts.

We know that money does not necessarily mean better education. We have a lot more bureaucracy in Washington with the Department of Education, when we do not have better education, not necessarily. So we need to be sure that we target the money that we do have available to those things that are absolutely vital and absolutely critical. This bill does that in health and human services, in education.

I strongly urge that we support the passage of this legislation.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BONILLA], a member of the subcommittee.

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

I am going to lay a guilt trip on some of the gentlewomen who are considering at this time voting against this bill, because if they are for children and if they are for education and if they are for an improved health care system, they want to vote for this bill. Otherwise, frankly, I do not know how my colleagues who are voting against this bill can sleep at night.

Examples: We are increasing Job Corps funding in this country that
would allow nine new Job Corps centers to be built by June of 1996, $45 million more for Job Corps this bill contains that we had in the last bill. So if Members want to support young people who are trying to get a second chance in this country, we must cross this bridge and they are going to vote for the bill. Otherwise, I do not know how they can live with their guilt of abandoning these young people who desperately need this money.

The same could be said for the Centers for Disease Control. We are increasing funding for them $75 million over fiscal year 1996. How can my colleagues live with themselves if they consider voting against this bill and abandoning the good work that is done at the Centers for Disease Control.

Breast cancer screening increased by 8 percent. How could we live with ourselves if we vote against this bill when it provides increased funding for the most important cancer? Community and migrant health care centers, again very necessary in many of our rural and poor areas of this country. How can my colleagues vote against this bill and abandon the services so desperately in our communities?

Pell grants. We have been talking about that for awhile now. We are increasing funding for Pell grants, when under previous leadership of the other party, Pell grants were actually cut. How can my colleagues live with themselves if they consider voting no on this bill that provides more money for Pell grants?

The TRIO Program, that is an extremely important program for this country. We are providing $37 million more money for TRIO programs in this country. Think about the young people that come from families that have never had an opportunity before to go to college, families around this country that have been struggling, they are finally getting an opportunity to send someone to college in their family, and TRIO is going to give them an opportunity to live with themselves if we vote against this bill that provides more money for TRIO?

The bill also contains additional money for health care professions, young people from disadvantaged areas in this country who are wanting to study to become nurses and dental hygienists in low-income areas, that provide health care in low-income areas, rural areas that oftentimes do not have health care that is necessary in these areas. Pell is going to provide $34 million more in funding for health care professions.

I ask my colleagues, how can they live with themselves if they consider voting no on this bill? Please consider voting yes on this bill. We are all in this together. We want to help children, education and health care in this country. I ask Members to support us in passage of this bill.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from California [Ms. Pelosi].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], ranking member, for yielding me this time and commend him for his leadership, especially now, in defining the problems in this bill.

I also thank the distinguished chairman, the gentleman from Illinois [Mr. PORTER], for his efforts to do the best he could with inadequate resources.

I rise in strong opposition to this bill as reported for many reasons. The bill is simply underfunded by 7.8 billion, or 11 percent, below the President's request. President Clinton demonstrated that there are ways to balance the Federal budget while at the same time investing in health and education of our people, especially our children. Indeed we will never balance the budget unless we make these investments in our children.

This bill falls short because it follows the flawed budget blueprint adopted by the Republican majority. There are three reasons, there are many reasons, but I put forth three reasons to vote against this bill: cuts in education, cuts in education, cuts in education.

Our colleagues on the Republican side get up and say that the Federal role in educating our children is only 5 percent. Indeed, under this bill we would not even be able to live up to that 5 percent. My democratic colleagues have addressed the basic education cuts over and over again in this debate, so I will turn to some of the cuts that affect American workers.

Mr. Chairman, during the committee's deliberations, I presented an amendment addressing a number of the concerns about protecting American workers. Under the rule I was not able to offer that amendment as presented. I would like, however, to outline my concerns with the bill with regard to vital worker protection programs.

In this bill, the Republican majority has declared war on the American worker. As the national debate continues over our commitment to American children, their education, their health and well-being, we must also address the economic well-being of their families. Over the last 2 years, primarily through the appropriations process, the 104th Republican controlled Congress has reversed decades of progress on job training, education, pensions and workers' compensation. This is particularly alarming when American workers and their families are menaced by trade, downsizing, and technological downsizing, and other layoffs.

This year the Labor-HHS-Education Appropriations bill makes further cuts to important initiatives for America's 923 million working men and women in 6,000,000 workplaces across the country. These initiatives promote workplace health and safety, ensure pension security, and ensure the employees have a fair and good working conditions, and indeed even limits their ability to begin to bargain collectively. Indeed they even prohibit voluntarily guide-lines for ergonomics, that is, repetitive motion injuries, which are the fastest growing health problem in our workplace.

I want to refer to my colleagues to this chart on the war on American workers. Safety and health enforcement in this bill falls 7 percent below the President's request, 9 percent below last year what is required to maintain last year's levels.

It even prohibits the new OSHA initiative and assistance to small businesses enabling them to reduce workplace accidents and fatalities.

Mine safety: The cut of 6 percent below the President's request for mine safety will mean no funds to acquire new mine safety equipment and a reduction of mine safety inspection.

Pensions: On pension protection, a cut of 22 percent below the President's request, 6 percent below current services. No funds are provided for three of the administration's pension priority protection initiatives, pension education and participants assistance, the electronic filing of pension plans and the 401(k) enforcement initiative.

This is in addition to last year's Budget Reconciliation Act, which turned back the clock on protection of pension plans. Fortunately, the bill was vetoed by the President, but it would have threatened the security of pensions in 6,000 pension plans.

Employment standards, the Employment Standards Administration, ESA, makes sure that ordinary Americans get a fair shake at the workplace. The enforcement of child labor laws, sweatshops, fair wage laws and fair hour laws are critical to American workers.

Funding for ESA is cut by 6 percent and is 15 percent below the President's request. As a result, reductions will have to be made in efforts to eradicate garment sweatshops and protect workers' newly won family and medical leave.

Collective bargaining, the National Labor Relations Board investigates and prosecutes unfair labor practices. It is being cut substantially, 17 percent, $56 million in this bill. Dislocated workers cut by 15 percent. Over 26 million American workers lose their jobs each year due to global competition, et cetera, and will not receive assistance. There are 82,000 fewer laid-off workers being served.

American workers are the engine of our economy. They deserve to be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protection. This is the wrong place and the wrong time to cut back. American workers and their families deserve better.

With that, I commend the chairman for doing the best he could with what was available. I hope that in this battle of priorities, our national work system will say we need more for children, more for American workers, more investment in the future of our country.
Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Riggs], a valued member of the subcommittee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his outstanding leadership on this very important piece of legislation. I just so this does not turn into too much of a he-said, she-said type of debate on this floor this evening, I would like to point out to my colleagues that I am a gentlewoman from San Francisco, that we were able to team up in this legislation to address a very high priority for us, for our districts, and our constituents; that is to say, funding for AIDS research, prevention and treatment programs.

I wish that we could at least have the intellectual honesty to come down to the floor and acknowledge what we would like about the legislation before engaging in the partisan bashing of what we do not like. I think it is important. That would be for me a very refreshing approach, I think to discussing and debating legislative issues on the House floor.

Second, I also want to point out that the bill funds the Ryan White Care Act at the House and Senate approved funding levels. So I thank both of those items are very welcome news to northern California and to those other parts of the country which have been experiencing and attempting to cope with the AIDS epidemic.

I also want to commend the subcommittee chairman for increasing funding for Head Start. I recognize that there is a tradition of the spending programs and the accountability and the lack of demonstrated results on a long-term or longitudinal basis which I hope we can address again through a serious and honest bipartisan approach.

I take the point to a total of 40.7 billion, Federal tax payer assistance for higher education, to continue our funding support of Head Start.

With that, I also want to point out, as previous speakers before me have on this floor, that this bill, the 1997 appropriations bill for the Departments of Labor, Health and Human Services and Education increases—I did not say decrease or cut—increases by 2.4 billion, to a total of 40.7 billion, Federal taxpayer assistance for higher education in this country. So another way of putting that is, we continue to make student aid a top priority of this Congress. And that treatment and funding for all of the major student aid programs as the chairman and other Members have pointed out.

Let me use this chart very quickly to make my point. We increase funding for Pell grants by $5.3 billion, we increase it to a $5.3 billion level. As the previous speakers have pointed out, the maximum Pell grant is raised to $2500 from $2470 last year. This will be the highest maximum ever provided in this country. That does not sound to me like a Republican majority, a Republican controlled Congress drastically cutting education funding.

Work study, the second most important Federal higher education program, and that is also increased by $68 million, and that is higher than the President’s request. So come down to the floor and talk about the draconian and drastic and dire proposed cuts in the President’s budget. If you want to use this rhetoric.

Lastly, the TRIO Program is increased to $500 million. This is a very important program for outreach to minority Americans. So please, do not vote this time down the road that we are cutting student financial aid. This is a good spending bill. It is good policy and it increases aid for students.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. Blumenauer].

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

Mr. BLUMENAUER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding this time to me.

Mr. Chairman, I have been listening to the debate here this evening and have been troubled by the perverse logic that this small, but important, 5 percent of the Nation’s educational expenditure is dismissed. It is dismissed because people have not been talking to the struggling school boards, teachers and principals who are trying to make do, particularly in areas like this bill would provide less per pupil at a time when many communities are struggling with growth, as has been documented by the gentleman from Wisconsin [Mr. OBEY].

But most of my concern, I guess, is focused on the dismissal of the critical partnerships with State and local government. Every Member of this Chamber has benefited in the Nation’s prosperity in the 25 years after World War II due in no small measure to Federal educational investment and unprecedented partnerships with local schools.

Everyone benefited from that. This bill would turn its back, and I use just one example:

The bipartisan effort, the Goals 2000 to promote educational reform that has made a great deal of difference in my State increasing academic standards for spending programs, bringing technology into classrooms, fostering an increased relationship between schools and higher education, and developing those public private partnerships between schools and employers that people talk so much about; this has been done in my State using this. And somehow we could not find less than 1 quarter of 1 percent in this bill to fund Education 2000. It is a tragic mistake. It is shortsighted and counterproductive.

Yes, it is difficult to balance the budget, but the issue is one of priority. I just want to say that turning our back on the Federal partnership and investment, ignoring our past successes, our current obligations and our children’s future is no way to achieve that goal of a balanced budget.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. Dickey], an able and valued member of this subcommittee.

Mr. DICKEY. Mr. Chairman, during the War of 1812 this building was surrounded by the British. In fact, the British came in and tried to burn it. There is evidence of that as we go about this wonderful structure. What we have now, though, is an enemy, not something that is tangible, but something that we are faced with and we might get into, and that is indulgent spending.

Our Nation is spending money, this Congress is spending money, that we do not have. We are spending money of our children and our grandchildren, and what is immoral about that is it is without their permission, and this is why the bill that we have here today is so important, that we are trying to balance the budget for the sake of our Nation and, particularly, our children and our grandchildren.

On this Committee on Appropriations this is my first term, and I was told that it was a very prestigious committee and it is one that one can go on and gain a lot of friends. But there are not a whole lot of constituents that come in and say, please, cut my program. And so we have the job of looking at the responsibility that we have, of the moral responsibility that we have, of cutting the budget and saving our country from the enemy that is from within, and we have had to say “no.” We have had to say “no” to program after program after program, and it has been tough, but we have wanted to cut spending first.

The sad thing is that we have not been able to do it with the very people who could help us the most. The architectural members of the committee are the ones that are spending programs that started roughly in 1964 are here today, and they could point out the waste, fraud and abuse that we have and help us, in a patriotic fashion, work together to try to balance the budget.

No. What they are doing is taking cheap shots, throwing hand grenades and trying just to get by this 1996 election. Where they could be helping us, where they could be taking some responsibility for spending programs, bringing technology into classrooms, fostering an increased relationship between schools and higher education, and developing those public private partnerships between schools and employers that people talk so much about; this has been done in my State using this. And somehow we could not find less than 1 quarter of 1 percent in this bill to fund Education 2000. It is a tragic mistake. It is shortsighted and counterproductive.

Yes, it is difficult to balance the budget, but the issue is one of priority. I just want to say that turning our back on the Federal partnership and investment, ignoring our past successes, our current obligations and our children’s future is no way to achieve that goal of a balanced budget.
Mr. Chairman, I think this is a bad bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCA NOVICH], a member of the full committee.

Mrs. VUCA NOVICH. Mr. Chairman, many years ago a song stated that “Diamonds are a girl’s best friend”. Today, women are seeking more from life—they are looking for good health, safe communities and a future for their children. I can tell my colleagues in this regard, H.R. 3755 is truly a precious gem.

In this bill, this Congress has not only talked about helping American women and their families, but it has really done it. More money has been put into the National Institutes of Health for research of heart disease, diabetes, AIDS, and cancer.

Of particular significance to me as a breast cancer survivor, and to the thousands of women who have been diagnosed with this disease, is funding under the National Cancer Institute. An increase of $6 million is provided, bringing funding level totals to $409 million to be used for breast cancer research next year. I personally thank my colleagues for their support of this research, and especially thank the chairman of the subcommittee and the staff. More than 46,000 American women will die from this devastating disease this year. Let us repeat—46,000 women. We cannot continue to understand this disease so that a cure may be found, and this money is sorely needed.

This Congress knows that in order to treat breast cancer and cervical cancer, women must first detect the cancer. That is why an additional $10 million has been provided for the breast and cervical cancer screening program. This program helps ensure that low-income women get the information and assistance they need to maintain good health—so that they may spend a life together with their families.

My friends, every day on the news we hear about the crimes in our streets—but what about the crimes in our homes? Every day, thousands of women must face horror right in their own homes, with no one to protect them. While Congress cannot eliminate domestic violence, it can provide women with the means to get help. We in this Chamber have a commitment to helping these unfortunate women. H.R. 3755 contains $25 million for battered women’s shelters; $2 million for runaway youth prevention; $400,000 to operate the domestic violence hotline; and $5 million for domestic violence community demonstrations. And since violent crimes happen outside the home, as well as inside, this Congress has included $28.6 million for rape services and prevention block grants to the States, which can better serve the victims.

Mr. Chairman, this Congress is compassionate and this Congress is listening. More than that, this Congress is doing something. We do not take our women for granted, we do something for them. Mr. Chairman, diamonds are no longer a girl’s best friend, the 104th Congress is. I congratulate the chairman of the subcommittee and his staff for putting together a good bill. I urge my colleagues to show their friendship toward women by voting for this important bill.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILL ENGER-MCDONALD].

Ms. MILL ENGER-MCDONALD. Mr. Chairman, I would like to stand in opposition to this bill because of the elimination of the Goals 2000 Program.

I applaud Mr. PORTER for his efforts. Mr. Chairman, I rise in strong opposition to H.R. 3755 for several reasons: Freezing summer youth jobs programs, eliminating healthy start, and abortion family limits.

Perhaps the most pressing reason, however, is the elimination of funding for the Goals 2000 Program. As a former teacher and a person who still cares passionately about the education of our youth, I am appalled by this political attack on the future of our Nation.

Mr. Chairman, the United States is currently ranked third in the world in terms of the reading skills of our youth.

While this may be admirable to some, I would have hoped that we need to do better.

Given the global economy into which our children will soon be entering, and the need for the United States to remain competitive in this new international arena, it is imperative that we offer them the best education possible.

In order to help prepare our children for the future, the Congress passed, in 1993, the Goals 2000 legislation.

Unfortunately, since that time, the purposes behind Goals 2000, and the methodology involved in its implementation, have been grossly distorted.

To set the record straight, Goals 2000 is a framework to help States develop a curriculum for their public school students to help them gain the knowledge and learn the skills that will be necessary for us as a nation to remain competitive.

Goals 2000 was developed to enable us to deal with the almost 15,000 public school districts in our Nation which are charged with educating and preparing the 50+ million public school students who will be looking for help and guidance as they face the future.

It may interest my colleagues to know that approximately 5.2 million of these over 50+ million public school students reside in my home State of California.

It is in my home State in fact that our Governor, who by the way is a member of the other party, has included in his latest budget a request for funding to increase the quality of public education and decrease the class size of public schools.

I am sure we all agree with our Governor on everything. I do agree that we need to put public education at the top of our priority list.

We need to stay competitive, and we need to educate our children. If we are sincere
about changing behavior in our urban children, if we are sincere about giving them a fighting chance to move from the bowels of despair. Goals 2000 is one of the many tools which we can and should use in their fight for the future. I therefore object strongly to this bill, and I hope that the body shows more foresight when they consider this legislation.

I thank the gentleman again for this time and I urge my colleagues, in the strongest terms possible, to oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I am deeply concerned about this appropriations bill and what it does to education. I supported the coalition budget which would have balanced our budget in 2002, and provided more—not less—money for education.

It is our duty to ensure that every American child has access to education and training needed to be productive citizens. This freezing of education funding by the defunding of Goals 2000 undermines our ability to honor this commitment.

Goals 2000 was created in my district in Charlottesville, VA in 1992 when President Bush and our Nation’s governors conducted an education summit to determine what we could do as a nation to be more competitive in a global economy.

Goals 2000 is an effective investment in our children’s future. It is fiscally responsible. Perhaps most importantly, Goals 2000 is needed by our Nation’s schools.

Goals 2000 provides money for computers, microscopes, and library books. As honorary chairman of Pittsylvania County Goals 2000, I know first hand the vital aid it gives to schools—particularly in rural areas, such as my own.

We owe it to our children, ourselves, and future generations to provide adequate funding for education and to restore Goals 2000.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BUNN], a valued Member of our full committee.

[Mr. BUNN of Oregon asked and was given permission to revise and extend his remarks.]

2000

Mr. BUNN of Oregon. Mr. Chairman, let me start my remarks by saying that I appreciate all the hard work the gentleman from Illinois [Mr. PORTER] has put into this package. Funding for crucial health care programs was increased over last year and I fully support those efforts. However, I think we could have done more for higher education.

We can all argue the merits of Federal education funding versus State education funding, but maintaining access to higher education is a crucial role of the Federal Government. We need to ensure that our students who have the ability can continue to attend the best higher education facilities in the world. If we continue to decrease our commitment to higher education students, our schools will decline and our colleges and universities will be for the rich, not the best and brightest.

This bill eliminates the State student loan program. Mr. Chairman, I am deeply concerned about this bill and what it means to our students. I believe it means less money for education.

And a direct function in. Those savings ought to go to that. We believe that Pell grants for the poor are important and a priority. We took the savings from that and put it into the Pell grants. We increased student loans by $3 billion.

Yes, even though the dollars come to the Federal Government and are returned at a low rate, those are priorities, and I think most taxpayers do not discount those dollars because they get a dollar back for every dollar the children. But we do believe that the Federal waste in the programs is not the way that the Federal Government can get a bigger bang for the dollar than the Federal Government can with its big bureaucracy. Yes, only 5 percent of education funding comes from the Federal Government. In some cases, as little as 23 cents on a dollar, 23 cents on a dollar, gets back into the classroom in many areas. That is wrong, Mr. Chairman. That is a waste. That is cutting education.

And I propose that the liberal Democrats that are trying to save education have done it a great harm and have actually cut education. When we only get 23 cents on the dollar back into the classroom, that is cutting education. We are proposing to turn that around.

How? First of all, that 5 percent of education funding, we have found there are 760 education programs. Think about the bureaucracies, think about the overhead that takes. We eliminated over 187 programs. We believe, yes, that medical research, the Government has a direct function in. Those savings ought to go to that. We believe that Pell grants for the poor are important and a priority. We took the savings from that and put it into the Pell grants. We increased student loans by $3 billion.

Yes, even though the dollars come to the Federal Government and are returned at a low rate, those are priorities, and I think most taxpayers do not discount those dollars because they get a dollar back for every dollar the children. But we do believe that the Federal waste in the programs is not the way to go.

Let me give an example. Some of my colleagues truly believe they are not demagoguery. They believe in Goals 2000. But as the chairman of the committee, let me tell the Members about Goals 2000. There are 45 instances in Goals
2000 that says States that mandate, it says States will. They say it is only voluntary. It is only voluntary if you do not want the money.

Let us take one of those 45 instances. My wife is a principal. You have to take all of the requirements from Goals 2000, internalize it, have a board that literally looks and sees how to run Goals 2000. They report to the principal. The principal reports to the superintendent. Then all of that paperwork goes to Sacramento, to our State Department of Education. Think of the bureaucracy in the State that has to take the flow of all the schools in the State of California. Think of that paperwork flow and all that wasted energy. Then guess what they do? They have to send it back here to River City, in Washington, DC, to another big bureaucracy.

That is wasteful, Mr. Chairman. In many cases they have to hire grant writers to apply for Goals 2000 money. The sad thing is in many cases never get a dime, and some that do, the cost of the grant writer, either in the little funding they get or the cost to exercise Goals 2000, is more than the grant that they get. That is cutting education, Mr. Chairman.

What do we do is give the money to the State and say, listen, if you want to do a George Bush Goals 2000, let the State do it. We think Goals 2000, by setting local standards, local goals with teachers and community, and the administrators is good. But what the real policy fight is about is if the Federal Government can manage all of that, if the Federal Government can control the dollars.

Where do they get those dollars? They keep saying the President's request. Does he get that money from God? No. He gets it from the same working families that he returns it to, at 23 cents on a dollar. Yet he wants more money to spend.

Mr. Chairman, I ask for support of this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CUMMINGS].

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

Mr. CUMMINGS. Mr. Chairman, thank the gentleman from Wisconsin for yielding me time to rise in opposition to spending in this bill. We are doing bill that spends money in the Departments of Labor, Health and Human Services, and Education.

This measure provides inadequate funding for many of our vital programs that have proven to benefit to individual families, our communities and our nation as a whole.

I am deeply dismayed that this measure has taken a “meatax” to the Healthy Start Program. H.R. 3755 radically eliminates all funding for this program that is saving lives across the country.

Historically, my congressional district of Baltimore has experienced an exceedingly high rate of infant mortality. Many high risk areas in the city had twice the national average of infant deaths.

However with the implementation of the Healthy Start Program in 1993, Baltimore has severely reduced the number of babies born at low birth weights, and dramatically reduced the number of infant mortalities. Ours, is truly a success story.

The Baltimore Healthy Start Program is one of the most successful programs in the country. We have targeted the program’s services to the poorest areas of the city which are at the highest risk. Baltimore’s neighborhood Healthy Start program has currently serviced about 2,000 women.

The staff is mostly comprised of community residents who have been hired and trained through the program—thereby providing important employment opportunities to the community.

The staff in conjunction with the mayor’s office, and the surrounding communities, ensuring that all babies have a strong and healthy beginning by providing important prenatal care to high risk mothers who need it most.

Mr. Chairman, I am certainly shocked that this body would attempt to pass a measure that eliminates this vital program which has proven and tangible results.

I am shocked that this body would take away the one opportunity to give our poorest and most vulnerable citizens the gift of life.

Mr. PORTER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I want to begin by thanking and congratulating the chairman of the committee, the gentlewoman from Illinois [Mr. PORTER], for what has been a remarkable job, given the conflicting desires that exist in trying to manage the budget and, at the same time, ensuring that all babies have a strong and healthy beginning by providing important prenatal care to high risk mothers who need it most.

Mr. Chairman, I am certainly shocked that this body would attempt to pass a measure that eliminates this vital program which has proven and tangible results.

I am shocked that this body would take away the one opportunity to give our poorest and most vulnerable citizens the gift of life.

Mr. PORTER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from New York [Mr. LAZIO].

This is a vision that we have of anti-poverty programs, not to throw more money at the problem, but people who are interested in creating more empowerment and more opportunities for the lowest in our community, lowest incomes among us. There were over 1,000 community action agencies throughout our Nation. Over 98 percent of the counties throughout our Nation receive some form of this block grant. It goes primarily to not-for-profits, people who have dedicated their lives to ensure that they help the neediest among us.

This is a vision that we have of anti-poverty programs, not to throw more money at the problem, but people who are interested in creating more empowerment and more opportunities for the lowest in our community, lowest incomes among us.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, almost all of the money in this bill that is being expended is for good purposes.
The problem is not with what is in the bill, it is what is not in the bill, what is out of it. I am glad we are able to do something on community service, put $100 million in, but we take $1 billion out of LIHEAP. I am glad we are able to provide some money for education toTitle I, Safe and Drug Free Schools and bilingual education. The cut in Title I funding is in addition to the funding freeze the program endured last year, which translated into a real cut for growing school districts. Title I provides students who are falling behind their classmates additional academic help. In my district in St. Paul, MN, the Title I program cannot currently reach every student who needs such assistance. Reducing funding for this program would cause students to fall behind in their studies, and this type of policy has consequences that reach far beyond these students’ school years into their post-academic lives. We cannot ignore some students, inhibiting their success, simply because they have difficulty learning.

In the same regard, we also cannot ignore that today’s school environment is becoming more violent and dangerous in many, especially but not solely urban, areas. The Safe and Drug Free Schools and Student Incentive Grant initiative, run in virtually every school district in the nation, working to fight that trend. However, the program after protracted debate over a 57 percent cut was finally funded in last year’s Republican budget, and the bill we are considering here today in terms of what we are going to vote for this program by again $25 million in fiscal year 1997. This means that in fiscal year 1997, the Safe and Drug Free Schools Program will be funded at a level below its allocation in fiscal year 1995, at a time when the need for such drug, alcohol, and cigarette preventive programs are dramatically increasing!

One other population of students who will be hurt by this legislation is immigrant children. Funding for bilingual and immigrant education programs is set to be reduced by 11 percent in this spending bill. Multiethnic communities and schools will be hit especially hard since these schools must continue providing such services with less Federal help. Investing in the education of these children is an important way to not be left out in the cold regarding educational opportunity, unable to improve their lives and become productive members of our society.

The bill also takes aim at higher education, increasing funding for some student aid programs while eliminating or sparingly funding for others. The measure modestly increases the maximum Pell grant award by $30; not enough for a book much less inflation but this bill does increase funding for the Work-Study Program. However, at the same time, the bill reduces Perkins by 92 percent and eliminates the State Student Incentive Grant Program altogether. In a time when the cost of a higher education is skyrocketing, the need for such a degree is growing, and parents are less able to help with such expenses, we cannot afford to pull the financial rug out from under our Nation’s students.

The Federal Government is the lifeline of higher education funding, States and non-profits are stretched to the limit, yet this Congress proposes to do less compounding and cutting off opportunity for 100,000 students.

Today’s workers could also lose the ability to acquire additional education and job training under this bill due to the lack of sufficient funding for such programs and services. This technology, or opportunity will help our Nation’s workers and future workers if they are unable to meet the challenges of the world of work.

Another drastic provision in this measure is the reduction in funding for the Occupational Safety and Health Administration [OSHA] by $6 million from the fiscal year 1996 level in this Republican spending bill. This funding is vital to workers, whose lives, health and safety are literally at risk on the job. Each year, thousands of American workers are killed and millions suffer disability related injuries. The National Safety Council estimates that work-related accidents and deaths cost the Nation over $100 billion every year. Cutting the budget of the principal public entity OSHA, that attempts to reduce that figure and increase workplace safety not only is a slap in the face to every American worker who puts their health and safety on the line, but also does not make fiscal sense. Furthermore, the National Labor Relations Board [NLRB] is targeted for a 15 percent cut when combined with funding cuts from last year. This proposed reduction would cripple the NLRB’s ability to adjudicate labor disputes and appears to be yet another slap at working people who seek equitable wages and work conditions based upon worker rights promised in Federal labor law.

I agree that we should work toward a balanced Federal budget, but there are many ways to achieve such a balance than abandoning the investments that America has long made in its working families. Not all of the cuts need to be made from people programs and surely the ideological mindset that guides these cuts cannot be glossed over by the rhetoric of budget balancing. The Pentagon, space programs, corporate welfare and natural resource giveaway are just some of the many Federal programs that should also be subject to fiscal discipline and tough choices. The people for reducing investments in America’s people should not be new tax breaks for corporations and investors or increasing the defense budget to a greater level than that Department even requested. But this 104th Congress has acted repeatedly to insulate from shared sacrifice this laundry list of special interests and placed foremost for cuts the vital programs that affect health, education, job training, and the environment.

This Labor, Health and Human Services, Education Appropriations measure for fiscal year 1997 continues the assault on working American families and families that was so vigorously promised in Federal law.

I urge my colleagues to vote “no” on this measure and return our Nation to one that values all of its people.

Beneath the veneer of fighting for fiscal discipline and budget balance, the policy path evoked by this measure would build upon the distorted priorities of the 1996 Republican appropriation effort, in sum, adding to the human deficit in this Nation.

A human deficit which is borne by those with less power, the children, the working poor, the students, and those who struggle to achieve the promise of America. I urge my colleagues to oppose this measure.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. Maloney].
As representative legislators, we must provide a voice to those who are silenced by abusive conditions in our States' nursing homes. 

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

The gentlewoman from New York and thegentleman from Maryland before her both have mentioned the Healthy Start program, and I want to respond to that, because they are correct, it has shown itself through demonstration to be a very good program.

The office that I am analyzing now is that this was a program proposed by and started by the Bush administration in fiscal year 1991, funded by Congress with the clear understanding that it would be a 5-year demonstration, including evaluation, with the last year of funding to be fiscal year 1996.

We believe that the program has proved itself very adequately. The difficulty is that it should not continue as a demonstration program where it is not made available generally. Under the original plan of the program, it was to be a 5-year demonstration. That period has expired. It is time that we either fund this as a general program available broadly across the country or not fund it at all.

I think the time has come to make about the program are very good ones. What we have to do is come to grips with which way we are going to go on that. We cannot do this in the appropriations process.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman from Wisconsin for yielding me the time.

Mr. Chairman, I guess I would just ask rhetorically to the chairman of the subcommittee from Illinois, under those circumstances, why did they not make it a general program and put money in for making it a general program? Did they refuse to do that answer if there is any left when I get finished.

Mr. Chairman, I rise in opposition to this bill. I could find compelling reason to oppose many features of the bill but I want to confine my comments to the field of education.

Mr. Chairman, once again this body is jeopardizing our children's future. So far the 104th Congress has cut $1.1 billion from education. This proposal cuts $400 million more. When do we say enough is enough?

Eliminating the Goals 2000 education reform, which this bill does, when academically our students lag behind virtually all our industrialized competitors, is foolish. Cutting $25 million from safety drug free schools, which this bill does, is bad judgment.

And cutting funds for reading and math assistance for students who just happen to live in desperately poor school districts, which this bill does, is without compassion as well as violates our national security.

Balancing the budget is everybody's goal but slashing education is, in my view, simply wrong. I urge my colleagues to reassess our priorities and put education first, ahead of tax cuts for the already well-off, ahead of unrequested defense spending, ahead of corporate welfare. Thereby, I urge a "no" vote on the bill.

Mr. PORTER. Mr. Chairman, I would inquire how much time is remaining on each side.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 5 minutes remaining. The gentleman from Wisconsin [Mr. OBEY] has 6 minutes remaining. The gentleman from Illinois has the right to close.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Chairman, particularly when we look at the President's youth employment training program. When we go throughout this Nation, aside from those who are attempting to get a higher education, there are those youth who have been between 10 and 14 that, rather than finishing high school or finishing high school and being underemployed for jobs in this community. This program would have allowed us to train youth to become available and well trained for the jobs that America has to offer. This money now has been gutted. And so we are not investing in the front end, we are looking to the back end, if you will, this bill has missed its opportunity and I rose to the floor to say this is not the "3 strikes bill and you're out," it is the "multistrike bill and we're all out." Primarily because you do not know where to start in the cuts that have come about that would help people to rise out of their condition and become independent.

We have heard so much about welfare reform and the dominance of this country in having people extend their hand to get a handout. This labor-HHS bill could have given people an opportunity never to look back and to become independent, particularly when we look at the President's youth employment training program. When we go through this Nation, aside from those who are attempting to get a higher education, there are those youth who have been between 10 and 14 that, rather than finishing high school or finishing high school and being underemployed for jobs in this community. This program would have allowed us to train youth to become available and well trained for the jobs that America has to offer. This money now has been gutted. And so we are not investing in the front end, we are looking to the back end when ultimately maybe these youth will wind up being incarcerated.

The youth summer program has no growth in it, although I am gratified we have saved it, this program that helps to employ some 4,000 youth in the city of Houston had to be cut.

Many parents came to me and said, "What are we going to do in training our youngsters to know what work is all about?" And then unfortunately with a Nation that has one of the highest infant mortality rates in the western world, we cut the Healthy Start Program. There was cut and no growth in it.
I would simply ask my colleagues to review this legislation and this appropriation bill, go to the front end and invest and not wait for the back end. Defeat this legislation so that we can treat Americans right.

Mr. Chairman, I rise to express my opposition to this legislation. I am afraid that, in its current form, this bill does not do enough to protect the quality of life for our most vulnerable citizens. This bill funds a great number of the programs and services that are relied upon by our Nation’s families—our children, women, and senior citizens. I do not believe that these are the programs that we should be drastically cutting in our efforts to balance the budget. We must maintain our commitment to protect children and families, to support education and training, and to continue programs such as head start, healthy start, substance abuse prevention and treatment, and summer jobs.

This bill seriously jeopardizes worker protection by dramatically cutting programs that promote workplace safety and health, and pension security. Funding is cut by $129 million below the President’s request and $83 million below the amount needed to maintain last year’s operating level. The Pension and Welfare Benefit Administration is provided with only $65 million, which is a $1.3 million cut from the current funding level and $19.7 million below the President’s request.

One of the best known worker protection agencies is the Occupational Safety and Health Administration [OSHA], is cut by over $6 million. This bill would specifically reduce Federal enforcement of workplace safety by $4,765,000. OSHA enforces this Nation’s labor protection laws and as a law enforcement authority it may not be popular with the law breakers, but for those they serve and protect everyday do not want this Congress under valuing their life or health.

When my colleagues speak so passionately about the American taxpayer, there are speaking about people that the Department of Labor should be in the business of protecting and whose pension plans should be assured of solvency when they are needed. That is the least the working American taxpayer should expect from the 104th Congress.

This bill would also zero out funding for the President’s new youth employment training program, the Opportunity Areas for Out-of-School Youth. The President only requested $250 million to help address the special employment training problems faced by many of our Nation’s youth.

This legislation will once again shortchange our youth through the underfunding of the Youth Summer Jobs Program for fiscal year 1997. The $625 million appropriated is the same level funded for this fiscal year. At this level of funding only 442,000 youth can be served while those in need number over 600,000.

This bill would eliminate funding for the healthy start program, which is designed to reduce the Nation’s high infant mortality rate. Now is not the time to dismantle this critical life saving program. The United States has the highest infant mortality rate of 22 industrialized nations. Furthermore, while low birthweight babies represent 7 percent of all births, they account for 57 percent of the cost of care for all newborns. Long term health care costs for a low birth weight baby can reach $500 thousand, while prenatal care to prevent low birth weight costs as little as $750.00. Clearly, we must continue this important program. I am concerned that this bill includes less funding for the Centers for Disease Control’s National Center of Injury Prevention and Control. This important program focuses on motor vehicle accidents, falls, fires, poisoning, drowning and violence including homicide, suicide and domestic violence.

Similarly, this bill provides less funding for the Substance Abuse Mental Health Services Administration. This amount ($1.85 billion) is an aggregated cut of $33.9 million below the current funding level and is $248 million below the administration’s request. The $38.4 million fiscal year 1997 funding cut for substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent, or $148 million in fiscal year 1996. As a result of this decrease in funding, 5 million at-risk youth would be denied the substance abuse prevention services they need.

The $3.6 billion provided for the Head Start Program is $381 million less than the administration’s request. This program currently serves less than half of the estimated 2 million children eligible for head start services. At the level provided in this bill up to 15 thousand head start slots would be eliminated next year. This bill provides only $900 million for the Low-Income Home Energy Assistance Program [LIHEAP], which provides assistance to low-income households in meeting the costs of home energy. This is $100 million less than the administration’s request. Furthermore, the bill does not appropriate any of the $1 billion requested for fiscal year 1998. The advance appropriation is critical to States’ budgeting and planning and allows them the time necessary to determine the program eligibility rules.

This bill includes a large cut in funding for the Administration on Aging, including the elimination of all funds for aging research, training and special projects which will hamper local communities’ ability to improve, develop and test innovative solutions. Similarly, the amount of funding provided for the Social Services Block Grant is still $320 million below the entitlement level of $2.8 billion required by current law, and requested by the administration. For States that do not provide additional funding for social services, the impact will be especially severe as this program, includes support for protective services for children and adults, home-based care, and child care. This bill does not include the $30 million the administration requested for a concentrated teen pregnancy initiative, which would have been invested in comprehensive interventions to provide opportunities for young people to take responsibility, increase their life skills and to become contributing members of society. The U.S. has the highest rate of teen pregnancy of any industrialized country. Addressing this problem is key to reforming the Nation’s welfare system.

I am pleased that this bill increases funding for the National Institutes of Health, however the $1.4 billion provided for AIDS is provided at the institute level rather than in a single appropriation to the Office of AIDS Research as requested by the administration and as consistent with the NIH Revitalization Act.
Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for the outstanding job he did with this piece of legislation. Make no mistake about it, people on both sides of the aisle here have the same ultimate purpose. We want to help kids. We want to make sure kids have a chance to go to college. We want to help protect our workers. We want to make sure that education is a key priority, and that's what this bill does.

My personal experience as someone who went to school on a student loan and could not have gone otherwise, as someone who taught in a public school for 7 years and in an urban depressed school district, and as someone who ran a Federal title I program for 3 years, I think I know something about some of the programs we are talking about.

There is a key difference, Mr. Chairman, between what the administration wants and what this Congress wants. The difference is that the administration wants to empower the bureaucracy and we want to empower people. It is very simple and very fundamental. We heard in the debate on the other side of the aisle from our liberal friends that there is no help for job training, for housing assistance, for energy assistance, for child care, for homeless shelters, for health care for the poor and for housing rehab, to name a few. What they did not say, Mr. Chairman, is that this bill increases the community service block grant by the single largest amount in the program's history since 1981, $100 million, Mr. Chairman. Where is that coming from? It is from the other side of the aisle. Mr. Chairman, the administration wants to have no help for the poor. Mr. Chairman, that is simply not true. We want to empower people.

Mr. KINGSTON. Mr. Chairman, as I say vote yes on this bill and I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON], a member of the full committee.

Mr. KINGSTON. Mr. Chairman, as I went back through the CONGRESSIONAL RECORD and looked at what the Democrats had to say about this bill last year, it was just absolutely ridiculous, offbase political rhetoric, just like we are hearing this year: war on children, mindless, mean-spirited package. It is basically a smoke screen to smoke out some of the important things that we want to do, such as protect worker health, to protect worker safety, to protect the integrity of the worker pension plans, and to ensure that the law that guarantees that workers will be treated fairly and squarely on wages and hours.

They drive a billion-dollar hole through a crucial program that provides assistance to low-income elderly and low-income individuals under the low-income heating assistance program. They say that by making deep cuts in all of these programs, they are saving $3 billion. They are simply taking 10 percent of that money back by way of community service block grants.

I take a back seat to no one in my support for community service block grants. In fact, year after year after year on that subcommittee, it was DAVE OBEY who pushed that program against many times almost unanimous opposition on the Republican side of the aisle and some opposition on my own side of the aisle. There is no one in my pleasure that that program is finally getting a justifiable increase. But do not pretend that that tiny increase for that program makes up for the deep-sixing that my colleagues are doing on so many other initiatives to help the very same people that that program is aimed at.

I thank God for small favors, and I thank the subcommittee chairman, but I do not get overly excited about it. I would simply say that it is more than any other, as Bill Natcher used to say, this bill more than any other is meant to help meet the needs of workers and people. We should not be so offside on it, as this proposal does.

Mr. PORTER. Mr. Chairman, I yield my remaining time to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mr. Chairman, I really want to acknowledge Chairman PORTER and the members of the subcommittee for their efforts on a very difficult bill. While I have some concerns with some of the programs in terms of the education area, I do appreciate the chairman's work to develop a fair bill that funds so many critical programs. I am strongly supportive of the 6.5 percent increase in Head Start funding for the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman PORTER. And as the representative in Congress for the NIH, I greatly appreciated the subcommittee's support in protecting the integrity of the NIH professional judgment budget.

I also commend him for his efforts to ensure that Congress does not interfere with the funding priorities established by the scientific community. In that regard, the Office of AIDS Research at NIH continues to plan for AIDS research, which is conducted among the
Dr. Levine’s working group has provided specific recommendations regarding scientific priorities and improved coordination of AIDS research activities, and has recommended that Congress provide the OAR with maximum budgetary and management authority. As a former teacher, I believe strongly that it is our responsibility to ensure that our biomedical research dollars are being spent in a well-managed, coordinated fashion. Decisions relating to the provision of budget authority to the OAR should be made in the interests of the best possible management of scientific resources. As the committee works to reconcile differences with the other body later this fall, I urge the committee to re-think their position on the level of budgetary and management authority provided to the OAR, and to use the Levine Report, with an eye toward achieving the most effective possible management of AIDS research funding.

I commend the chairman and committee for including funding increases for AIDS research, prevention, and the Ryan White CARE Act. I also appreciate the inclusion of report language I submitted again this year expressing the importance of continued funding for research on microbicides.

Mr. Chairman, I guess there is no more time left, but I want to comment on continued support for the violence against women program and the increased funding for breast and cervical cancer research.

Mr. Chairman, I want to acknowledge Chairman Porter and the members of the subcommittee for their efforts on a very difficult bill. While I have concerns with the funding levels for education, I do appreciate the chairman’s work to develop a fair bill that funds so many critical programs.

I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman Porter, and, as the Representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH’s professional judgment budget. I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community.

In that regard, the Office of AIDS Research (OAR) at NIH continues to plan for AIDS research, which is conducted among the 24 institutes, centers, and divisions at NIH. The committee has provided report language, similar to the report language provided in fiscal year 1996, defining the authority of the OAR. While I am pleased that the committee has continued the broad OAR authority provided to the OAR, I remain convinced that AIDS research funding at NIH can best be managed to the OAR, I remain convinced that AIDS research funding at NIH can best be managed to the OAR, I remain convinced that AIDS research funding at NIH can best be managed to the OAR.

Dr. Levine’s working group has provided specific recommendations regarding scientific priorities and improved coordination of AIDS research activities, and has recommended that Congress provide the OAR with maximum budgetary and management authority. As a former teacher, I believe strongly that it is our responsibility to ensure that our biomedical research dollars are being spent in a well-managed, coordinated fashion. Decisions relating to the provision of budget authority to the OAR should be made in the interests of the best possible management of scientific resources. As the committee works to reconcile differences with the other body later this fall, I urge the committee to re-think their position on the level of budgetary and management authority provided to the OAR, and to use the Levine Report, with an eye toward achieving the most effective possible management of AIDS research funding.

I commend the chairman and committee for including funding increases for AIDS research, prevention, and the Ryan White CARE Act. I also appreciate the inclusion of report language I submitted again this year expressing the importance of continued funding for research on microbicides.

Mr. Chairman, I guess there is no more time left, but I want to comment on continued support for the violence against women program and the increased funding for breast and cervical cancer research.

Mr. Chairman, I want to acknowledge Chairman Porter and the members of the subcommittee for their efforts on a very difficult bill. While I have concerns with the funding levels for education, I do appreciate the chairman’s work to develop a fair bill that funds so many critical programs.

I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman Porter, and, as the Representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH’s professional judgment budget. I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community.

In that regard, the Office of AIDS Research (OAR) at NIH continues to plan for AIDS research, which is conducted among the 24 institutes, centers, and divisions at NIH. The committee has provided report language, similar to the report language provided in fiscal year 1996, defining the authority of the OAR. While I am pleased that the committee has continued the broad OAR authority provided to the OAR, I remain convinced that AIDS research funding at NIH can best be managed to the OAR, I remain convinced that AIDS research funding at NIH can best be managed to the OAR.
needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided to carry out the Secretary's discretionary grants under part B of title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements for enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded.

Provided further, that service delivery areas and substate areas may transfer funding provided herein under authority of titles II-B and II-C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor:

Provided further, That service delivery areas and substate areas may transfer funding provided herein under authority of titles II-A and title III of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor:

The Clerk read as follows:

**AMENDMENT OFFERED BY MR. OBEY**

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

The amendment offered by Mr. OBEY is as follows:

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? There was no objection.

**AMENDMENT OFFERED BY MS. VELAZQUEZ**

Ms. VELAZQUEZ. Mr. Chairman, I offer an amendment.

The amendment offered by Ms. VELAZQUEZ is as follows:

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

- On page 2, line 14, after the dollar amount, insert the following: ``(increased by $5,000,000 for sweatshop enforcement in the garment industry).''

- On page 2, line 15, after the dollar amount, insert the following: ``(reduced by $5,000,000).''

**On motion of Mr. OBEY, the amendment was agreed to.**

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

Mr. CHAIRMAN. The gentlewoman for offering the amendment on this side.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Velázquez amendment to restore funding to the Department of Labor and the Department of International Labor Affairs. These funds are critical to the Department's ongoing efforts to combat worksite safety and fair labor standards violations, particularly in the garment industry.

Recent news reports documenting sweatshop abuses in foreign nations. We have heard about the rampant wage exploitation of hundreds of thousands of workers—many of whom are children who produce popular American clothing and designer products, while laboring under inhumane working conditions. However, many Americans are not aware of the fact that similar abuses are occurring daily...
in places like Los Angeles, New York, Miami, and Texas. The unfortunate reality is that despite our Nation’s historic tradition of protecting workers and the voluntary compliance efforts by reputable garment contractors, sweatshop exploitation is a pervasive problem in America. It is estimated that more than 7,000 garment shops nationwide can be classified as sweatshops.

There are numerous examples of the nature and extent of the problem. In August of last year, the raid of a garment sweatshop in El Monte, CA, exposed the working conditions of 70 immigrant women crammed in a factory room with razor wire. More recently, a February raid in Irvine, CA, found workers routinely working 12-hour shifts, locked in a windowless room with a single fire escape. In Dallas, a sweep of 11 garment shops found that 82 percent of those businesses were in violation of Federal labor laws. This is nothing less than a national disgrace.

The Department of Labor’s wage and hour division and International Labor Affairs Department are important lines of defense against sweatshops. The wage and hour division is combining an aggressive enforcement strategy with an educational program that encourages retailers, manufacturers, unions, and consumer groups to work in partnership to address the problem. Limited resources, however, have cut the number of investigators at the wage and hour divisions by 18 percent at a time when the workload of the division has expanded to include the monitoring of over 110 million workers in 6.5 million workplaces. The funding reductions contained in this bill hampers their ability to police the garment industry, protect workers, and ensure their workplace safety.

I urge my colleagues to support our efforts to fight sweatshop abuses by voting in favor of the Velázquez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Ms. VE LAZQUEZ].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS (TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (3) of section 206(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $292,450,000.

To carry out the activities for grants to States under paragraph (3) of section 206(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $330,550,000.

The funds appropriated under this heading shall be transferred to the Department of Health and Human Services, “Aging Services Programs” following the enactment of legislation authorizing the administration of the program.

AMENDMENT OFFERED BY MR. STUMP

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

The Clerk read as follows:

Amendment offered by Mr. STUMP: Page 6, line 5, insert “(reduced by $3,800,000) after the first dollar amount.

Page 18, line 15, insert “(increased by $3,800,000)” after the dollar amount.

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

Mr. STUMP. Mr. Chairman, I offer this amendment for myself, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking member of the Veterans Affairs Committee; the gentleman from New York [Mr. Solomon], the distinguished chairman of the Rules Committee; the gentleman from Indiana [Mr. Buyer], the chairman of the Subcommittee on Education, Employment and Training; and the gentleman from Florida [Mr. Mica], the chairman of the Civil Service Subcommittee.

Our amendment would increase the funds available for administration of the Veterans Employment and Training Service by $3.8 million.

This increase would be offset by a reduction in funding from the national activities account of the Employment Service.

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

Mr. STUMP. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the chairman for yielding and for offering the amendment. We support the amendment very strongly and have no objection to it.

Mr. STUMP. Mr. Chairman, reclaiming my time, I thank the gentleman.

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

Mr. STUMP. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we likewise think the amendment of the gentleman is a good one and accept it on this side of the aisle.

Mr. STUMP. Mr. Chairman, I thank the gentleman from Wisconsin and thank the chairman.

Mr. Chairman, the Veterans’ Affairs Committee has worked hard this Congress to improve the operations of the Veterans Employment and Training Service and employment opportunities for veterans. And one again, we’ve done it in a bipartisan manner.

We’ve had great cooperation from the Economic and Education Opportunities Committee, the Subcommittee on Civil Service, and the Labor Appropriations Subcommittee. This amendment would make a small but important addition to the bipartisan work already accomplished.

Veterans preference and reemployment rights are important benefits. For many veterans, they may be the only benefits ever used.

Simply put, at a time when the Federal government is down sizing, we must ensure that veterans preference laws are followed. These funds would also ensure that veterans reemployment rights are vigorously enforced in both the public and private sectors. This is vital at a time when we rely so heavily on our National Guard and Reserve forces.

Mr. Chairman, this amendment will allow the Veterans Employment and Training Service to meet its expanding enforcement responsibilities, increase its Transitions and Insurance Program training requirements, and find thousands more jobs for veterans.

I strongly urge my colleagues to support the Stump amendment.

Mr. MONTGOMERY. Mr. Chairman, I am pleased to support the Stump amendment to increase funding for the Department of Labor’s Veterans’ Employment and Training Service.
[VETS]. Although this amendment would increase the VETS appropriation by only $3.8 million, this modest amount will significantly enhance the ability of VETS staff to provide employment services to veterans. The amendment would provide an additional $2.8 million for the VETS program administration. This will bring the total up to the funding level requested by the President. The additional $1 million will be used to fund new positions for investigators who will ensure that Federal and State governments and private employers meet their responsibilities to veterans.

The Department of Labor's Employment and Training Service, under the expert leadership of Assistant Secretary Preston Taylor, has done a great job helping veterans find good, permanent employment. VETS staff have also trained hundreds of thousands of separating service members how to make a smooth transition to life in the civilian community and workplace. I appreciate Assistant Secretary Taylor's hard work and commitment, as well as that of his entire staff. The men and women in VETS are dedicated to assisting and supporting our Nation's veterans. Congress must give them the tools they need to accomplish their goals.

I urge my colleagues to support the Stump amendment.

Mr. CHRYSLER. Mr. Chairman and colleagues, I rise to express my strong support for the amendment to the Labor/HHS/Education Appropriations bill offered by the Chairman of the Veterans' Affairs Committee [Mr. STUMP]. Under this provision, $3.8 million would be added to the funding level for the Department of Labor's Employment and Training Service and $2 million for the Homeless Veterans Reintegration Program.

On June 18, I spoke about my deep distress when the Labor/HHS/Education Appropriations Subcommittee slashed veterans' employment funding by almost $12 million below the level recommended by President Clinton—far below the level of funding that is needed to place our veterans into permanent, good-paying jobs. I shared with my colleagues the fact that 28,000 fewer veterans would be placed in jobs than proposed in the President's budget. I called attention to the Republicans' recommendation that the transition assistance program be terminated, a successful program that has trained hundreds of thousands of men and women so that they could quickly find good civilian jobs upon leaving the Armed Forces.

Fortunately, most members of the Full Appropriations Committee heard these concerns expressed, not only by me but by many other veterans supporters. An amendment offered by Mr. Obey to restore most of the funding was approved.

This amendment, which we are now considering, will go a step further and fully restore veterans' employment funding to the level originally requested by the President. I thank the Chairman of the Veterans' Affairs Committee for this responsible amendment, and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. STUMP].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHRYSLER

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

The Clerk read as follows:

Amendment offered by Mr. CHRYSLER:

Page 6, line 5, after the first dollar amount, insert "(decreased by $2,399,000)". Page 38, line 8, after the dollar amount, insert "(increased by $2,399,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order by the amendment. We do not have a copy of the amendment. We were not aware this was going to be offered. I would appreciate it if we can get a copy.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. CHRYSLER. Mr. Chairman, almost 4 million women were physically abused by their husbands or boyfriends in the last year. We owe it to those abused women to take a stand against domestic violence.

Child abuse is fifteen times more likely to occur in families where domestic violence is present. We owe it to those abused children to take a stand against domestic violence.

I appreciate the chairman's work to increase funding for domestic violence programs in the committee bill. Overall, the Violence Against Women Act programs are increased in the appropriations bill by over $8 million, to a total of $61 million.

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

Mr. CHRYSLER. I yield to the gentleman from Illinois.

Mr. CHRYSLER. Mr. Chairman, let me say, now that we have a copy of the amendment, I now understand what it is that is being offered and we have no objection to it on this side of the aisle. I understand that the gentleman from Illinois [Mr. PORTER], on the majority side, also has no objection to it.

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

Mr. CHRYSLER. Mr. Chairman, reiterating my point, within the Violence Against Women Act programs is a special program that is very dear to me and the people of the eighth District of Michigan. I am referring to the battered women's shelter programs administered through the Department of Health and Human Services.

Although the committee has increased the dollars for battered women's shelters, my amendment would provide the program an additional $2.4 million to fully fund the program at the President's request.

In my home town in Michigan, the LACASA women's shelter provides hundreds of abused women and their children shelter, food, and counseling. For many years, my wife Katie and I have worked arm in arm with the dedicated workers and volunteers of LACASA to find the scarce resources to keep their shelter operations continue. I am now in a position to do more as a congressman, and I intend to.

It's time for this abuse to stop. These women and children need our help, and they need our help now because there is simply no tomorrow for some of them.

Even with the hard work and dedication of groups like LACASA that are working for women around the country, it's clear that the need for funding and more Federal dollars continues to increase. In Michigan, for instance, the nights of shelter provided each year to abused women has increased 23 percent since 1991.

However, even with these increased services in Michigan, the number of domestic violence victims denied shelter since 1991 has increased 25 percent.

This is one area of service where it seems we cannot do enough. When abused women and children need to get themselves out of terribly abusive relationships, they need to act quickly. We must provide a secure safehouse for battered women and their children. We must provide for them today.

My amendment takes another step forward to provide all the help we can to the women and children who most need it. I urge my colleagues on both sides of the aisle to support my amendment to fully fund the battered women's shelter programs within the Violence Against Women Act.

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

Mr. CHRYSLER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by sections 104(d) of Title 5, United States Code, section 501(d)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 243 of Title 5, United States Code, section 10(d)(3) of Public Law 102-164, and section 5 of Public Law 102-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1998, $373,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act,
In conclusion, Mr. Chairman, I would like to thank the gentleman from Illinois, Chairman Porter. From the day I arrived in Washington, I have recognized in him a superb public servant and, frankly, I consider him to be one of my best friends and one of the finest Members of Congress. I thank him for his consideration.

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

Ms. SLAUGHTER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me thank the gentlewoman for those very generous and kind words. We certainly think the amendment is a very important one and very strongly support it and thank her for her leadership in offering it.

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

Mr. Chairman, I would simply say that on this side of the aisle we certainly accept the gentlewoman's amendment, and I would like to talk just a moment about it because I have such a deep personal interest in the issue myself.

I think often in the subcommittee a few years ago, when the human genome project just started to be funded, I was often misunderstood when I raised with NIH witnesses my concerns about the fact that we were getting ahead of the state of the law on the issue of genetics. It would be a tragedy if the billions of dollars which taxpayers are seeing invested on their behalf to discover the secrets of the human genetic makeup, if those dollars, instead of winding up producing a net good for the American people, wind up simply producing a greater ability for different powerful parties in this economy to discriminate on the basis of genes which individuals could not order beforehand but were stuck with after they were born.

It seems to me that there has been a very slow reaction to this on the part of both the legal profession and on the part of good segments of the scientific community as well. I very much commend the gentlewoman for her efforts on this. I think it highlights probably the most important fundamental long-term issue associated with this bill, and we very enthusiastically support the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER]. The amendment was agreed to.

Ms. ROYBAL-ALLARD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me assure the gentlewoman that I am a very strong supporter of the Job Corps Program. I agree with the gentlewoman on its great importance, particularly for the most at-risk youth in our society, and I will clearly work toward a conference agreement that will provide, at the minimum, the House level of funding for the job Corps and will fight to try that make that level even higher. Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

PENSION BENEFIT GUARANTY CORPORATION
PENSION BENEFIT GUARANTY CORPORATION

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by
section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments to fiscal year 1996 as may be necessary to carry out such programs through September 30, 1997, for such Corporation: Provided, That the sum of $250,000,000 shall be available for the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; and notwithstanding title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reemployment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or local; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mining rescue and survival activities in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended for the purpose of providing for the expenses of the Consumer Price Index and shall remain obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury last workday case rate, at the most precise Standard Industrial Classification Code for which the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 21 of that Act (29 U.S.C. 973), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational, and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers; or

(4) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act.

Provided further, That of such fair share entities through September 30, 1996, shall remain available until expended for the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; and notwithstanding title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reemployment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or local; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mining rescue and survival activities in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended for the purpose of providing for the expenses of the Consumer Price Index and shall remain obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury last workday case rate, at the most precise Standard Industrial Classification Code for which the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 21 of that Act (29 U.S.C. 973), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational, and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers; or

(4) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act.

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

For necessary expenses for the Mine Safety and Health Administration, $191,810,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to acquire lands, buildings, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or local; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mining rescue and survival activities in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended for the purpose of providing for the expenses of the Consumer Price Index and shall remain obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury last workday case rate, at the most precise Standard Industrial Classification Code for which the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 21 of that Act (29 U.S.C. 973), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational, and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers; or

(4) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act.

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.
Mr. Chairman, my amendment to the Labor-HHS-Education appropriations bill would delete the rider that bans OSHA from protecting workers from musculoskeletal disorders which represent America’s fastest growing workplace health problem.

Mr. Chairman, that is what we are talking about is the legislative rider bans any ergonomic guidelines. Ergonomics is the study of force in motion. What we would like to see is the ergonomics look at is how to redesign the workplace so as to avoid this. This is the force that is causing so many musculoskeletal disorders and represents the fastest growing workplace health problem, having multiplied sevenfold in the past 10 years. Current estimates range from over 700,000 lost work day injuries to 2.7 million accepted worker’s comp claims annually, affecting meat packing, poultry workers, computer programmers, auto workers, and supermarket employees, among others.

Avidly affected with restricted life activities, lost work time, and often permanent disability. These repetitive motion injuries include carpal tunnel syndrome, of which you may be familiar, Mr. Chairman.

The language of the appropriations bill prohibits OSHA from using funds for the development, promulgation, or issuance of any proposed or final standard or voluntary guideline.

Mr. Chairman, I repeat, voluntary guideline recommendations are such that they even today are not regarding or reporting occupational injuries or illnesses directly related to this language goes beyond the fiscal year 1996 language banning OSHA from developing protections or even collecting data on the problem.

Mr. Chairman, worker’s compensation costs arising from musculoskeletal disorders amount to an estimated $20 billion annually, accounting for roughly $1 of every $3 employers spend on work-related costs such as hiring and training replacement workers add billions of dollars more. Unfortunately, many thousands of U.S. employers are unaware of the extent of this problem.

My amendment would allow OSHA to issue a proposed ergonomic standard. And what that would do is trigger OSHA’s open rulemaking process. This process includes both lengthy comment periods and administrative hearings in which witnesses can cross-examine each other, designed to facilitate a thorough public debate to improve the standard and strengthen its scientific basis.

If enacted, the rider in the bill would ban OSHA from even developing such a proposed standard to permit the debate to begin. My amendment will allow the debate to begin.

A yes vote on my amendment would preclude OSHA from even gathering the data necessary to meet that need. A no vote on my amendment would allow OSHA to issue voluntary guidelines to assist employers in controlling the cost to employers, and many of them would like the protection of such guidelines. Even those employers who have recognized the problem are often unaware of the broad range of cost-effective solutions currently available.

Small businesses are particularly at a disadvantage since they typically cannot afford to hire safety and health consultants. These employers need help. My amendment would allow OSHA to issue voluntary guidelines to assist employers in controlling the soaring costs associated with musculoskeletal disorders as well as opening up this debate to go further, if it is determined in that open period of public comment.

Recently enacted legislation gives Congress a mechanism for modifying or even overturning Federal regulations through an expedited legislative process. My amendment would allow OSHA to move forward on ergonomics, but would retain this effective means of reviewing OSHA’s protective standards before they even take place. This is not disruptive of changes that have occurred in this Congress, Mr. Chairman. In fact, it is in keeping with those changes.

Countless employers have already cut injury rates and saved millions of dollars in workman’s compensation costs through simple measures that quickly pay for themselves. A “no” vote on this amendment would preclude OSHA from developing protective standards or even voluntary guidelines based on such cost-effective solutions. These ideas, the initiatives, assist business at the expense of thousands of employers struggling with soaring worker’s compensation costs, and to the detriment of millions of American workers.

A yes vote would improve working conditions and safety, would save money for the employers and increase productivity of the American work force. I urge my colleagues to vote “yes” on this amendment.

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

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

Mr. Bonilla asked and was given permission to revise and extend his remarks.

Mr. Bonilla. Mr. Chairman, I rise in opposition to the Pelosi amendment. What we have here is a basic disagreement among those of us who feel very strongly that the private sector is capable of policing its own work force and its work environment, and those who believe that it cannot be done.

The Chair recognizes the gentleman from Illinois.

Mr. Bonilla.

Mr. Bonilla. Mr. Chairman, I rise in opposition to the Pelosi amendment. What we have here is a basic disagreement among those of us who feel very strongly that the private sector is capable of policing its own work force and its work environment, and those who believe that it cannot be done.
without Big Brother stepping in with a whole ton of Federal regulations to tell them how to do it.

The language in the bill as it currently stands would be removed by the amendment proposed now. It is a funding bill to help a small business, a small rider. Perhaps the gentlewoman who proposes this amendment is not clear on that particular point. It simply says that the Labor Department and OSHA cannot spend money on developing a whole ton of bureaucratic rules on ergonomics that would apply equally to businesses like restaurants, like professional athletic teams, like trucking companies, to parcel post carriers.

In other words the Federal Government is now poised and interested in trying to develop a new set of regulations that it would apply uniformly to every small business in America, and it is absolutely absurd to think that OSHA could get involved in doing such research to apply these rules.

Mr. Chairman, let me cite as an example, in the gentlewoman’s own State of California, under a legislative mandate CALOSHA will issue an ergonomic regulation as of the year 1997 that is estimated to cost Californians $9.7 billion and cost more than 12,000 jobs, because anyone who has ever been in the private sector, as I have as a manager in a private business, understands that when you get a whole ton of regulations that suddenly come into our office, your productivity is automatically cut back.

The implementation of silly regulations such as these causes additional costs and in some cases causes tremendous job loss, and that is what we are talking about here. Think about in California what 10 pages has done, as I have cited here, and I have an example here of so far what OSHA has developed on ergonomic standards in the private workplace or small businesses in America across this country.

Mr. Chairman, can you imagine running a restaurant in this country or running a small business or a small nonprofit where you are trying to make ends meet, operate on very marginal profits, and suddenly you see this show up at your front door? Who, first of all, is going to be able to understand any of this? How much is it going to cost a small employer in this country to implement such regulations?

Mr. Chairman, I think what people who love big government fail to understand is that this is not a staff of people at every business in this country that is prepared to handle such a load of bureaucracy and rules and regulations just waiting to do that.

If any of my colleagues have ever managed a business or owned a business or worked in the private sector, you do real work in this country, they know that everyone there is already interested in doing something, answering the phones, putting together, making products, creating a product. This kind of thing, Mr. Chairman, only adds to the burdens that so many people in the private sector have at this point.

Unlike what was pointed out earlier by my colleague from California, the language in the current bill does not prohibit OSHA from continuing to use ergonomics data collected by the Bureau of Labor Statistics and does not prevent research institutions such as the National Institute for Occupational Safety and Health [NIOSH] from collecting scientific research on ergonomics.

Mr. Chairman, OSHA relies on those organizations because it does not conduct its own scientific research. If I could be convinced that suddenly OSHA has qualified doctors and scientists to be able to develop these regulations, but I am not convinced that they are qualified to do this kind of research.

Mr. Chairman, I ask my colleagues to look hard at this amendment. It is something that if my colleagues believe, as I do, that what distinguishes our economy in this world is the private sector, the private sector jobs, that is what makes us the greatest economy on Earth.

Why do we want to put this monkey on their back and drive them back into the Stone Age because big labor is interested in promulgating such rules as I am holding in my hand? And this, Mr. Chairman, is only the beginning.

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

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. Oexley], the ranking member of our committee.

Mr. OBEY. Mr. Chairman, this is a funny place. We get elected. We get into our offices here, and every day we have visitors from home. And sure, some of them are on vacation and some of them are regular working people. But I would venture to say that at least 70 to 75 percent of them are people who are representatives of the business community.

They walk into our offices. They wear suits. They are good people, but they have a distinct economic point of view. And we hear a lot of it when they come and visit us in our offices. They are the people who can afford to come out and actually lobby us directly from home.

Then we go home. Often Members go to the Rotary Clubs; they go to business lunches. They talk to people who are also wearing suits then, and they all generally see life from the upper side.

I think we need to get beyond that and we need to think about how the world looks to people who work for a living, whether they wear blue collars or white collars or pink colors, just name it.

I do not know what my colleagues do when they go about, but I do not go home to visit plants. I cannot begin to tell Members how many times I walk through a plant, and I have seen a woman wearing something on her wrist and I say, what happened? Carpel tunnel syndrome. I hear that time and time again.

Talk to people who have suffered lower back problems. I happen to have an insurance company in my district that is very skilled in the problems of worker compensation. If we talk to people in that field, they will tell us that there are many companies who want to avoid problems but they do not know how. They do not have the expertise to do it. What this amendment says is that it is going to be a long, long time before they learn.

OSHA is the agency which is charged with the responsibility to develop standards to protect the health and the well-being of workers. What the committee bill says is that that agency is not going to be allowed to perform its duty when it comes to just about the most expensive workplace injury problem around today, about a $20 billion problem, the most reliable estimate. And the gentlewoman from California [Ms. PELOSI], is trying to correct that problem with her amendment.

I do not see why it is in the public interest for us to say that not only can OSHA not promulgate an official standard, they cannot even begin to develop one. They cannot even go about collecting their own data on the problem.

I do not see how that is in the interest of workers. I certainly do not see how it is in the interest of companies, many of whom do not know what to do to avoid the problem.

One example: My grandmother used to work for Pied Piper Shoe Co. a long time ago. One of Pied Piper’s competitors was Red Wing Shoe Co. They paid $4.3 million in worker compensation premiums in 1990. After they implemented an ergonomics program and changed production techniques, that company reduced lost time days by 79 percent. By 1995, premium costs had dropped to an estimated $1.3 million from the original $4.3 million. That company knew how to deal with the problem. There are a lot of companies that do not.

The value of allowing OSHA to develop voluntary standards, I emphasize “voluntary,” is that that would mean that OSHA could do the work which would enable many other companies who are looking for the right way to attack problems to have some idea of how to do it. A lot of them are small companies. They do not have the ability or the financial ability to hire industrial engineers. This agency can help them do that. But it just seems to me that this Congress is lock, stock and barrel in the hands of people who are interested. And it is not getting beyond the views of those folks and to take into account the fact that there are many, many millions of Americans who have a right to expect that the Government is not going to step in to see to it that they have the safest working place and the healthiest working place possible under existing circumstances.
That is what the Pelosi amendment tries to do. I think this Congress ought to be ashamed of itself, if it does not adopt this amendment.

Mr. BONILLA. Mr. Chairman, I yield 6 minutes and 30 seconds to the distinguished Gentleman from Texas [Mr. DELAY], Republican whip.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding time to me, and I appreciate his work in this area.

All I can say is, after the gentleman from Wisconsin’s remarks, here we go again. Class warfare. the only argument in favor of the Pelosi-Nadler amendment is that people that wear suits do not understand the working man.

I think we have to first understand that OSHA is not only not equipped to do this scientific gathering or scientific evaluation, nor does it have the authority to do the scientific gathering. What OSHA does is promulgate regulations.

Mr. Chairman, I rise in opposition to this amendment, and it is really unfortunate that we have to fight this battle all over again. I do not understand why some bureaucrat in Washingto is telling us that we can’t put forth a standard that has absolutely no basis in science. Just last month the American Academy of Orthopedic surgeons issued a report based on a comprehensive study of back injuries. Do you know what their findings were? There is no relationship between back injuries and work. That is not Tom DELAY saying that. That is the American Academy of Orthopedic Surgeons. Earlier this year, the Association of Hand Surgeons determined that there is not enough data available for the Federal Government to move forward with an ergonomic standard.

Further, the National Coalition on Ergonomics reported that OSHA cherry-picked and manipulated the data, which bureaucrats are so prone to do, that it gathered last year in order to put forth its proposal. My point is that there is no consensus in the scientific community over risks and remedies or implementing or failing to implement ergonomic policies.

There is certainly no consensus that a Federal ergonomic standard can actually have any positive impact on the working man or woman in the workplace that does not effect on health and safety. Yet OSHA itself admits its draft proposal is likely to be the most expensive, the most far-reaching ever promulgated by this agency.

So by focusing on work spaces and stations, tools and equipment, lighting, typewriter keys and telephones, ergonomics virtually affects every aspect of American businesses large and small. It has been estimated that it could cost American businesses and cost to the extent of billions of dollars to implement.

The sheer magnitude of the paperwork required would impose an enormous and unnecessary burden. The number of professions that would be affected is potentially limitless.

A truck driver would be affected since he is exposed to vibrations for an extended period of time, sits in a truck cab, keeps bent wrists on a steering wheel and grips the steering wheel. It has been proposed that every hour that truck driver would have to sit down for 15 minutes because he has had too much vibration. Then there are hair stylists who open and close scissors for hour after hour. What about day care workers who have 70 children all day? Of course, there is the job of the golf pro who has got to swing a club over and over again, the florist who must wrap flower arrangements one after another, and the painter who has got to paint wall after wall.

After identifying an at-risk job, according to OSHA’s draft proposal, the employer must control the job. The OSHA does not give any indication how this can be done. It simply mandates that the employers control the job. If the employer cannot control the job, OSHA could require that the employer eliminate the job. Because of the lack of existing scientific data to support its draft proposal, OSHA has inaccurately created its own data. Currently, OSHA requires employers to report work-related injuries and illnesses. In its proposal, OSHA would expand this recordkeeping requirement to include aches and pains as well as injuries. It would require the workplace on injury and illness logs. The result would be a database of injuries that is outrageously inflated to show a far greater number of truly work-related injuries than there really are.

I cannot condone this kind of activity. The Bonilla amendment rightly prohibits OSHA from continuing to develop an ergonomics standard that involves the imposition of regulations on private sector and a radical new level of government intrusion into the workplaces, work practices without scientific support. The Bonilla language does not prevent the scientific community from developing any necessary data to contribute rulemaking or notice of rulemaking. So I think it is a little disingenuous to give the impression to our colleagues that that is a regulation that gives Congress a mechanism for modifying or disapproving Federal regulations through an expedited legislative procedure, and that will be allowed under this amendment. I would not like the information that the ergonomic studies provide in terms of data on the occurrence of repetitive motion illnesses.
The other point that I want to make is that, of course, this has to be based on scientific and scientific data. But this is not a one-sided issue. This is to protect businesses. Certainly it is to protect workers as well, and I do not have enough time to me read the entire statement of Mr. Dear when he came before our committee, but when I get my time again I would like to read from that statement, which talks about the need that some smaller businesses in particular have for the protection that voluntary guidelines and opening up of this debate would provide to them.

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

Mr. BONILLA. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

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

Mr. Chairman, as I mentioned before, in the balance of my time I wanted to make the case that this ergonomic study is to benefit workers and businesses. When I asked the very distinguished OSHA, Mr. Dear to respond as to what the developing of voluntary guidelines and what the government-business response to such voluntary guidelines would be, he responded by saying:

From my own experience in meeting with employers I know that injuries caused by repetitive motion are a serious problem of concern to employers. I have met with one after another after presentation made here on the Hill after the employers have specifically asked me, “Aren’t there any guidelines? Couldn’t you give me some help?” And I have to say, “Well, I would very much like to, but I cannot.”

And that is what this rider in this legislation does. It prevents OSHA from giving any direction whatsoever to small businesses.

Again, I say that support for my amendment will protect workers, protect businesses from excessive cost, and increase productivity. I urge my colleagues to support the amendment.

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

Mr. Chairman, what we have here is again a debate between those of us who believe that people who are out in the heartland operating, managing, working for small businesses are pretty smart people and they are what make our economy tick. After all, the small-business community in this country is the backbone of our economy and employs a percent of the workers in this country.

On the other side we have those who believe that they cannot police their work force and their work environment effectively without having a big set of Federal guidelines handed to them, and Big Brother, after all, is smarter, according to the opposition on this debate, smarter than the people who are the entrepreneurs and those who pursue those individual ventures in this country. The bureaucrats are smarter, and the entrepreneurs are too dumb to implement ergonomic standards in their own workplace.

Oftentimes those who are opposed to this issue in the past somehow think that those of us who are trying to stop this regulatory burden on small business are not concerned about worker safety. Nothing could be farther from the truth. I do not understand why some federal advocates who advocate big government do not understand that any business owner out there, any manager, is interested in keeping as many workers as they possibly can healthy and productive, on the job where they have an injury. They would have to make cuts in other areas. No one in this country in the private sector is interested in allowing unhealthy conditions and bad working conditions to exist in the workplace in this country.

And I think oftentimes we get mired in the debate, and some of those on the other side try to make it seem like we do not care about worker safety. We not only care about worker safety, we care about preserving jobs and about keeping the regulatory burden off the backs of small business. I think this this country so that they can continue to be more productive and to increase productivity and increase the number of jobs in their communities. That is what we are interested in doing.

Finally, I want to point out how voluntary standards that have been referred to here tonight can exist in the workplace without the Federal Government coming out and saying: “Hey, we have some paperwork here or some kind of new standard that you can voluntarily impose.”

We have been around long enough in this country to understand that once something becomes voluntary on paper via the Federal Government and OSHA and regulation before too long it becomes a real regulation, and we are trying to stop that from occurring.

A lot of good employers in this country are already developing their own ergonomic standards. When I visited a lot of these good work environments across this country, I am delighted to hear people on the front line talk about the priority at companies these days, about worker safety. Safety, safety, safety in these discussions. And I think now that more employers are recognizing how significant it is to increase their profits and become more productive and to employ more people, because after all, when they have more productivity and more profits, that means more jobs, more expansion and more people able to pursue the American dream in this country.

Once again, in closing on this argument, I want to emphasize that those who vote for the Pelosi-Nadler amendment are voting to burden small business in America with a whole new set of regulations that have no scientific data at all to back it up. We do not believe at this point that OSHA is made up of scientists, doctors and researchers that are capable of implementing these kind of regulations.

So vote with small business in America. Vote against the Pelosi amendment.

I ask all my colleagues to support me in this cause.

The question was taken; and the Clerk read as follows:

SEC. 103. To not exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer, and that the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 104. Funds shall be available for carrying out title IV-B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 105. No funds appropriated or otherwise made available in this title shall be disbursed without the approval of the Department’s Chief Financial Officer or his delegate.

SEC. 106. (a) General Rule.—In the administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, employees who are 16 and 17 years of age shall be permitted to work, but not operate or unload materials, into scrap paper balers and paper box compactors—

(1) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors, and

(2) that cannot operate while being loaded.

(b) Definition.—For purposes of subsection (a), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

(1) such scrap paper balers and paper box compactors are in compliance with the current safety standard established by the American National Standards Institute;

(2) such scrap paper balers and paper box compactors include an on-off switch incorporating a keylock or other system and the control of such system is maintained in the custody of employees who are 18 years of age or older; and

(3) the on-off switch of such scrap paper balers and paper box compactors is maintained in the custody of employees who are 16 years of age or older;

(4) the employer of 16- and 17-year-old employees provides notice of the on such scrap paper balers and paper box compactors stating that—

(A) such scrap paper balers and paper box compactors meet the current safety standard established by the American National Standards Institute;
The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Appropriations:


Hon. NEWT GINGRICH, Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of U.S. v. McDade.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely, 

BOB LIVINGSTON, Chairman.

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Appropriations:


Hon. NEWT GINGRICH, Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Deborah Weatherly, currently a staff assistant of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of U.S. v. McDade.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely, 

BOB LIVINGSTON, Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore.

Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore.

Under a previous order of the House, the following Members will be recognized for 5 minutes each.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]
that in some instances the Governors and the State legislatures which initially requested those waivers no longer want to implement them. In South Carolina, it cost millions of dollars to go through the waiver process, and when it was finished they approved it so modified that the State of South Carolina deemed it no longer effective.

We Republicans in Congress over the last 18 months, as the new majority in the Congress, have twice passed genuine welfare reform that would eliminate the need for States to have to go through the cumbersome counterproductive waiver process. But President Clinton, who as Candidate Clinton in 1992 and President Clinton in 1993 promised to end welfare as we know it, has vetoed the welfare reform legislation not once but twice.

This welfare reform controversy illustrates a key difference between Republicans and Democrats and between President Clinton and Bob Dole. Republicans think it is absurd that the States, which really are the laboratories of democracy nowadays, and where the only genuinely successful welfare efforts have taken place, must come begging to Washington, to the very people who are the architects and protectors of the failed status quo, our current welfare system. It is Washington's disgraceful mess, after all, that the States are having to clean up.

Mr. Speaker, although Wisconsin has been the Nation's leader in successfully reforming welfare, witness again the President's promise in his radio address a couple of months ago, and again President Clinton and congressional Democrats still think that Washington knows better than the people of Wisconsin how to fix their welfare program. They think that power, money, and resources should stay in Washington.

The American people are sick of our disgraceful welfare system, which traps people in lives of dependency, illegitimacy, immorality, and despair, and which has, according to the most recent statistics in America going back to 1993, to almost one-third of all births, 31 percent of all births being out of wedlock. The American people are sick of a heavy-handed Federal Government that thinks it is so much smarter than everybody else. And most of all, they are sick of a President who will say literally anything that the polls tell him the people want to hear, and then turn around and do just the opposite.

THE ESSENTIAL 30-DAY COMMENT PERIOD IN WISCONSIN BEFORE ACTION ON WELFARE REFORM WAIVER REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I have the following one-word reply to the gentleman who just spoke: Baloney. A two-word reply: Double baloney.

I represent Wisconsin. I take a back seat to no one in wanting to see massive welfare reform. I know that taxpayers are tired of seeing people collect money on welfare who are not willing to work to earn it, and I know that people are tired of seeing those who, just because seeing people in this society who often have their hand out but who are not willing to go to work in order to improve their own condition. I believe in personal responsibility, and I believe that people ought to be willing to accept the consequences of their own actions in their own lives.

But I want to make a few remarks that correct some of the wildly inaccurate statements just made by the previous speaker. There is no 30-day deadline for the President to consider Wisconsin's W2 program. There is simply, thanks to the fact that the Congress did not eliminate it, as the majority party tried to do, there is still the protection in law that allows every single one of the citizens of Wisconsin to have at least 30 days to comment on the deal that the politicians put together at the State level in Wisconsin. That 30-day requirement is simply a 30-day minimum requirement for putting a firing notice in the public papers. It is a right to speak out before the politicians and the bureaucrats make their final decisions. I make no apology for insisting that that 30-day public comment period be retained. My citizens have the same right to comment that citizens from every other State have had before waivers were granted for their welfare reform proposals.

I wonder if the gentleman knows that in the original W2 waiver request which this party demanded that we pass, sight unseen, without any Members having read it on this floor, I wonder if the gentleman knows that Wisconsin later had to, at least the Governor and the welfare director, had to indicate they made a mistake in the presentation they made to the national government, and they recognized it needed to be amended.

Why? Because the press discovered during that 30-day public comment period that they tried to wipe out on that side of the aisle, the press in Wisconsin discovered that the W2 waiver proposal would have allowed employers to cut the hours of their regular workers, to cut the benefits of their regular workers, in order to make room for welfare workers in their plants.

It also inadvertently would have allowed employers to cancel promotions for their regular workers and, instead, give those promoted jobs to welfare recipients newly hired by the company. The State admitted that that was a mistake, but that mistake would not have been corrected if this House had rambled through the Senate the legislation which the majority party tried to ram through.

You bet taxpayers are tired of seeing tax dollars gobbled up by people on welfare who will not work. You bet taxpayers are tired of that. But I can tell the Members something taxpayers do not want to see even more. They do not want to see their jobs gobbled up by welfare recipients.

So if we are going to solve welfare reform, let us solve it by correcting the bill from Wisconsin which needs to be corrected. Let us not solve it by whacking the ability of workers to maintain their wages, to maintain their hours, to maintain their benefits at work, and to maintain their rights to be considered for promotion before newly hired welfare recipients at the day before were on the welfare rolls.

I would simply say that I want Wisconsin's welfare program to be approved, but only after my constituents have had ample time to examine that waiver request to make certain there are no other mistakes which would wind up threatening the welfare of workers.
WORKING FAMILIES
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, before I speak on the issue of working families and what is happening to working families in my district and what is happening to working families all over the Nation, I yield briefly to the gentleman from California [Mr. RIGGS] to make some additional comments about the Wisconsin welfare reform plan and Republican plans to truly reform welfare, to stop talking about reforming welfare and actually start doing it.

WISCONSIN'S WELFARE REFORM PLAN
Mr. RIGGS. I thank the gentleman for yielding, Mr. Speaker. It is unfortunate that just when I thought we were hopefully going to have a constructive debate on welfare reform, the gentleman from Wisconsin marches off the floor. He has taken his ball and apparently he is going home. If he was still here, my response to him would have been, you have been baloney, double baloney, and triple baloney. You should raise you one, because the reality is he is not going to support welfare reform in any form or in any version.

He not only has voted with the Democrats twice against our welfare reform proposals, but he is actively now attempting to thwart and to delay and to obstruct the efforts of the Wisconsin State legislature and the Governor of Wisconsin, Tommy Thompson, the Governor of his own State, to obtain a reasonable welfare reform waiver from Washington, the big government bureaucracy back here.

Mr. Speaker, the reality is he talks about taxpayers and working people, but the current welfare system is fundamentally unfair to working American families. It pays for non-work, it reinforces personal abhorrent behaviors which harm parents, children, and families. It is another floor. He has taken his ball and apparently he is going home. If he was still here, my response to him would have been, you have been baloney, double baloney, and triple baloney. You should raise you one, because the reality is he is not going to support welfare reform in any form or in any version.

The Washington liberal establishment, make no mistake about it, despite all his populist rhetoric the gentleman from Wisconsin is very much a part of that Washington liberal establishment, and they refuse to accept the fundamental changes demanded by a majority of Americans.

Where has the Democratic Party in the last 3½ years that President Clinton has been President and the leader of their party, where have they been on welfare reform? They did not put forward a welfare reform proposal in the last Congress when they had control of both the legislative and executive branches of Government. The gentleman from Wisconsin could have been a leader in those efforts, had he had the courage of his convictions and brought forward a proposal.

So let us be real clear whose interests are being served here by protecting the status quo: the current welfare system. It is the whole political constituency of dependency we have built up in this country. We are not addressing the concerns of workers whose taxes have paid for the unfair and broken welfare system, but we are, of course, preserving the existence of preserving a system which the President and his liberal allies in the Congress are desperately fighting to protect.

What we believe, and I thank the gentleman for yielding to me, we believe that we ought to respond to the demands of hard-working American men and women. That is why we have passed welfare reform that restores individual dignity by requiring able-bodied recipients to work in exchange for welfare benefits, because we want welfare to be a safety net, not a permanent trap into dependency, empowering those closest to the problem, States and local communities to address welfare needs with innovative and flexible solutions, that is the very essence of W2 or the Wisconsin plan.

I just would remind members again and remind the gentleman from Wisconsin [Mr. OBEY], if he wants to talk about reforming welfare and actually start doing it.

THE FORGOTTEN AMERICANS
The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, every day in this country men and women get up at the crack of dawn, pack their lunches, send their kids off to school, go to work and work harder than ever in their lives, and then realize they are taking home less money. The reason they are taking home less money is that Government is taking more of their money, and Government is taking more of their money because Government is too big. It is too big at all levels, at the local, at the State and at the Federal level. These people, who are laboring in the fields and working harder than ever in their entire lives and taking home less money because Government is too big, are the forgotten Americans.

In 1950 the average family in America paid 2 percent of their income for Federal income taxes. Today it is 26 percent. If we add State and local taxes, it is around 40 percent. Just think of the money that our kids earned goes for taxes. While taxes increase, your take home pay decreases. The more Government takes, the more Government taxes, the less freedom we have. We work from January 1 through May 7 just to earn enough to pay taxes. Just think of that.

The American worker has to work more than 4 months just to pay taxes. If Government taxes you 10 percent, then it controls 10 percent of your life. If Government taxes you 20 percent, then it controls 20 percent of your life. If Government taxes you 30 percent, it controls 30 percent of your life. If Government taxes you 50 percent, it controls 50 percent of your life.

How does Government control our lives by taxes? It does so by making choices for you, that you cannot afford to make for yourself. Big Government chooses to spend money on welfare for immigrants while you worry where you are going to get money to pay for your kid's braces.

At the same time President Clinton claimed that the era of big government was over, he increased your taxes in 1993 with the biggest tax increase in American history. The American family is hurting because taxes are too high.

The Republican-controlled Congress set out to free the American family from this tremendous tax burden. The Republican Congress passed the $500 per-child tax credit so that American families could decide how to spend their own hard-earned dollars, as opposed to Washington, but it was vetoed by President Clinton.

If President Clinton had not vetoed this bill, 1.3 million families in Ohio and the same number in Illinois would have been eligible. It means that these households in Illinois and Ohio would have had an extra $1,000 per year to spend on clothing, education, food and shelter. But people who like big Government do not trust Americans to make those decisions because they want Government to spend money that rightfully belongs to the hard-working Americans.

The Republican Congress passed the $2,500 interest deduction on student loans so that families could better afford to send their kids to college, but President Clinton vetoed that, also. The Republican Congress passed a meaningful welfare bill so that the
Today was a historic day in Congress. I think it is extreme to try to balance this budget in a 7-year period of time, so that you do not pull the rug out from under anybody. Do you think that lowering the rate of spending is extreme, so that one day the revenues that come in, tax dollars, and our spending will be equal? I do not believe that is extreme, Mr. Speaker.

Let us look at this in a little more detail. Do you think it is extreme to try to balance the budget the way you said you have to in our household at the end of each month? Do you think it is extreme to try to balance this budget in a 7-year period of time, so that you do not pull the rug out from under anybody? Do you think that lowering the rate of spending is extreme, so that one day the revenues that come in, tax dollars, and our spending will be equal? I do not believe that is extreme, Mr. Speaker.

What did the Democrats do when they controlled this House? They say what we are trying to do is extreme. They increased domestic spending $300 billion. Years and years of overspending, on tilting the scale toward big bureaucracy, has left us with 163 different training programs, and 180 education programs. A lot of duplications in that, Mr. Speaker. I think we can do something about it.

Let us talk about taxes. Under the Democrat rule, we had a tax increase of $245 billion, a gas tax increase of 4.3 cents a gallon, a tax on Social Security, and a tax on small businesses and partners. What do the Republicans want to do, those so-called freshman extremists? They want to cut taxes. One of them is a $500 per child tax credit. Do you think that your friends and neighbors and your people that you see
in car pool lines deserve a $500 per child tax credit? Do you think that they could use that to buy a few more pairs of tennis shoes, T-shirts and back packs for their children? Do you think that the workers of America deserve that? Do you think that they have paid enough and maybe something like that would help them?

Let us talk about some of these other taxes that we are accused of giving a tax cut for the wealthy. Do you think that our senior citizens should get the tax relief on their Social Security when the President increased taxes on Social Security in 1993? Do you think it would be fair to take that tax off of our seniors? Do you think that it would be fair to let seniors work longer without being penalized on their Social Security? I do not think that is extremist.

What about the capital gains tax? If we pass a capital gains tax, will Ted Turner benefit from it? He will. I do not have a problem with that. Mr. Speaker, because who else will is all the widows in my area, which is a growth area, who have bought their house 30 years ago, it is now paid for, but they are still paying taxes for. They bought for $50,000 in the 1960s is now worth $300,000 and they could benefit from a capital gains tax cut.

Welfare. Let us talk about welfare. We have been accused of extremism in welfare and all kinds of quotes that almost are hard to recognize. The President, as you know, promised to end welfare. He did not offer a welfare reform bill. When we tried to offer one, we were accused, here is one, of Representative Levin, “You use a meat ax against the handicapped children and their parents.”

President Clinton said in February 1995, “What they want to do is declare war on the children in America.”

Here is another quote from a Member of the House of Representatives on the House floor said, “These people,” they are talking about these Republican freshmen, “are practicing genocide with a smile. They are worse than Hitler.”

Here is another one. These are all from House Members. “There is a similarity between NEWT and Hitler. Hitler started out getting rid of the poor and those he said were a drag on society and NEWT is starting out the same way.”

These words have been said on the floor of the House by Democrats.

I yield to the gentleman from Florida [Mr. Weldon].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. You are truly a gentleman for doing so.

Mr. Speaker, I rise to speak on an issue that I think is of critical importance to the people in my district, and that is the people who I believe truly are the forgotten people, and those are the people that work day in, day out to try to struggle to make ends meet.

It is really a privilege to be in this body, it is really a privilege to try my best to represent the people of my district. But one of the things that bothers me and that honestly I am sick and tired of is that there are thousands of people in my district who I honestly feel are ignored, their concerns, their interests are overlooked by the politicians in this city. They are the people who dad works, dad works 2 jobs to try to make ends meet, mom is working as a cashier at the supermarket to try to make ends meet, and honestly at the end of the month, at the end of the day, they frequently do not have enough money to try for the things that they need.

They are trying to set aside money for college, and they cannot do it. They do not know how they can pay for braces for the kids. The car needs new tires, they have reserv, they have enough money after they pay the rent. They do not have enough money after they buy the food to be able to put new tires on the car. So what do they do? They drive around with a car that needs new tires.

And one of the biggest problems for these working families is the burden of the taxes that forces them to have to put mom out to work when she does not want to or forces dad to have to work that second job and, as a consequence, have less time with the kids that he really needs to.

We Republicans, we were trying to do something about that this year. We put forward a $500 per child family tax credit. Those families today in America, typically the working family today in America, they are sending 25 percent of their income to Washington, DC, and 40 years ago when I know when my mom and dad were raising us, when I was a kid growing up, they were sending 4 percent or 2 percent of their income to Washington, DC.

It is the burden of government, of the bureaucracy, of the programs after program, the wasted money that is shackling and hurting our working families in this country. So we put forward a $500 per child tax credit, a tax credit that I thought was really going to help some of those working families, working families like the Tanner family in my district, who Bill Tanner works as an electrician. His wife, Anne, just recently had their fifth child, and our $500 per child tax credit would have meant $2,500 more for Bill and Anne Tanner to put toward the new tires on the car, to put towards money for college for the kids, to help them make ends meet.

The President of the United States, he opposed us on that $500 per child tax credit after he ran in 1992 promising a balanced budget. He was supposed to be forward a reasonable proposal, and the Democrats in this body opposed us on that $500 per child tax credit.

I think it is wrong for politicians to come up here to Washington and say that they are working hard and they are fighting for those working families, those families that are having trouble making ends meet, and what happens, what is the end result: that they oppose the proposals that we are trying to put forward to honestly try to help them.

They even opposed us on the balanced budget. The economists tell us if we could balance the budget, interest rates in this country could drop 2 percentage points. What that means for the working families is a car loan that is 2 percentage points less, a mortgage that could be 2 percentage points less. That can translate for those working families into more money in their pocket, and that is money again that they could turn around and use for their families.

This government has gotten too expensive. It has gotten to be too costly. Oliver Wendell Holmes said that taxes are the price we pay for civilized society. I believe that the price is too high and that working families in this country need a break. The President and the Democrats in this body need to change their position on this issue. They need to support the family child tax credit. They need to support our balanced budget effort.

ISSUES OF THE DAY AMONG AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. Jones] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I am delighted tonight to ask the gentleman from Minnesota [Mr. Gutknecht] and the gentleman from Georgia [Mr. Kingston] to join me in probably about 30 or 35 minutes of a dialog regarding issues facing the American people today. With that, I have asked my friend, the gentleman from Minnesota, if he would be the floor manager of this discussion. With that, I will ask him to initiate the discussion.

Mr. GUTKNECHT. Mr. Speaker, we have just returned from some time back in our districts, and I do not know about the rest of my colleagues, but we have had a chance to hear what some people have had to say on the issues of the day. I held three separate town meetings, I was involved in about nine parades, did one special meeting with seniors in my district, and so I think I got pretty good feedback, and
I thought maybe we could talk a little bit about some of the things we heard during the district break. But I know that the gentleman from Georgia [Mr. KINGSTON] has some points that he wants to make and so I would like to add to him something that I think is dear to your heart, and that is the label that Republican freshmen have been getting hit with about being called extremists. Your class came to Washington with a spirit of reform and yet the press and the Washington establishment, who likes the status quo, has called you extremist, mean-spirited, callous, and so forth. The reason why is because you have tried to do this thing called the Contract With America. The Contract With America is a legislative package designed to reduce the size of government, cut waste, lower taxes, balance the budget, reform welfare and increase personal freedom.

Now, my friends and neighbors that I see at the grocery store at checkout lines don’t consider those extreme ideas. But let us examine this in detail. First of all, do you think it is a good idea to balance the budget? Do you think we should do something about the $20 billion in interest we pay each month on the national debt? Do you think we should pass this legacy on to our children? Do you think it is extreme to try to balance the budget in a 7-year period of time? I think not. I think that is a responsible legislative agenda, and I am glad that you are taking it and applaud the gentleman for it.

What did the Democrats do before when they were in the majority? Well, they increased domestic spending another $300 billion in the 1993 budget. They created a period of time 163 different Federal jobs training programs, 26 different food and nutrition programs, 180 education programs. We may need more than one, but do we need all that duplication in Washington? Do we need all that bureaucracy?

What did the Democrats do about taxes? Well, in 1993, President Clinton passed a $245 billion tax increase, which included a four cents per gallon gas tax, a tax on Social Security, a tax on small businesses and partnerships. What do the Republicans want to do? Well, we extremists have been accused of wanting to give tax breaks for the rich and the elderly. One of these taxes is a $500 per child tax credit. I ask the Members, is it extreme to give the working families of America a $500 per child tax credit so that they can buy a few more tennis shoes, a few more lunch boxes, a few more books, a few more clothes and so forth? I do not think so.

What about our seniors, shouldn’t they be able to work longer without being penalized on their Social Security? That is one of the tax relief ideas that we had, allowing seniors to work longer. What about the capital gains tax cut? Now, will Ted Turner benefit from a capital gains tax cut, and all the other half-trillion dollar losers? Do you know who else will? All the widows in my district who bought property in a growth area during the 1960’s. They bought a house that was worth maybe $35,000 at the time, and today it is worth $200,000, and they can sell that home long-term personal care home or a medical emergency and not be taxed at the highest tax bracket because of this thing called the capital gains tax.

What about the marriage tax penalties? Should we give the same tax rate to people who are married as we do to the people who live together? Right now, a couple can live together and they pay less taxes than a couple that gets married. Is that right? Is it extreme to say that Republican freshmen want to change that? And what about welfare? Members know, we tried to change that.

Mr. JONES. The gentleman from Georgia, I just wanted to further refine and consider those extreme things. It is a legislative package designed to reduce the size of government, cut waste, lower taxes, balance the budget, reform welfare and increase personal freedom. We may need more than one, but do we need all that duplication?

Mr. KINGSTON. That is absolutely right. Another statistic I have heard is that the real Independence Day is July 3 instead of July 4th, because from January 1 to July 3, that is when you are working to pay for all the cost of the government at every level plus the cost of regulation at every level, and that is right out of working people’s pocket.

Mr. JONES. Is it not true also, according to the General Accounting Office, known as the GAO, that in 17 years without a balanced budget, which the Republican Party is committed to achieving, without a balanced budget in 17 years, according to the GAO that average working person will pay $80 cents out of a dollar to taxes? Have you heard that?

Mr. KINGSTON. I have heard that, and all I can say is that family will quit working.

Mr. JONES. Absolutely.

Mr. KINGSTON. There comes a point when the mule cannot pull the load anymore.

Mr. Speaker, let us talk about welfare. The President promised to end welfare as we know it, never introduced a bill when the Democrats held the Senate and the House, and yet when the Republicans did, what were we accused of? And these were quotes, actual quotes that I got out of the Congressional Record. That were accused of by Democrat colleagues: ‘These people, the Republicans, are practicing genocide with a smile. They are worse than Hitler.’

And here is another quote: There is a similarity between Newt and Hitler; Hitler started getting rid of the poor and those he said were a drag on society, and Newt is starting out the same way.

Mr. KINGSTON. There is another quote: But not since the biblical day of King Herod have our children been in such grave danger. But unlike King Herod, who went only at the male child, the Republicans are going after all children.

Now, what is it that we were doing that was so extreme, so hard for the Democrats to take, so that they were accusing us of declaring war on the children? Well, the main thing we are trying to do is say able-bodied people who are on welfare who can work are required to work. Is that extreme? Is it fair for a guy who is out there working 40, 50, 60 hours a week paying for somebody to stay at home, is it extreme to say to the guy who is able to get to work and join him to be required to work so that he can help support his family?

What about illegal immigrations? We said no more permanent benefits for illegal aliens, people who are not American citizens. Is that extreme? I would say it isn’t. That was part and that was one of the things the President vetoed. Mr. JONES. I would like to ask the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Minnesota [Mr. GUTKNECHT], we recently, as you were talking about welfare reform, if my colleagues remember, the House of Representatives passed a bill and I am going a little bit off your subject but it does tie in, about we are talking about late-term abortions, and the President of the United States, the highest office in this land, when the majority of people in America said, even women and men that were pro-choice said, that late-term abortions are wrong when a child in the 7th and 8th month of life in the womb of a mother, is murdered, and yet the President vetoed a bill that Democrats on that side and Republicans on this side said that we need to ban late-term abortions in America.

Mr. GUTKNECHT. Well, I think it ties together with what we are talking about, because when we are advancing what I think is a commonsense agenda, and I think it is commonsense whether you are from North Carolina or Georgia or Minnesota, of putting the Federal Government on a diet, making the Federal Government live within its means in advancing policies, whether it is the Defense of Marriage Act or eliminating or making illegal these illegal late-term abortions where the baby is literally pulled from the mother’s womb, all except the head is left in, scissors are inserted in the back of the baby’s head and literally the baby’s brains are sucked out.
with a suction device, I think everywhere outside this Beltway that is considered extreme.

The agenda we have advanced is commonsense. The extremism, if there is any here in Washington, DC, is I think common sense.

Mr. KINGSTON. Is it not true that two of the most liberal Democrat leaders, the gentleman from Missouri, Dick Gephart, and the gentleman from Michigan, David Bonior, voted to ban these partial birth abortions?

Mr. JONES. Absolutely.

Mr. KINGSTON. Yet the President still vetoed it.

Mr. GUTKNECHT. That is a good point. Many of our friends on the other side, who you would consider liberal, joined us in that particular vote, and hopefully this Congress is going to have another opportunity to revisit that issue and we are going to have a chance to override that veto.

Because I do not know about you, and we have talked about going home over the Fourth of July, I was at one county fair, and I must tell you that was the number one issue that people wanted to talk to me about, because they feel like the facts about this procedure and the they said you have to do everything in your power to override that veto, to make certain that that stops.

Mr. KINGSTON. Is it not true this procedure is so gruesome that the extremists who are against the legislation did not want to allow the sponsor to have a postor, a chart that actually showed the procedure, and they tried to vote not to allow it on the floor? Is that not the case?

Mr. GUTKNECHT. That is exactly right. And it was a very simple medical type diagram to demonstrate exactly what happens in this procedure. But again it comes back to what the gentleman has been talking about what we have been talking about, whether we are talking about regulatory reform, balancing the budget, or allowing families to keep more of what they earn. And your point was made as well that back in the 1950’s when we were growing up, I am not sure about you, Mr. KINGSTON, you are quite a bit younger than us, but when we were growing up, my parents, and we talked a little too about working families, my dad worked in a factory all his life, union man, member of the Teamsters, and my folks raised three boys and my mother did not work. She stayed home.

Now, we did not have a lot of the things that people think that they have to have today, I am sure, but we never considered ourselves poor. But there was a big difference back in the fifties. Most of the families raised their kids on one income. And why couldn’t they? They got to keep 95 percent of what they earned. The average family today, to raise their kids on less than 60 percent of what they earn. Huge difference.

Mr. JONES. In my district, as a candidate for Congress and now as an elected Member of Congress, and going back in my district every weekend since I have been here 17, 18 months, except for about four, the people keep telling me, Congressman, we are tired, we are working harder, we are working longer, but we are earning less. How much money, what can you do to help us?

I think the Congresses of the past that have been the Democratic controlled Congresses kept increasing programs, increasing the size of government, and when we increase the size of government, programs are taking more money out of working people’s pockets.

What has happened in America is that frustration. That is why I think we are the majority now. People are looking for us to reduce programs, particularly those that do not work, which there are plenty, and they are looking to us to say please give us a chance, let us work harder but let us keep more of our money. And I think this frustration every time, every weekend I go home, because I see people at the grocery stores, I see people at church, I see people down the street and they say to me, Congressman, we like what you all are doing, we know you areearing less, and to have a chance to do for our families what we think we should have a chance to do.

Mr. KINGSTON. One of the examples I like is the Federal registration, which is the book of all the Federal regulations, and so forth, it has grown from 41,000 pages 10 years ago to 68,000 pages today, and we have over 130,000 Federal bureaucrats that basically just look over your shoulder to make sure that you are behaving right and telling you how to do things from educating kids, running a poverty program, to health care, running your business, to your home. Everything.

Some of it is good. I certainly want to have a safe and sound government, but I want to have a commonsense government, one that is balanced. And is that not what we are saying? Is it not that we want to give the people back more decisionmaking power and more personal freedom, and is that an extreme position?

Mr. GUTKNECHT. I think the two fundamental questions, and this comes up in our town meetings as well, and I am sure you hear it, and it comes down to two very important questions. The first question is who decides? Is it going to be the Federal Government or is it going to be decided by local units of government and, more importantly, by families?

And second, and I think it is almost the same question, but who knows best? And I think an attitude has developed here in Washington that Washington knows best, whether you are talking about raising broccoli or raising kids, there is this attitude that somehow Washington knows best. I think it was exemplified a few months ago in a hearing in the Senate when one of the education experts ultimately said to one of the Senators that he felt that he knew more about children than the average parent. And the Senator finally stopped him and he said, well, if you care more about my kids than I do, then please tell me their names.

When you get right down to it, the truth of the matter is parents care more about kids than bureaucrats and it really is a question of who decides and who knows best. And we have tried to say that we think families know best. We think we ought to allow them to keep more of their own money, to make more of their own decisions so that they can do more for their kids, so that they can save more, so that they can take mom out for supper on Saturday night and leave a little more in the collection plate on Sunday morning.

That is what this is all about. This is not some mean-spirited accounting exercise, it is about renewing the American dream. And for too many Americans that dream is dying today.

Mr. KINGSTON. I had a town meet in the little town of Darien, GA. A teacher came there and she said, you know, each week, or each day I spend 2 to 3 hours on paperwork, most of it for the Federal Government. Now, that is 2 to 3 hours a day, equaling 10 to 15 hours each week, 10 to 15 hours a week she is not teaching reading, writing, and arithmetic to the kids.

Now, the question is, who do you think best knows how to educate the kids in Darien, GA, that teacher or Washington bureaucrats down the street from where we stand right now?

And as you have pointed out, as much as these bureaucrats love children all over America, I still think because they are in Washington they might not be able to teach them as well as the teacher who is right there in Darien, GA.

And I do not know why everybody outside of Washington, DC, understands that, but the bureaucrats here just do not get it.

Mr. GUTKNECHT. But the story gets twisted. The unfortunate thing is the story gets twisted somehow between what we are trying to do and as it goes through this cycle, it gets filtered through sometimes the dominant media culture out there that somehow if we decide to reduce the size of the bureaucracy, the educational bureaucracy, for example, to follow up your point, that if we vote to reduce the size of the educational bureaucracy then we are hurting kids, when in fact there is no real proof that what we are doing right now is helping kids. Test scores have gone down as we have increased the size of the educational bureaucracy here in Washington.

Mr. JONES. During the week at home during July Fourth, just like I am sure you as well as the gentleman
from Georgia, I attend four or five church services that were called God and Country Day.

Mr. KINGSTON. If the gentleman will yield, I am glad to hear that now. You deserve it. You need that.

Mr. JONES. I am going to give this back to you in a moment.

Mr. KINGSTON. I did 15 services myself.

Mr. JONES. Well, I want you to speak about yours in just a moment. I attended four or five church services about God and Country Day and Return to Glory Day, and I must say that it helped, it inspired me for this reason. As you know, both you gentlemen know, and I am on the bill and maybe you both are, I am on the bill introduced by the gentleman from Oklahoma, ERNEST ISTOOK, called the Religious Liberties Amendments, and I had this discussed many times. Why do you think the gentleman from Oklahoma has in the Congress, when you have behind the religious liberties amendments, and I had this discussed many times. Why do you think the gentleman from Oklahoma has in the Congress, when you have behind the Speaker’s chair “In God we trust,” why do you not allow our students to have voluntary prayer in school?

And I was pleased to tell them that the gentleman from Oklahoma has introduced a constitutional amendment, and that is the way it should be, to have voluntary prayer back to the States and the schools. And these people appeared in church when I told them that I was on a bill that would help, if it passes the House and the Senate and goes back to the legislatures.

As you and I, all three of us know, and those listening, 38 out of 50 State legislatures have to pass the legislation before it becomes an amendment to the Constitution. But people in America are ready for the clarification of our religious freedoms that the writers of the Constitution promised us, whether you are a Jew, Catholic, Protestant or Moslem.

I will share this and then I will yield to you, the gentleman from Minnesota or the gentleman from North Carolina, so I happen that last year, in 1995, a Federal judge in Santa Fe, Texas, I think his name was Kent, I apologize if I am mistaken, sent a notice to a high school graduating class that if you were going to use the word “Jesus” in a prayer, and it was a Protestant-Catholic group, 90 percent of it, then he would have to have you removed by the Federal marshals.

So what ERNEST ISTOOK and those of us who have joined in this legislation have done is to say all we are asking is that we clarify our constitutional rights to practice religious freedom in America, whether you are a Jew, Catholic or Protestant or Moslem.

So I will tell you that back home in my district, in eastern North Carolina, and I am proud of this district, we care about religious freedoms in this country, and that is what I think the Constitution is all about.

I think it is real important that we understand that what we are trying to do is just get decisionmaking out of Washington. Think about this. In Minnesota, North Carolina, if your county welfare agency knew that it was in their hands and in their power to end poverty in your county, what a difference it would make, because really we do not look at poverty as our problem.

The thing about Americans is we see a problem, we want to fix it. And so I think the problem was unconsciously doing in many cases is ignoring problems because we see something like poverty and we think, well, we cannot fix that. You know why we cannot fix it? Because there are too many rules and regulations.

If somebody is on welfare, a 16-year-old with a baby, she needs health care, she has education needs, she has transportation needs, she has child care needs, and under our current welfare bureaucracy, there are different things, and if you wanted to you cannot solve her problem because there are too many bureaucrats who are telling you this is my territory; this is my territory, and I get her here and I get her here and we do not want you just to have one A to Z program to get this young woman independent.

So, as a result, we all kind of tend to back away from it. But if you knew in your hometown you could make a difference, then you would make a difference.

Mr. JONES. Is it not true that since the mid-1960’s, when the Great Society program was established under the leadership of Lyndon Johnson, that it has cost the American people $5 trillion? This Nation today is about $5.3 trillion in debt. So welfare has cost the American people $5 trillion.

In addition to that, what the Republican majority has proposed that even Democrats supported and the President vetoed is a program that would save the taxpayers in 7 years in outlays about $58 billion and lend the programs, or I should say direct the programs back to the States, which most of them want, and the President vetoed it.

Mr. KINGSTON. I think the Constitution is all about.

Mr. KINGSTON. I think that the one thing that I think is the most important. We have spent $5.2 trillion on the war on poverty. It is terrible in terms of the cost in dollars, but the real tragedy of the welfare system we have created in the United States is not the cost in terms of dollars; it is the cost in terms of human potential.

So many times, we do not have to walk very far from this Capitol building to see the effects of what we have done on people. Go to any of the housing projects. In fact, 85 percent of the violent crime in this city is committed within 3 blocks of a Federal housing project.

We see the despair and dependency and dependency that we have created. The cost is astronomical in terms of dollars, but the cost is so much higher in the cost of human potential. The real reason is when we try to substitute Washington-run welfare systems for those old-fashioned traditional values that really made this country work, things like work, and family, and faith, personal responsibility. It really is these values that really have made this society work.

The problem with the welfare system is not the cost in terms of taxes; it is that it erodes and destroys and eats away at those cornerstone values.

That is why we need to reform the welfare system, not just to save money for taxpayers this generation or the next. We need to reform the welfare system and move away from a Washington-run welfare system because we have destroyed all of those basic values. Look at the families that have broken up, and people do not see themselves as personally responsible anymore. We do not encourage faith. All of those things made this country work.

In the 1840’s there was a French gentleman who traveled the United States and he wrote several important books. One was called “Democracy in America.” I am talking about Alexis de Tocqueville, and he had many ideas always so beautifully. It was this voluntarism that really made America work. He talked about religion.

The gentleman from North Carolina [Mr. JONES] talked about ERNEST ISTOOK’s bill that I am cosponsoring as well. De Tocqueville said religion is the first instrument of democracy. Yet somehow we have driven religion and faith from the public square. The only welfare system was through the churches and faith institutions, and now we have said they cannot participate.

I do believe that we have to reform the welfare system and help the President keep his campaign promise. It is much more about human potential and the waste that the Washington-based welfare system has created.

Mr. KINGSTON. One of the things about welfare, in preparation for Father’s Day I was doing some research and I found out that police departments unfortunately use murder as an indicator of crime in the neighborhood, not the drug use and not the location or the geography but how many fathers live at
home. Ninety-two percent of the children on welfare do not have a father at home. Those are the kids that do drop out of school, do have teenage pregnancy situations, do have violent crime and so forth.

The idea was unbelievable, but it is that breakup of the family unit. Why is the dad not at home? Because we have a stupid, insane government policy that says if he stays at home, they get kicked out of the housing project because their income will make them ineligible for housing. But somehow all of that that we talk about here in Washington is called extremity by some of our friends here in the Congress and by some of the folks in the media, and certainly by the people down in the White House.

But outside of this beltway there is tremendous good common sense among the American people. They understand this. Frankly, I have said this before, I think it would pay off in front of us. The things that we are talking about—about the American people understand instinctively.

I know that the gentleman from California [Mr. ROHRABACHER] wants to share some of his thoughts tonight. I wonder if we can kind of wrap up. I do want to talk about some of the other things that we may have heard or learned while we were back in our districts over the Fourth of July break. Does the gentleman from Georgia [Mr. KINGSTON] have any? I have a couple of other points I might share.

While my colleagues think about it, I will share a couple. I was surprised in my district this morning. The issue of the FBI files came up. Frankly, again, I think the American people are out in front of us and I think they put their fingers on the correct questions.

The first question that they cannot seem to understand and do not understand is how people could be heard in the White House and not know who hired them.

If I could, just for 1 minute, one other very important question was raised. I think this is one of the best questions that I heard. I am embarrassed that I did not think of it. If there was an idiotic scandal, why is it that the bureaucrat who was most responsible when he was called before the Senate, why did he take the fifth amendment? There are a lot of unanswered questions and I think the American people are expecting us to get to the bottom of it.

I think I have about 2 or 3 minutes left. I would like to yield, if the gentlemen would agree, the remainder of my time.

Mr. GUTKNECHT. If this is an innocent bureaucratic screw-up, the kind of bureaucratic screw-up that people do all the time, why would he take the fifth amendment? Why would he go into great detail for the record after he had been questioned by the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my colleagues to continue joining me in this discussion, and use this time period. I am fully aware of the apparatus in the White House, and I was absolutely horrified to see what was going on there in terms of these FBI files.

Let me also note that I was horrified when Billy Dale, who was a hard-working, just regular human being, a civil
servant who spent his time in the Reagan administration but before that the Carter administration, so Democrat and Republican administrations, sacrificed his life, had done a terrific job, always having to improvise because there was a crisis, that civil servant, and trying to replace him with who? Some Hollywood producer who had a travel agency, in order for them to get this person into a position to basically make some money off getting people to and from Presidential functions.

Well, that was totally out of line, the procedure was totally out of line, but the President did that, and now we find out that that was just basically the first significant indication of what this White House was going to be like.

We would not even know about the FBI files, the hundreds of FBI files that are in the hands of a political operative, actually two political operatives, Democrat political operatives people who had been active in campaigns. Not only active in campaigns, but their job in the campaigns was opposition research, dirt diggers.

These people ended up with hundreds of FBI files in their possession, and would we know about it if the Republicans had not won control of this body? We had to subpoena these documents. We had to force the White House to give us the documents which eventually led to the information they had violated the procedure, that they were such scofflaws at the White House that they permitted this to happen.

Let us note one thing, Chuck Colson, I was a reporter prior to becoming Reagan's speechwriter, I remember Chuck Colson. I was a reporter during the White House and Watergate years. I remember what Chuck Colson went to jail for. He went to jail because he was in possession of one FBI file and showed half of one FBI file to one person who was not qualified to see that FBI file. And now this administration has put hundreds of FBI files in the possession of hacks.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I wanted to make a point. I have a staff member whose file was pulled. I want to give you the background, because when you think about dirty political operatives who came from the Al Gore campaign, this Livingston and Mar savaş, you'll see that they are checking out Newt Gingrich's file or maybe Dana Rohrabacher's file, but here is a profile of somebody who they checked: hometown girl from Savannah, GA mid-twenty's, graduated from the University of Georgia, comes to Washington, idealistic, as we all see thousands of young people each year, comes to Washington, get a job, maybe making $18,000 a year in the White House. She is not in the inner circle. In fact, she never sees the President. But it is fun and exciting and in her own way she got to help change America. Well, 2 years of that, Clinton wins, she is out. She has moved up the ladder. I hired her for $25,000 a year in her late twenty's. This is the kind of person we are talking about.

Now she found out that her FBI file has been pulled and that some sleazy political operative is looking at her college education transcripts, her speeding tickets, her employment records, if a neighbor said something bad about her.

Mr. ROHRABACHER. Every dirty little thing that anybody can say, totally unsubstantiated rumors are put in FBI files. And they are put in there so that later on if there is something valid to follow up, the FBI might follow up to see if there was something valid to this terrible rumor.

So this young lady that you are talking about, if she is ever made an enemy of or somebody's boyfriend, if that person is jealous and says terrible things about her moral character, that is in those FBI files.

Mr. KINGSTON. If they can invade her privacy, none of us are safe.

Mr. GUTKNECHT. If the gentleman will yield, I would come back to a very important point that Representative Rohrabacher raised. That is this whole story started with the firing of the White House Travel Office, i.e., White House Travel, and when we heard the testimony. We have the documentation, sworn testimony that the reason was they wanted their people out, they wanted out people in. We need those slots. That was a direct quote.

What really disturbs me about this story probably more than anything else was they had every right to fire those people. The truth of the matter is, they had the right to fire them. They were at will servants. They could be fired at any time. But they were not satisfied just to fire them. They had to make the story better. They had to embellish the story. They had to besmirch these people.

Mr. ROHRABACHER. They charged them with crimes.

Mr. GUTKNECHT. I will tell you what, what really eats at me more, what really eats at me more is that the President of the United States defied himself from going to jail so that someone who has been saving up for maybe all their life in order to have a wedding at the White House, or a dream vacation with their wife, that is gone. That is over with. Any of the niceties that they wanted to save for, gone, because the money that should be going into that which they were supposed to save for all their life goes to pay some lawyer to defend themselves from going to jail so that the President of the United States can put a croony in that position.

Mr. GUTKNECHT. It is true that the money cannot be replaced. What really cannot be replaced is your reputation. I cannot imagine much worse than having my daughter call me, as I think Billy Dale's daughter did call him when she saw the story on the national news, when she found out they were accusing him of fraud and so forth. And his daughter said to him, Dad, say it is not so. I do not know how you could talk to your family. I do not know how you could face your family when on the national news you are being accused of fraud.

I sat in these hearings. I was absolutely certain, absolutely convinced that they were wronged and that I told them I hoped that whoever was responsible, and I think we have a responsibility to try and find out who was responsible. I told them I hoped that whoever was responsible would have to pay and pay dearly because it seems to me that where this whole story started with the seven White House travel office employees and then you see the pattern that has evolved, and it is always denial, delay, they do not want to give the documents.

Mr. ROHRABACHER. How this ties in, of course, is that Billy Dale's FBI file was pulled in order to what? In order to destroy that person, in order to give cover to the President and his clique. They were going to destroy this man, and those are the people now who are in possession of hundreds of other FBI files. This is totally outrageous.

Chuck Colson goes to jail for one half of one FBI file and these people and these media, I might add, who are sitting and letting this thing go by, yes, there is some criticism, there is some criticism, but have we seen the follow-up questions and the follow-up questions and the follow-up questions at the press conferences that we would have seen if this would have been a Republican administration?

Mr. GUTKNECHT. As the gentleman said, if this was a Republican administration, most responsible taking the fifth amendment: If it is innocent, I would think they would be eager to get all this information out. They would be eager to get it all cleaned up.

But somebody said, Well, the people in the White House should come clean. It only helps to come clean if you are
clean. And the fear and the suspicion that is building here, and I think among the American people, is that there are people inside that White House who are not clean. And there has been things going on there that they are not telling us about. No one is proud of it. The only way it is going to stop is if the Congress exercises its constitutional responsibilities and actually, the whole system is built on a system of checks and balances. It would not happen if we were not for the Republican Congress.

Mr. ROHRABACHER. This would never have happened, the American people would never have known about this had the Republicans not taken a majority in this body. Even with the Republican majority, the White House tried to stonewall us every step of the way in getting this information.

Mr. GUTKNECHT. I am going to close by to share one other thing that I learned from one of my constituents, and it is a very important thing. He said, this was several months ago when I was home, he said, something got into this. Republican versus Democrat, he said, it is not Republican versus Democrat. In fact, he said, it is not even really right versus left. He said, it is right versus wrong. And what we have been talking about, and some of the instances that we have been talking about tonight, it really is right versus wrong.

Mr. KINGSTON. I want to mention to you on the subject, I sit on the Appropriations Subcommittee, Treasury, Post Office, White House. We fund the White House and we put in an amendment that said that if you worked for the White House, that unless it involves national security, you are not allow to look at anybody’s FBI file, period. That amendt was passed on a bipartisan basis. We had a few Democrats who voted “no,” but the ranking member supported it and so forth and we passed it.

Because exactly what your constituent said, this is not Democrat versus Republican, this is right versus wrong. If you are over at the White House and you need to look at somebody’s file for national security purposes, particularly with all the people who are falling out of airplanes and jumping over the White House fence, I want the President to be protected. I want him to grow to be an old man. I want him to enjoy his last few months of being President. But the fact is that we do not want people over there on an extracurricular basis invading the privacy of normal citizens.

Mr. ROHRABACHER. This is totally consistent. Even before Billy Dale was fired, when this administration came in, I remember it like it was yesterday, all of a sudden they started calling taxation, what, contributions. And they started calling government spending an investment. Remember that? They would not use the word “taxation” and they would not use the word “government spending.”

And when I knew that when someone who is so disciplined to do something so, what I considered disrespectful as to try to just change the words so the American people do not even know what is going on, so they cannot make a decision based on what policies they have or because they are just corrupting the whole language so the American people will not understand what they are talking about, I said, this is one of the most heinous administrations that I have ever seen.

Mr. GUTKNECHT. It goes back to that book. But I will say this, again, I will close because I know you want to talk about patents. I think it is really refreshing to go home and have town meetings. And, frankly, I think the American people are a lot smarter than some of the polls and some of the newspaper people and some of the people in this city give them credit for. I think they are beginning to figure this.

Mr. ROHRABACHER. I had faith that the American people would know that taxes are not a contribution and that all government spending is not just an investment. I think we can trust the American people. It says in God we trust, but was also trust the American people. And we hope that God will work his will through the American people.

So I wanted to thank you both.

The gentleman for yielding.

The Steal American Technologies Act

Mr. ROHRABACHER. I appreciate being part of that discussion.

I would like to now talk a few minutes about another issue that is, I believe, perhaps just as disturbing as anything we were talking about tonight, it really is right versus wrong.

I have spoken on the floor on many occasions on this issue. But it has yet to come to me that there might seem to be some maneuvering going on. The issue I am talking about is whether or not the American patent system will survive as was envisioned by our Founding Fathers and whether the patent rights of the American people will be protected or whether the patent rights as we know them will just totally be destroyed and another system, totally alien to the patent system of the United States, superimposed. It is odd, however, that 435 Members of Congress are going to listen to big corporations and perhaps not take it one step further and say: “Wait a minute. What does this mean to the American people?”

Well, it is possible, number one, because there are multinational and even domestic corporations that want to steal people’s patents. Surprise, surprise. Is anyone really surprised when they hear that? Is it not true that a foreign company or a multinational corporation or even a huge domestic corporation would like to steal people’s ideas and not pay them for royalties for their new ideas and their new creations?

But is it not odd at all when you think about it. That is not odd at all. It is odd, however, that 435 Members of Congress are going to listen to big corporations and perhaps not take it one step further and say: “Wait a minute. What does this mean to the American people?”

Their interests basically, these very, you know, big multinational corporations, their interests are not the same as those people who are part of the citizenry.

Now, that is not hard to understand as well, and basically these large corporations, unlike the American citizenry, have money to pay for lobbyists,
they actually have access to congress-
man, they have access to me as well, just like every other congressman. We will listen to the big corporations in our district because they employ a certain number of people in our district, but we do not understand this when we are talking to corporate representatives, that that representative may not even represent the interests of his own working people. He may only represent the interests of the people who own that corporation. And Lord know who own those corporations these days. Might be national interests, might be foreign interests, might be who know who is really controlling the board of directors of many large corporations? But one thing is for sure: That corporate entity does not necessarily speak for the well-being of the community, or the State, or the country, or even the employees of that corporation, to some degree.

Now, they claim the big corporations claim it is the reason why they are backing, the most of the large corporations are backing, this H.R. 3460, the Steal American Technologies Act, they claim the real reason they are doing that is to stop a few inventors from getting their patent system. It is called submarine patenting. That is what they claim is the reason that they want to make these drastic changes in the patent system of the United States of America: because these people are gaming the system, and by doing so they extend the length of time that the patent will be actually in force in the outer years when that time period would not really be due to them had they not, quote, elongated the system and worked it.

Well, to stop this submarine patenting, these powerful forces claim that we must destroy the whole payment system. That is a patent system that has served us well since the founding of our country and does serve us well for those that will perhaps try to solve the problem for administrative, you know, focus on the problem. We cannot do things by trying to basically just single out submarine patenting and say these are the things we need to do to solve that. No, we have to basically destroy the American payment system and replace it with something else. That is their excuse, that is the basic excuse that they are using for their actions, the submarine patent issues.

Basically it is like a doctor saying: "Well, you got a hangnail. Oh, yeah, I see you’re in pain, and I really sympathize with that. Hangnails are problems, and hangnails are bad. Look at how evil hangnails—here is a giant picture of hangnails." And then you hear lectures about hangnails, lectures about hangnails, and in the end the doctor says, "And by the way, we're going to amputate your leg in order to cure the hangnail."

You say: "Wait a minute, doctor, I just want my hangnail cured. Can't you just sort of cut the nail off or something?"

"No, no. We're not going to think of anything else. If you want to talk about anything else, we know you're in favor of hangnails. We're going to amputate your leg."

Well, if you get a doctor giving you that type of approach to solving your hangnail problem, you better get yourself a new doctor or you better question what that doctor's motives—or you better question his sanity.

To stop a few inventors from having a couple of extra years on their patent term, the idea of destroying the patent term as we know it, eliminating the guaranteed patent term of 17 years, it is absolutely ridiculous. You basically are declaring war in order to stop some petty theft at a local store.

We must basically—what they are asking us to do is to force all our creative people in this nation to do things by trying to basically just sin-


er, and hangnails are bad. Look at the way that creativity is being destroyed. Hangnails are probably one of our creative geniuses, to expose and to publish every detail of the new technologies they are working on. They are saying, on top of that, we are going to obliterate the Patent Office as part of our Government and resurrect it as a quasi-independent, post office-like government corporation.

Now, that does not make sense, that in order to solve that problem that we have got to do that. That is why I happen to believe that the submarine patent issue is what we call a straw-man argument. I mean it is something that has been created there for people to argue with, and it is something that if you are not fighting against the submarine patent because the submarine patent issue may or may not be real. It is a problem, but compared—but obviously it is such a small problem as compared to the incredible issues that people tell us that may not be the real force that is driving the changes in our patent system.

By the way, one of the things that they are suggesting as a solution to the submarine patent problem is this new system, of course a new patent office, totally new patent office, obliterate the old one that has been serving us since the Constitution, and in the new Patent Office the patent examiners who are doing the work, they work hard, and they decide who owns these new technologies that are worth billions and billions of dollars. Some of these new technologies will be creating billions of dollars of wealth. The new patent examiners in this new quasi-government, quasi-private corporation will be stripped of their civil service protection, which is an invitation to people from the outside to try to influence the process, and it is an invitation to people to try to get these people now will not have their civil service protection to protect them against being fired for unjust reasons.

Now, this is a scenario that we are going to take these civil servants who have been protecting us, that we are going to change the system that has been protecting us and that we are basically going to force our people to publish everything so every thief in the world can see it.

This is an obscene and an insane proposal, and I have no doubt that some of those pushing the H.R. 3460, the Steal American Technologies Act, actually believe that this destruction of the American traditional patent system is necessary because a few inventors, so-called submariners, are gaining a few extra years out of the system.

But I also have no doubt that for man of the multinational corpora-


tions pushing H.R. 3460, this submarine issue, like I say, is nothing more than a front, and what they really want to do is to steal and to control the new wealth-producing technologies that are being invented by Americans, especially those in the years ahead.

So there are some people who are very sincere and, I am sure, have been taken in by the argument. There are also some people who know very well, who are backing, the most of the large corporations claim, that the reason why they are pushing the H.R. 3460, the Steal America Technologies Act, is not for the protection of certain technologies they are working on. They are claiming this in the name of stopping a few inventors from having a couple of extra years on their patent term. There are also some people who know very well, there are some people who know very well, there are some people who know very well, that corporations are backing, this H.R. 3460, and why? Because many Members, perhaps a majority of my fellow colleagues who are going to vote on this issue, do not know a thing about it. They do not know about this bill. They are at home now asleep or they are with their families or out to a movie or they are reading their work for tomorrow, their paperwork for tomorrow’s committee session. Whatever it is, most of my colleagues are not listening to this. But if your Congressman does not know about it, your congressman, a Congressman from anywhere in the United States could vote on this bill, and you know about it, but that Congressman does not. Someone who is reading the Congressional Record or the body here could possibly pass this bill.

This is heinous, and it is evil, and basically, if they get away with it, they will be not only stealing technology, but they will be stealing the standard of living of the American people’s children today. If we Americans lose our technological edge, the standard of living of our people and our children will suffer because of it. Our Nation will not be able to compete as we are today.

What gives us the competitive edge today? What gives us the competitive edge is the fact that you know people making more money, they have better technology in order to out-compete those poorly paid people overseas.

Yet as I said, Congress may pass H.R. 3460, and why? Because many Members, perhaps a majority of my fellow colleagues who are going to vote on this issue, do not know a thing about it. They do not know about this bill. They are at home now asleep or they are with their families or out to a movie or they are reading their work for tomorrow, their paperwork for tomorrow’s committee session. Whatever it is, most of my colleagues are not listening to this. But if your Congressman does not know about it, your congressman, a Congressman from anywhere in the United States could vote on this bill, and you know about it, but that Congressman does not. Someone who is reading the Congressional Record or
listening in over C-SPAN will now know more about this bill than their own Congressman, and it is vital, if democracy is to work in an atmosphere like this, that the people get involved in the process because you make a difference when you come to the floor. The people may not oppose the bill, but they may oppose the process.

Now, I am not a Member of either of the committees, but I did ask members of the subcommittee and the committee if they knew that the bill that they had voted for would mandate the publication of all of our American ideas to every thief in the world so everyone in the world who would know it even before the patent is issued. And I will tell you that Members I talked to said, "Oh, no. It doesn’t do that. No, no. You’re kidding me. That bill doesn’t do that."

I said, "Yes, it does."

"No, no. It doesn’t. No one would put that bill in front of us like that."

The chairman of the subcommittee, several of the members I talked to, would not believe me that that is in the bill. Because they could not believe that the committee would actually pass something so stupid.

Well, how about eliminating the Patent Office and ripping away the civil service protection from our patent examiners? I asked several of my Democratic colleagues about that.

"Oh, no. That’s not in the bill. I didn’t vote for that. That’s not what happened."

But it was, and the fact is those colleagues that I talked to are very concerned about public employees and whether or not Government people who work for our Government, Federal employees, are being treated fairly, and they could not believe that was in the bill. They had just voted for it.

It takes telephone calls and letters from constituents to get the attention of many people who are voting on this floor, especially when they are being approached by powerful interest groups like huge corporations from their own district.

Now, basically there is only one thing that I believed in, can basically stop this underhanded attack on America’s future, and that is if our system, as our Founding Fathers envisioned it, works, and meaning that the people of America start working at making sure that our system works. Basically, people have got to call their Congressman or their Representative here in the House and insist that he or she oppose H.R. 3460, the Steel American Technologies Act and support the Rohrabacher substitute. That is my substitute that I will offer on the floor if this bill gets to the floor, and, as I say, there is some back-room maneuvering going on now that may—that you know, I will have to watch out very carefully for and the American people may have to oppose H.R. 3460 at a moment’s notice.

My substitute will eliminate the provisions of H.R. 3460 that would critically wound our patent system and replace them with the language in the bill that has been supported by the people. Basically, we are going to restore something that was taken away, and most Americans do not even know this was taken away.

Up until this Congress passed the GATT implementation legislation, Americans, as a right just like any other right, the right to go to church, the right to speak, the right to assemble, you name it, that we have a right to a guaranteed patent term of 17 years. That is what we have had. It was 14 years for about the first 50 years of our country, and then after that it was 17 years of a guaranteed patent term. It was always our right to have a guaranteed patent term, meaning no matter how long once you applied for a patent, no matter how long it took you to get your patent, you were guaranteed after that patent was issued that you would have 17 years of protection.

Well, this has already been obliterated because into the GATT implementation legislation we snuck a provision that was not required by GATT. This was not something that we agreed to in the General Agreement on Trade and Tariffs. We did not agree to changing that. This battle is so vital that I would hate to think that Members are going to vote for the Whole GATT—you know if we did not, if we wanted to stop this, we would have to vote against the entire world trading system.

Many of America’s universities are on the side of the Rohrabacher substitute, because they rely on the royalties from their own patents to sponsor much of their research at American colleges, and they have come out, MIT and Harvard, and many of the universities in our country, 60 of them have come out in favor of my substitute.

But basically they do not have the money to put in to fight this. They do not have big PR firms coming down to talk to us and lobby us. So basically we have to make sure, the American people have to make sure, that the people representing them in Congress know how important this is.

Let us get down to basics, get down to the basics of why it is important. America has had the strongest patent system in the world since the founding of our country. This is basic to what our Founding Fathers believed in. We needed up, because we had this patent protection, with more freedom and a higher standard of living than any other country in the world. Average people were living well, they had rights. They had decent lives. We were not created by people who thought we were going to be a country where just the elites lived well.

We have seen that erode over the years. But before this time, during the last century and even now, America has been the world’s innovator. McCormick, the one that invented the reaper, and Fulton, the steamboat; it was Samuel Morse who invented the telegraph and Bell the telephone; Edison the electric light; and of course two fellows, two ordinary Americans, two fellows who did not have a big college education, who worked in a bicycle shop, two brothers invented the airplane, invented manned flight.

If they had to change the rules back then, who knows, the Wright Brothers, would they have kept their invention? Maybe Mitsubishi would have come by and stolen their ideas, because it had never been published. So someone would hear about it and read about it, and then come into court. And you tell me who is going to win in court, the guys in the bicycle shop, or this huge megacorporation over in Japan trying to steal the patent. Tell me who is going to win in court in a situation like that. We would have ended up with an aerospace industry in Japan, and we would end up with working people in the United States impoverished.

Instead, our Founding Fathers knew the importance of technology and put that right into our Constitution. It did not just happen. Thomas Jefferson and Benjamin Franklin, they understood that they planned for it. Thank God for our Founding Fathers, thank God for their foresight.

Now we are taking that idea of technology and freedom, and people right now are putting their lives in the hands of megacorporations to destroy that basic concept. Other countries, of course, will own their patent systems over the years. Those patent systems were established to help
invest in it, and also inventors could come up with new ideas because they would benefit from that guaranteed patent term.

Basically, with that technological edge, we defeated our enemies in war. We did not win the cold war because we had a nuclear deterrent, we matched the Communists may for man. We did not win the cold war because of that. Everybody knows that. Look back at our other wars. We did not win these wars because our people just, you know, had human wave attacks against our enemies, and our people were equipped with the best technology, and we could send them into battle with the dignity of knowing their lives counted, and we were trying to do our best to help them do their mission and come home safely, because we invested in the technology.

That was the same reason we were winning the economic wars. We beat our economic competitors because we had technology. Coupled with the hard work and these little guys and these small operators, and these monopolists surround the little guy, and this little guy, or maybe it is just two bicycle shop owners, just two brothers who work in a bicycle shop or something, but whoever it is, it is who has the idea, they are not confronted with the most powerful economic forces in society and they are beaten down. They are beaten down and they are destroyed if they try to resist.

Some people say Americans worked so hard that is why America is a prosperous country, because Americans worked so hard. I hate to tell you this, Mr. Speaker, I have been all over the world and there are a lot of people who work really hard. They work hard. They struggle and they slave and they sweat, and they get nowhere. They have no standard of living, they are treated like dogs. They have no decent living for their family and they have no hope that their family will ever live any better.

Why is that? Because when our people worked hard, our people had the benefit of cutting edge technology. Our people were always equipped with the best technology so they could produce more wealth. When they worked hard, it was as if 20 or 30 or 50 or 100 other people in other countries were working hard, because those people were basically working as slaves. Our people were working as independent, proud laborers, and they provided the technology they needed because a system that encouraged people to invest in technology; because it was a guaranteed patent term, people would
be able to have a chance to rectify that on the floor of the House of Representatives. That is why I then authored a bill, H.R. 359, and submitted that legislation, because I had that guarantee that they would have a chance to rectify it, because it would not have been in the GATT implementation legislation in the first place.

Guess what, H.R. 359 was tied up in subcommittee for over a year. Eventually what came out of subcommittee was not H.R. 359, but H.R. 3460, which is officially titled the Moorhead-Schroeder Patent Act, which I am calling, and I think more accurately is reflected by the title, the Steal American Technologies Act. So at least, however, I have been guaranteed that if that bill, H.R. 3460, comes to the floor, that I will have a chance to offer my bill, which restores the American patent, guaranteed patent term, as a substitute for 3460.

Basically, I believe H.R. 3460 would finish the job, and if we take a look at it, this is what the provisions are, it would finish the job of harmonization started with this underhanded change in the GATT implementation legislation. America's huge corporations have apparently bought off on the idea that we should have a global economy, and that our harmonization of patent law with the Japanese is the first step toward this global economy.

I happen to believe that global commerce is a good thing. I am not an isolationist and I am not someone who is a protectionist. I believe in free trade between free people, and I make absolutely no apologies for that. If American companies cannot compete, they should not be protected by the Government.

But we should make sure that we set the ground rules up so Americans are protected from having their technology stolen from them and used against them, and basically H.R. 3460 would take the job of harmonization of a global economy, by destroying the rights of the American people, by attacking our ability to create a high standard of living in America. In other words, they are trying to bring down the standard of living of the American people in order to achieve a global economy; you know, dilute our rights as Americans. It is ridiculous.

What does H.R. 3460 do?

No. 1, it demands that any idea, when an inventor comes in and applies for a patent after 18 months if that patent is not issued, that inventor is going to see his ideas published so every thief, every Asian copier, every pirate in the world will be able to see it and steal it. No. 2, it obliterates the Patent Office as we have known it since it was put into the Constitution and restored because of quasi-governmental or quasi-private combinations which is basically run under the dictatorship of one man who is appointed by the President but cannot be kicked out without cause, not just for policy disagreements. The patent examiners will lose their civil service protection and there is an invitation to steal our technology and an invitation to corrupt the whole system at the Patent Office. Basically, this is a formula for catastrophe. We are basically trying to remake the American patent system into the Japanese system. As a Member of Congress I had to be honest with you today, "Well, you know, if those other countries have certainly gotten their systems ahead of ours and they're more modern than ours, we should have a patent system like theirs."

I wanted to basically explode when I heard this idea that the Japanese system—that has fostered no new improvements, that has kept the Japanese people at the mercy of these huge corporate interests—that is a better system than the system that was established by our Founding Fathers to guarantee the property rights of our people and has basically given birth to a standard of living and a degree of freedom that the people of the world have never seen before, that the Japanese system is better. Basically there are many people who have influence on the people who will vote on this. There are large corporations, there are people who maybe honestly believe that we have to have a global economy and if it means sacrficing the American people, so be it, because a global economy will bring world peace and all the blah-blah-blah. Well, those people may believe in it. Those people may really believe and there may be some who honestly believe that the submarine patents are so heinous that we can destroy everything in order to get to those few submarine patenters. Let me add this about submarine patenters just to let you know. Ninety-nine percent of all people who apply for a patent in the United States beg and plead to have their patent issued immediately. "Please give me my patent right away," because they know until they get the patent issued to them, they cannot go out and start earning money from it. They cannot get investors, that very few investors will invest in patent pending. But if you have got your patent issued, they will pay attention to you. They are pleading, please, and they know, and these, quote, submarine patenters they are talking about, if they elongate the system, they might find out that they are left behind because new technologies have come along and just left them behind and made their, quote, great technologies obsolete. They know that. The American people may believe in it. I hope they listen to the arguments I am presenting because I believe it is a totally fallacious argument that is being used to justify a horrible, horrible change in our system that will bring about terrible consequences for the United States of America. How can we stop this juggernaut? Those people who honestly believe in submarine patents, if they do, they do. You try to give them the logical arguments. But those other people, those other people, those other corporations and those people, the influence peddlers they hire, we can stop them because democracy works. We can stop them if people will contact the man or woman who represents them in Congress and say, H.R. 3460, the Steal American Technologies Act, but that the American people, and the Rohrabacher substitute has to be put in its place. If we get enough people doing that, we will make the system work, I believe it will work, and I believe we will triumph over this, because 200 years ago when our Founding Fathers and mothers established this country, there were so many hardships and there were so many challenges and they knew that people would be coming at us just like this. Our Founding Fathers knew this. They knew that people would say, "Hey, where is America's Achilles' heel?" They knew that. They knew they would come straight forth. But they also knew you could trust the people, you could count on people to defend their standard of living and their families and their freedom. That is what we are up against today. It is a fight for the future of the United States of America. I hope and I pray that the American people will become activated after the Fourth of July and that we will win the day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Dunn of Washington (at the request of Mr. Armey) for today, on account of personal reasons.

Mr. Young of Florida (at the request of Mr. Armey) for today and the balance of the week, on account of medical reasons.

Mr. Longley (at the request of Mr. Armey) for today after 3:30 p.m. and the balance of the week, on account of personal reasons.

Mr. Yates (at the request of Mr. Gephardt) for today at 5:30 p.m., on account of personal reasons.

Mrs. Lincoln (at the request of Mr. Gephardt) for today and the balance of the week, on account of medical reasons.

Mr. Watt of North Carolina (at the request of Mr. Gephardt) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The Speaker in the case of Ms. Pelosi (at the request of Ms. Pelosi) to revise and extend her remarks and include extraordinary material.)
Ms. NORTON, for 5 minutes, today.
(The following Members at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)
Mrs. SMITH of Washington, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. KASICH, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today and on July 11.
Mr. MUSKELD of Florida, for 5 minutes, today.
Mr. MANZULLO, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. OBEY, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS
By unanimous consent, permission to revise and extend remarks was granted to:
Mr. ROTH, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,337.00.
(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)
Mr. ENNS.
Mr. BEREUTER.
Mr. BILIRAKIS.
Mr. CRAPO.
Mr. KING.
Mr. DUNCAN.
Mr. ALLARD.
Mr. COBLE.
Mr. ZELIFF.
Mr. MICA.
Mr. DELAY.
(The following Members (at the request of Ms. PELosi) and to include extraneous matter:)
Mr. VENTO.
Mr. KENNEDY of Rhode Island.
Mr. FRANK of Massachusetts.
Mrs. MEEK of Florida.
Mr. LEVIN.
Mrs. MALONEY.
Mr. HAMILTON.
Mr. DEUTSCH.
Mr. REED.
Mr. STUDDS.
Mr. RANGEL.
Mr. LANTOS.
Mr. RAHAL.
Ms. HARMAN.
Mr. MASCARA.
Mr. KLEZKE.
(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)
Mr. ROTH.
Mr. HALL of Texas.
Mr. PETERSON of Florida.
Mr. BARCIA.
Mr. KLINK.

ENROLLED BILL SIGNED
Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3312. An act 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.

BILL PRESENTED TO THE PRESIDENT
Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3312. An act 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.

ADJOURNMENT
Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, July 11, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4034. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0590-AA45) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4035. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0590-AA44) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4036. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Agricultural Loan Loss Amortization (12 CFR 324) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


4038. A letter from the Assistant Secretary of Education, transmitting final priority funding determinations for the temporary export of defense articles or defense services sold commercially to Russia/Kazakhstan (Transmittal No. DTC-28-96), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4039. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the report on the notice of final funding priorities for fiscal years 1996-97 for a Rehabilitation Research and Training Center, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4040. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Removal of Interpretable Bulletins and Regulations Relating to ERISA (RIN: 1210-AA51) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4041. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting the 12th annual report to Congress on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Commerce.

4042. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—State Energy Program [Docket No. EE-RM-96-402] (RIN: 1904-AA81) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Test Rules and Enforceable Testing Consent Agreements/Orders (FRL-5378-3) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4044. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1996 [MD Docket No. 96-64] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4045. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Morocco for defense articles and services (Transmittal No. 96-53), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4046. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96-54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4047. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 96-55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4048. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to Russia/Kazakhstan (Transmittal No. DTC-28-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4049. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the notice of final funding priorities for fiscal years 1996-97 for a Rehabilitation Research and Training Act, pursuant to 22 U.S.C. 5822; to the Committee on International Relations.
A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Narcotics Control Regulations (H. Notice 2410) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–284, "Excepted Service Positions Designation Temporary Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–286, "Interference with Medical and Health Professionals Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–287, "Department of Corrections Employee Disability Nondiscrimination Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–290, "Mutual Holding Company Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–296, "Automobile Insurance Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–297, "Noise Control Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Executive Director, Committee on Ways and Means, transmitting a report of the proceedings pursuant to the official request of the request of the jurisdiction of the Committee on Government Reform and Oversight.

A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–301, "Motor Fuel Tax Rate Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

A letter from the Acting Director, Office of Government Ethics, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. 9106; to the Committee on Government Reform and Oversight.

A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

MR. MCINNIS: Committee on Rules. Resolution 474. Resolution providing for consideration of the bill (H.R. 3396) to define and protect the institution of marriage (Rept. 104–666). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Science discharged from further consideration. H.R. 1514 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2823. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes: with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee pursuant to clause 16, rule X. (Rept. 104–665, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAESLER:

H.R. 3767. A bill to require the Secretary of Defense to carry out a pilot program to identify and demonstrate feasible alternatives to demilitarization of assembled chemical munitions under the baseline incinerator program; to the Committee on National Security.

By Mr. BLUTE:

H.R. 3768. A bill to designate a United States Post Office to be located in Groton, MA, as the "Augusta "Gusty" Hornblower United States Post Office"; to the Committee on Government Reform and Oversight.

By Mr. BUNN of Oregon:

H.R. 3769. A bill to provide for the conditional transfer of the United States Postal Service lands to the State of Oregon; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 3770. A bill to make the antitrust laws inapplicable to the management of a coalition of health-care professionals and a health-care service plan regarding the wages, rates of pay, hours of work, and other terms and conditions of contract between a member of such health-care professionals coalition and a health-care service plan, and to their carrying out such terms and conditions of the coalition by the coalition and the health-care service plan; to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. BACHUS, Mr. BLUTE, Mr. FRANK of Massachusetts, Mr. GOS, Ms. GREENE of Utah, Mr. JACOBS, Mr. LOBONDO, Mr. MCHALE, Mr. PAKER, Mr. POSHARD, and Mr. SHAYS):

H.R. 3771. A bill to amend the formula for determination of the House of Representatives and the Senate for Members of the House of Representatives; to the Committee on House Oversight.
H. R. 3772. A bill to establish certain disclosure requirements relating to franked mail sent by Members of the House of Representatives; to the Committee on House Oversight. H. R. 3773. A bill to prevent Members of the House of Representatives from making mass mailings during an election year, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. R. 3774. A bill to change from 500 to 250 the number of pieces of mail constituting a mass mailing in the case of a Member of the House of Representatives from making mass mailings during an election year, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight. By Mr. DELAY (for himself, Mr. CONDIT, Mr. HOSTETTLER, Mr. MICA, Mr. Myers of Indiana, Mr. McIntosh, Mr. Stockman, Mr. Buyer, Mr. Burton, Mr. Chapman, Mr. McCollum, Mr. Johnson of Florida, Mr. Smith of Texas, Mr. Lewis of Kentucky, Mr. Bereuter, Mr. Ward, Mr. Hamilton, Mr. Laughlin, Mr. Taylor of North Carolina, Mr. Stenholm, Mr. Roemer, Mr. Jacobs, Ms. Brown of Florida, Mrs. Fowler, Mr. Goodlatte, Mr. Bonilla, Mr. Pete Geren of Texas, Mr. Thornberry, Mrs. Lincoln, Mr. Frost, Mr. Batey, Mr. Sisisky, Mr. Pickett, Mr. Burrell, Mr. Payne of Virginia, Mr. Moran, Mr. Barton of Texas, Mr. Bentsen, and Mr. Stump):

H. R. 3775. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENSIGN (for himself, Mr. English of Pennsylvania, Mr. Pete Geren of Texas, Mr. Ramstad, Mr. Zimmer, Mr. Jacobs, Mr. Christensen, Mr. Laughlin, Mr. Hayes, Mr. Stearns, Mr. Wicker, Mr. Lipinski, Mr. Barton of Texas, Mr. Baker of Louisiana, Mr. Bryant and Mr. Largent):

H. R. 3776. A bill to amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY for himself, Mr. Condit, Mr. Hostetlter, Mr. Mica, Mr. Myers of Indiana, Mr. McIntosh, Mr. Stockman, Mr. Buyer, Mr. Burton, Mr. Chapman, Mr. McCollum, Mr. Johnson of Florida, Mr. Smith of Texas, Mr. Lewis of Kentucky, Mr. Bereuter, Mr. Ward, Mr. Hamilton, Mr. Laughlin, Mr. Taylor of North Carolina, Mr. Stenholm, Mr. Roemer, Mr. Jacobs, Ms. Brown of Florida, Mrs. Fowler, Mr. Goodlatte, Mr. Bonilla, Mr. Pete Geren of Texas, Mr. Thornberry, Mrs. Lincoln, Mr. Frost, Mr. Batey, Mr. Sisisky, Mr. Pickett, Mr. Burrell, Mr. Payne of Virginia, Mr. Moran, Mr. Barton of Texas, Mr. Bentsen, and Mr. Stump):

H. R. 3777. A bill to amend title XIX of the Social Security Act to reward States for collecting Medicaid funds expended on tobacco-related illnesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H. R. 3780. A bill to protect residents and localities from irresponsibly sited hazardous waste facilities; to the Committee on Commerce.

By Mr. ZIMMER:

H. R. 3781. A bill to require the National Telecommunications and Information Administration to update its report on hate speech, especially as it relates to hate speech on the Internet, and for other purposes; to the Committee on Commerce.

By Mr. GUTKNECHT for himself, Mr. Zimmer, Mr. Fazio of California, Mrs. Myrick, Mr. Frost, Mr. Horn, Mr. Deutsch, Mr. Walsh, and Mr. Weller:

H. Con. Res. 196. Concurrent resolution expressing the sense of the Congress that the State should enact legislation regarding notification procedures necessary to the Committee on the Judiciary.

By Mr. TERRY for himself and Mr. SHAYS:

H. Con. Res. 197. Concurrent resolution expressing the sense of the Congress that the Department of Energy should suspend spent nuclear fuel and radioactive target material reprocessing activities; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII. 236. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Senate Joint Resolution 96-2452 memorializing the President and the Congress of the United States to Amend Federal Law and the Atomic Energy Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H. R. 103. Mr. Skelley and Mr. Sanders.
H. R. 104. Mr. Walsh.
H. R. 302. Mr. Yates.
H. R. 707. Mr. Brown of California, Mr. Flake, Mr. Waxman, and Mr. Ackerman.
H. R. 878. Mr. Klug.
H. R. 1281. Mr. Torricelli and Mr. Filner.
H. R. 1396. Mr. Fischer.
H. R. 1462. Mr. McNulty, Mr. Orton, Mr. Kennedy of Rhode Island, Mr. Hutchinson, Mr. Torkildsen, Mr. Baessler, Mr. Blute, and Mr. King of Connecticut.
H. R. 1484. Mr. Johnson of South Dakota.
H. R. 1513. Mr. Watts of Oklahoma.
H. R. 1797. Mr. Deluca.
H. R. 2026. Mr. Ensign and Mr. Parker.
H. R. 2027. Mr. Frank of Massachusetts and Mr. Sensenbrenner.
H. R. 2138. Mr. Jacobs.
H. R. 2244. Mr. Linder and Mr. Deal of Georgia.
H. R. 2416. Mr. Shays.
H. R. 2422. Mr. Pallone.
H. R. 2532. Mr. Klug.
H. R. 2588. Mr. Bunning of Kentucky, Mr. Cunningham, and Mr. Ballenger.
H. R. 2579. Mr. McInnis, Mr. Gutknecht, Mr. Neal of Massachusetts, Mrs. Schroeder, Mr. Skee, and Mr. Nadler.
H. R. 2727. Mr. Shadegg, Mr. Collins of Georgia, Mr. Coble, Mr. English of Pennsylvania, and Mrs. Cubin.
H. R. 2822. Mr. Scarborough.
H. R. 2834. Mr. Stupak and Mr. Ackerman.
H. R. 2892. Mr. Pallone.
H. R. 3000. Mr. Lightfoot, Mr. Shadegg, Mr. Ming, Mr. Ney, Mr. Ford, Ms. Eshoo, Mr. Bass, and Mr. Pete Geren of Texas.
H. R. 3037. Mr. Stenholm, Mr. Ackerman, and Mr. Stupak.
H. R. 3100. Mr. Baker of Louisiana.
H. R. 3195. Mr. Montgomery.
H. R. 3213. Mrs. Kelly, Mr. Wilson, and Mr. Evans.
H. R. 3274. Mr. Lalfalce and Mr. Ackerman.
H. R. 3366. Mr. Burton of Indiana and Mr. Cunningham.
H. R. 3392. Mr. Torricelli and Ms. Furse.
H. R. 3418. Mr. Watts of Oklahoma.
H. R. 3423. Mr. Hancock and Mr. Livingston.
H. R. 3424. Mr. McInnis.
H. R. 3447. Mr. Herger.
H. R. 3462. Mr. McHale.
H. R. 3496. Mr. Cummings.
H. R. 3565. Mr. Pastor and Mr. Ford.
H. R. 3514. Mr. Holden, Mr. Poshard, and Mr. Cunningham.
H. R. 3565. Mr. Barr.
H. R. 3573. Mr. LoBiondo.
H. R. 3589. Mr. Watts of Oklahoma.
H. R. 3620. Mr. Martini and Mr. Evans.
H. R. 3631. Mr. Ackerman, Mr. Bilbray, Mr. Diaz-Balart, Ms. Norton, and Ms. Vucanovich.
H. R. 3636. Mr. Allard and Mr. Flanagan.
H. R. 3645. Mr. Evans, Mrs. Morella, Mr. Stupak, Mr. Ackerman, and Mr. Oxley.
H. R. 3648. Mr. Thompson.
H. R. 3670. Mr. Stark and Mr. Ensign.
H. R. 3697. Mr. Shadegg, Mr. Watts of Oklahoma, Mr. Ewing, and Mr. Cooley.
H. R. 3710. Mr. Traffinant, Mr. Clyburn, Mr. Ackerman, Mr. Neal of Massachusetts, Mrs. Meeck of Florida, Mrs. Kennelly, Mr. Hastings of Florida, Mrs. Thurman, Mr. Moakley, Mr. Ford, Mr. Fattah, Mr. Wilson of Ohio, Mr. Babcock, Mr. Gates, Mr. Sisisky, Mrs. Johnson of Connecticut, Mr. Frazer, Mr. Lalfalce, Mr. Rahall, Mr. Matsui, and Ms. Velazquez.
H. R. 3715. Mr. Carlyle, Mr. Hoke, Mr. Abercrombie, and Mr. Brown of Ohio.
H. R. 3737. Mr. Gilman.
H. R. 3749. Mr. Houghton.
H. R. Con. Res. 135. Mr. Nelson, Mr. Laird, Mr. Abercrombie, and Mr. Sanders.
H. Con. Res. 173. Mr. Ney and Mr. Goodlatte.
H. Res. 296. Mr. McHale.
H. Res. 452. Mr. Helms, Mr. Thomas, and Mr. Martinez.

AMENDMENTS

Under clause 6 of the rule XXIII, proposed amendments were submitted as follows:
H.R. 3755

Offered by: Mr. Chrysler

AMENDMENT NO. 19. Page 6, line 5, after the first dollar amount, insert "(decreased by $2,399,000)"); Page 8, line 8, after the dollar amount, insert "(increased by $2,399,000)");

H.R. 3755

Offered by: Mr. Condit

AMENDMENT NO. 20. Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be provided by a provision of law is reduced, by $1,534,000.

H.R. 3755

Offered by: Mr. Goodling

AMENDMENT NO. 22. Under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES--National Institutes of Health--National Cancer Institute", after the dollar amount, insert the following: "(increased by $4,566,000)";

H.R. 3755

Offered by: Mr. Gutknecht

AMENDMENT No. 23. Page 87, after line 14, insert the following new section:

SEC. 515. 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 here- reduced by 1.9 percent.

H.R. 3755

Offered by: Mr. Kennedy of Massachusetts

AMENDMENT No. 24. Beginning on page 43, strike line 22 and all that follows through page 44, line 7.

H.R. 3755

Offered by: Mrs. Lowey

AMENDMENT No. 25. Page 22, line 22, after the dollar amount, insert the following: "(reduced by $2,400,000)";

H.R. 3755

Offered by: Mrs. Lowey

AMENDMENT No. 26. On page 59, line 3, after "V-A," insert "V-B."

H.R. 3755

AMENDMENT No. 27. At the end of title III of the bill, insert the following new section:

SEC. 515. The amount provided in title III for "School Improvement Programs" (including for activities authorized by title V-E of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for "Education Research, Statistics, and Improvement" is reduced by $2,000,000, and $2,000,000, respectively.
SEC. 605. APPLICATIONS.

In awarding grants under this title, the Secretary shall give priority to eligible entities that propose to carry out Head Start demonstration projects:

(1) that propose Head Start Choice Preschools for children who wish to attend Head Start demonstration projects and who wish to receive a grant under section 603;

(2) that involve diverse types of Head Start Choice Preschools, including Head Start Choice Preschools that are primarily for children living in urban or rural areas and awarding grants for Head Start demonstration projects in States that are primarily rural and awarding grants for Head Start demonstration projects in States that are primarily urban;

(3) that will contribute to the geographic diversity of Head Start demonstration projects assisted under this title, including awarding grants for Head Start demonstration projects in States that are primarily rural and awarding grants for Head Start demonstration projects in States that are primarily urban.

SEC. 604. PRIORITY.

The Secretary may prescribe:

(a) a description of the geographical area to be served;

(b) a description of the procedures to be used for the issuance and redemption of preschool certificates issued under this title by eligible entities;

(c) a description of the geographical area to be served;

(d) a description of the procedures by which a Head Start Choice Preschool will make a pro rata refund to an eligible entity, of the cash value of preschool certificates issued under this title by such entity for any child who withdraws from the demonstration project for any reasons, before completing 75 percent of the preschool attendance period for which the preschool certificate was issued;

(e) a description of the procedures to be used to provide the parental notification described in section 607(a); and

(f) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be used to support the demonstration project.

(g) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds.

(h) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 608; and

(i) an assurance that the eligible entity will:

(1) maintain such records as the Secretary may require; and

(2) comply with reasonable requests from the Secretary for information; and

(j) such other assurances and information as the Secretary may require.

SEC. 606. PRESCHOOL CERTIFICATES.

(a) PRESCHOOL CERTIFICATES.--

(1) Cash Value.--Except as provided in subsection (c), the cash value of a child's preschool certificate issued under this title shall be determined by the Secretary.

(2) Description.--Each preschool certificate shall describe the information needed to verify the cash value of the preschool certificate.

(b) Preschools Charging Tuition.--If a child participating in a demonstration project under this title was attending a public or private preschool that charged tuition for the year preceding the first year of such participation, then in determining the cash value of a preschool certificate for such child under this title the eligible entity shall consider:

(1) the tuition charged by such preschool for such child in the preceding year; and

(2) the cash value of the preschool certificate under this title that are provided to such child.

(c) Maximum Cash Value.--The cash value of a child's preschool certificate shall not exceed the maximum cash value under this title.

(d) Income.--A preschool certificate received under this title, and funds provided under such certificate, shall not be treated as income of the parents for purposes of Federal tax laws.

(e) Construction.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that the provision of this title shall be construed to apply to grants from Federal funds provided under this title.

SEC. 607. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under section 603 shall provide timely notice of its Head Start demonstration project to parents of children residing in the area to be served by the demonstration project. At a minimum, such notice shall:

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for a child;

(4) describe the selection procedures to be used if the number of children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each Head Start Choice Preschool, including information about any admission requirements or criteria for each Head Start Choice Preschool participating in the demonstration project; and

(6) include the schedule for parents to apply for their children to participate in the demonstration project.

SEC. 608. EVALUATION.

(a) ANNUAL EVALUATION.—

(A) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration program under this title.

(B) ANNUAL EVALUATION CRITERIA.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title as described in paragraph (6), in accordance with the evaluation criteria described in subsection (b).

(C) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States:

(i) the findings of each annual evaluation under paragraph (1); and

(ii) a copy of each report received pursuant to section 609(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimal criteria for evaluating the Head Start demonstration program under this title. Such criteria shall provide for:

(1) a description of the implementation of each demonstration project under this title; and the demonstration project's effects on all participants, preschools, Head Start programs, and communities in the demonstration project area; Such criteria shall be based on the level of parental satisfaction with the demonstration program; and

(2) a comparison of the educational achievement of all children enrolled in preschool in the demonstration project area, including a comparison of—
(A) such children receiving preschool certificates under this title; and
(B) such children not receiving preschool certificates under this title.

SEC. 602. REPORTS.
(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into contract under section 608(a)(2) of such demonstration project under this title. Each such report shall contain a copy of—
(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and
(B) each report received under subsection (a) for the applicable year.

(2) REPORT BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluations conducted pursuant to section 608(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—
(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and
(B) each report received under subsection (a) for the applicable year.

SEC. 610. NONDISCRIMINATION.
Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.
As used in this title—
(1) the term ‘‘eligible child’’ means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;
(2) the term ‘‘eligible entity’’ means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—
(A) receive, disburse, and account for Federal funds;
(B) comply with the requirements of this title;
(C) the term ‘‘evaluating agency’’ means an academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;
(4) the term ‘‘Head Start Choice Pre-school’’ means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;
(5) the term ‘‘Head Start demonstration project’’ means a project that carries out a program of the kind described in section 611(b) of the Head Start Act (42 U.S.C. 9833);
(6) the term ‘‘local educational agency’’ means an entity meaning such term in section 14101 of the Elementary and Secondary Education Act of 1965;
(7) the term ‘‘parent’’ includes a legal guardian or other individual acing in loco parentis;
(8) the term ‘‘preschool’’ means an entity that carries out a program that—
(A) is designed for children who have not reached the age of compulsory school attendance; and
(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and
(9) the term ‘‘Secretary’’ means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.
The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
GENERAL DEPARTMENTAL MANAGEMENT
For necessary expenses, not otherwise provided for, for general departmental management, including hire of six sedans, for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 30: Page 19, strike lines 8 through 15.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 31: Page 74, beginning on line 6, strike the colon and all that follows through line 10 and insert a period.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 32: Beginning on page 96, strike line 5 and all that follows through page 87, line 3.

H.R. 3755
OFFERED BY: Mr. Sanders
Amendment No. 33: Page 87, after line 14, insert the following new section:

SEC. 612a. The funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a patient's physical or mental condition or treatment options (other than trade secrets or knowing misrepresentations) to such patient, or a guardian or legal representative of such patient.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 34: In the item relating to ‘‘DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES’’, after the dollar amount, insert the following: ‘‘(increased by $300,000, which amount shall be for genetic research center), by $13,500,000.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 35: In the item relating to ‘‘DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES’’, after the dollar amount, insert the following: ‘‘(reduced by $13,500,000 from both the aggregate amount and from the amount specified under such heading for the clinical research center), by $3,500,000.

H.R. 3755
OFFERED BY: Ms. Pelosi
Amendment No. 36: Page 22, line 22, after the dollar amount, insert the following: ‘‘(increased by $392,592,000).’’

Page 23, line 11, after the dollar amount, insert the following: ‘‘(reduced by $392,592,000).’’

H.R. 3755
OFFERED BY: Ms. Velázquez
Amendment No. 37: Page 10, line 1, after the dollar amount, insert the following: ‘‘(increased by $7,500,000).’’

Page 17, line 14, after the dollar amount, insert the following: ‘‘(reduced by $11,000,000).’’

Page 17, line 25, after the dollar amount, insert the following: ‘‘(increased by $3,500,000).’’

H.R. 3755
OFFERED BY: Ms. Velázquez
Amendment No. 38: Page 57, after line 15, insert the following new title:

TITLE II—A—ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS
ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS
The amounts otherwise provided by titles I and II are revised by increasing the amount made available for ‘‘DEPARTMENT OF LABOR’’ (consisting of an increase of $10,000,000 in the amount made available for ‘‘Employment Standards Administration—SALARIES AND EXPENSES’’ and an increase of $3,500,000 in the amount made available for ‘‘Departmental Management—SALARIES AND EXPENSES’’), and reducing the amount made available for ‘‘National Institutes of Health—Buildings and facilities’’ (consisting of a reduction of $12,500,000 from both the aggregate amount and from the amount specified under such heading for the clinical research center), by $13,500,000.

H.R. 3755
OFFERED BY: Ms. Velázquez
Amendment No. 39: Page 59, line 6, after the dollar amount, insert ‘‘(decreased by $11,000,000).’’

Page 59, line 7, after the dollar amount, insert ‘‘(decreased by $11,000,000).’’

Page 59, line 9, after the dollar amount, insert ‘‘(decreased by $11,000,000).’’

Page 59, line 26, after the first dollar amount, insert ‘‘(increased by $11,000,000).’’

H.R. 3755
OFFERED BY: Ms. Waters
Amendment No. 40: Page 26, line 25, insert after the dollar amount ‘‘(increased by $24,000,000).’’

Page 31, line 22, insert after the dollar amount ‘‘(decreased by $24,000,000).’’

H.R. 3755
OFFERED BY: Ms. Waters
Amendment No. 41: Page 26, line 25, insert after the dollar amount ‘‘(increased by $20,000,000).’’

Page 31, line 22, insert after the dollar amount ‘‘(decreased by $24,000,000).’’

H.R. 3755
OFFERED BY: Ms. Waters
Amendment No. 42: Page 26, line 25, insert after the dollar amount ‘‘(increased by $3,000,000).’’

Page 31, line 22, insert after the dollar amount ‘‘(decreased by $3,000,000).’’

H.R. 3755
OFFERED BY: Ms. Velázquez
Amendment No. 43: Page 18, at the end of the bill, after the last section (preceding the short title), insert the following new section:
SEC. 637. For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

H.R. 3756
OFFERED BY: MR. GUTKNECHT

Amendment No. 2: Page 119, after line 8, insert the following new section:

SEC. 701. 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.

H.R. 3756
OFFERED BY: MR. HEINEMAN

Amendment No. 3: At the end of title VI (relating to governmentwide general provisions), insert the following new section:

SEC. 702. For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.
The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dearest God, our Father, with whom there is no variableness or shadow of turning, more steadfast than the stars and more reliable than the rising and setting of the Sun, we thank You for Your changelessness. You are the same yesterday, today, and forever. You are our one fixed stability in the midst of changing circumstances. Your faithfulness is our peace. It is a source of comfort and courage that You know exactly what is ahead of us today. Go before us to show the way. Here are our minds, inspire them with Your wisdom; here are our wills, infuse them with the desire to follow Your guidance; here are our hearts, infill them with Your love. There is enough time today to do what You desire; so grant us freedom from tyranny of the urgent. You have been so patient with us; help us to be patient with those around us. We commit this day to You and thank You in advance for Your presence and power.

In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, today there will be a period for morning business until the hour of 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1745, the Department of Defense authorization bill. At 12 noon, under the previous order, there are expected to be five rollcall votes as follows: First on the passage of the DOD authorization bill, followed by a vote on the motion to invoke cloture on the motion to proceed to S. 1788, the national right-to-work bill, followed by votes on or in relation to the Dorgan amendment, the Kassebaum amendment, and final passage of the TEAM Act.

Following those votes at noon, an additional period of morning business is anticipated and the Senate will begin consideration of the Defense appropriations bill. Therefore, rollcall votes are expected throughout the day and into the evening in an attempt to make substantial progress on the Defense appropriations bill.

MEASURE PLACED ON CALENDAR—S. 1936

Mr. BURNS. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will report.

The assistant legislative clerk read as follows:


Mr. BURNS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar of general orders.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 11:30 a.m.

The Senator from Montana is recognized.
I said, "Well, would it make any difference if your records were at the White House?"

All at once, it started to become a thing of conversation. I did not say anything more about it, but she and her husband talked about it for the rest of the trip.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, "Well, maybe midnight basketball didn't work." We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16 percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people today. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard. It is who do we trust and how do we talk to our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young people every day. Some days we use words, and it can be done in 5 seconds. It is hope and opportunity. Only this country offers that.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, "Well, maybe midnight basketball didn't work." We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16 percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people today. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard. It is who do we trust and how do we talk to our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young people every day. Some days we use words, and it can be done in 5 seconds. It is hope and opportunity. Only this country offers that.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, "Well, maybe midnight basketball didn't work." We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16 percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people today. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard. It is who do we trust and how do we talk to our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young people every day. Some days we use words, and it can be done in 5 seconds. It is hope and opportunity. Only this country offers that.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, "Well, maybe midnight basketball didn't work." We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16 percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people today. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard. It is who do we trust and how do we talk to our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young people every day. Some days we use words, and it can be done in 5 seconds. It is hope and opportunity. Only this country offers that.
sense of ownership from their workers? And at the same time, how can we assure employees that they retain an ability to organize into unions and to bargain on terms and conditions of employment free from the threat of sham unions being established by manipulated votes? These are the objectives that we have in mind. These are the legitimate goals. Several weeks ago it was my hope and my belief that we could develop language to offer as a substitute for S. 295 that would satisfy both of these objectives.

I have been offered an amendment that would substantially improve the TEAM Act so that, first, there would be no ambiguity that workplace teams and nonunion workplaces were permitted under the law, and, second, that we would specify that teams that discuss terms and conditions of employment would have to comply with certain other requirements to assure that company dominated or sham unions could not be established and that workers would have a determination of these any discussions on those terms and conditions of employment.

Mr. President, after several weeks of trying to find this common ground to propose a substitute for the bill that we are considering, I have concluded that it is not possible at this time. The organization of employers that has been formed to support the TEAM Act has determined to resist amendments and to drive toward passage of S. 295 even though this legislation faces a sure veto by the President. The labor unions, on the other hand, have organized to oppose the TEAM Act. Relying on the President’s promised veto, they have determined that the TEAM Act or any substitute for it which amends section 8(a)(2) of the NLRA should be opposed.

In my view, the concerns that the unions have about the TEAM Act that is before us are well founded. I do not want to enter a technical discussion about the legislation, but many people, including the Chairman of the NLRB, Howard Gould, as well as the Dunlop Commission and others have argued that an adjustment is needed in section 8(a)(2) of the National Labor Relations Act because of recent decisions that have blurred the definition of what are considered terms and conditions of employment.

S. 295 tries to remove the ambiguity by providing a sweeping umbrella covering all workplace teams and any discussions. In my opinion, this opens the window to the possibility of company dominated or sham unions. I have long believed that we might be able to fix the language of the TEAM Act so as to maintain the ability that is required to fit with the highly fluid nature of a modern workplace team and still build in protections for workers’ rights and interests in this process.

S. 295 could be fixed. We are not able to do so. Accordingly, I will vote against the bill. I regret that the two sides on this important issue cannot be brought together on common ground. Some of the explanation is in the atmosphere of hostility that has traditionally surrounded labor-management issues in our country. In part, the result flows naturally from the very different views that the two sides have of the relationship between employment free from the threat of sham unions or employer dominated unions. To some extent, the result is a natural consequence of the political season that we are in.

Although the script for what is to happen with this legislation this year is clear, there is the expectation that in the next Congress we can have a more serious and constructive debate about this important set of issues.

In many companies throughout the country, the workplace of 1996 is not the workplace that Congress was reacting to when the Wagner Act was passed in the 1930s. For many, the term ‘empowering workers’ is not just hollow rhetoric. On the other hand, all employers do not concern themselves with the true nature of the workplace of today. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from North Carolina, Senator FAIRCLOTH, for allowing me to go forward for just a few minutes.

I want to follow, very briefly, on what the Senator from New Mexico has said and basically to say that I associate myself with his remarks, as sad as that conclusion is here.

This is a case of the TEAM Act where, it seems to me, both sides, as it were, had done something that merited to their arguments. There should have been a way to put this together and bring about some change in the law that recognizes, respects, and facilitates the extraordinary changes—In some ways the revolution—that have gone on in labor-management circles in this country that the team proposals and programs are part of, and thousands of employers throughout America, and yet to have done that in a way that does not threaten the organized labor movement and does not inadvertently, one hopes, open the door to some of the practices of the past, as Senator Bingaman has referred to, such as sham unions or employer dominated unions.

This was a case where reasonable people should have been able to sit down and reach a reasonable conclusion that would have brought about change. I really thank the Senator from New Mexico for the leadership he showed in this in trying to make this happen. He is a consummately reasonable person and has tried to pursue in a rational way that course in this matter. I followed his actions and tried to support them, in terms of the work that he was doing as they were going along.

I regret that in the end he concluded that the amendment that he had prepared really could not be introduced because it was not going to facilitate the kind of movement that is needed here to create change. So the result, unfortunately, in this polarized environment is—polarized for exactly the reasons that the Senator from New Mexico states; one, because the debate over this bill has in some sense continued and is based on labor-management negotiation with mistrust on both sides; and also, it is obviously an election year.

The result of all this, I presume, is that Congress will pass this bill, but the President will veto it. Then we will be at the status quo, which is not, in this case, terrible because as some I talked to in this debate have said, well, maybe a lot of businesses are running good employer-employee teams in their workplaces where are technically violating the law, but the NLRB is not taking action against them. In those relatively few cases, there is a complaint associated with an organization driven by a union, and then the penalty is to order them to stop doing what they are doing.

I wish we could have come to a better result. The truth is that these employer-employee teams—I have seen some of them in Connecticut. When they work well, they work very well. They not only are great for the workers; they are great for the management and great for American competitiveness and great for job creation and the sustaining of existing jobs. However, like everything else, they can be misused. They can be misused in a way that runs right into some of the original goals of section 8(a)(2) of the National Labor Relations Act. Again, there ought to have been a way we could bring this together.

I regret the Senator from New Mexico reached the conclusion he did. I regret that there will not be a proposal here on the floor that I feel I can support. I am very, very sad that we as a body and I as one Senator reach that conclusion. I can only say that I hope that all of us can come back, both sides, outside of the Chamber and all of us inside the Chamber, next year and work with the executive branch at that time to fashion a bill that will acknowledge the extraordinary steps forward in labor-management relations, and yet the continuing need to protect workers, both in their right to organize and in their right to be members of employee management associations that are not employer dominated.

I thank the Chair. Again, I thank Senator FAIRCLOTH, I yield the floor.

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Senator FAIRCLOTH, will be recognized.
THE NATIONAL RIGHT TO WORK ACT

Mr. FAIRCLOTH. Mr. President, Thomas J. Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical." Today members of the U.S. Senate will be counted on a fundamental issue of individual freedom: the right to work without paying union dues or fees as a condition of employment. It's not likely that the effort to remove sections of the 60-year-old National Labor Relations Act that authorizes forced-dues contracts will pass. However, the vote will serve as a useful political marker to see if Senators who work for workers will have a say in whether they should continue to pay the $5 billion a year in dues that private-sector unions collect.

One argues that unions haven't done a great deal of good in representing their members and in the mutual aid programs they've set up. But that cannot justify forcing collection of union dues from workers who don't want to pay them. In many unions, upward of 75% of the dues money goes for political and other activities that have nothing to do with collective bargaining rights. This year unions didn't bother to consult individual workers before they financed an unprecedented $35 million propaganda campaign against the GOP Congress. In its 1988 Beck decision, liberal Supreme Court Justice William Brennan led the Court in ruling that workers were entitled to a reductio of dues money not used to represent them, but the Clinton Administration has acted as if Beck didn't exist. That makes today's vote to put Senators on record on the issue of coerced dues all the more appropriate.

Union leaders themselves were once leery of laws allowing forced membership in their organizations. For example, the father of American labor, warned workers that "compulsory systems" were "not only impractical, but a menace to their rights, welfare and their liberty." Public opposition to compulsory unionism has been so great (upward of 70% in most polls) that 21 states have passed "right-to-work" laws to allow individuals to opt out of union membership. On the national level, however, reform has been blocked by the formidable power of the unions to raise campaign cash to defeat their opponents.

North Carolina Senator Lauch Faircloth says that the time is right to test the power of union bosses in his bill to remove language from federal labor law that authorizes forced-dues contracts for workers. For the first time in history, right-to-work states will be required to choose between the political power of the unions and the clearly expressed views of their voters. In the past, even liberal Senators such as George McGovern felt compelled to support their states' right-to-work laws. Today, 25 Republican and 17 Democratic Senators represent states with such laws. If all of them supported Senator Faircloth, his legislation would pass easily. The fact that many will oppose it deserves to be a campaign issue in the 16 right-to-work states with Senate elections this fall.

Compulsory union dues are not merely an esoteric issue of workers or unions holding the upper hand in federal labor law. The issue goes to the heart of individual freedom. Thomas J. Jefferson once wrote that "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." Today we will learn how many Senators agree with Jefferson's sentiment.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. FAIRCLOTH. I am delighted to yield.

Mr. HELMS. I commend the distinguished Senator from North Carolina on his excellent remarks about a very serious subject. I do not know whether this Senate is going to try to act on this bill or not, but I want him to know that I am honored to be a cosponsor of the bill.

Now, did I understand the Senator to say that four-fifths of the American people support the concept that working people should not be forced to associate with or support any organization of employers, be it public or private, in the competition of getting a job or keeping the job?

Mr. FAIRCLOTH. That is exactly what the American people believe.

Mr. HELMS. Maybe one of these days Congress will pay attention to 80 percent of the people.

Mr. President, the National Right to Work Act stipulates that employers and unions may no longer force American workers to pony up union dues as a condition of keeping their jobs. It is about freedom, purely and simply. It does not discourage union membership. The National Right to Work Act merely says that unions have to garner their support the old-fashioned way—they have to earn it.

Of course, there are those who suggest that this legislation is somehow antion, those who parrot the apocalyptic pronouncements of the AFL-CIO that this is union-busting legislation, nothing could be further from the truth.

I would suggest that those union bosses opposing the National Right to
July 10, 1996

CONGRESSIONAL RECORD — SENATE

S7511

Work Act are insecure about their ability to earn the support of the workers they purport to represent. Opponents of the National Right to Work Act may also suggest that it is fair to require employees who enjoy the services of union representation to workship to share in their costs. Union leaders will complain that this Congress should not change this policy.

Mr. President, union leaders, having bought the horse, are just complaining about the prices of oats. Union bosses lobbied for and jealously guard the privilege of exclusive representation. They will not give it up. And if you have any doubts about that, then the answer is not to oppose this modest effort to limit union coercion, but to repeal existing provisions of Federal labor law providing for exclusive representation. I recall that union lobbyists say that this is a free-rider bill. The National Right to Work Act is not so much a free-rider bill as existing Federal labor law is forced-rider legislation.

Doubtless, too, we will hear complaints that there are more important issues facing Americans. There will be claims that this issue is being pursued by a narrow special interest. My colleagues should bear in mind that polls indicate that fully 76 percent of the American people—including a clear majority of union members—support right to work. Just yesterday, the administration and various lobbying groups were telling us that an increase in the minimum wage should be passed because 70 percent of the American people support it.

My suspicion is that they find this high level of support for right to work to be less persuasive, just as they have failed to support our efforts to pass a balanced budget amendment, notwithstanding the support of overwhelming majorities of Americans.

After all, the Secretary of Labor, who as Secretary of Labor seems more interested in advancing the agenda of organized labor, rather than the rights and interests of all American workers. This is, after all, the administration which attempted to rewrite Federal labor law for Federal contractors, to deny to Federal contractors the right permanently to replace striking employees. The courts have rightly voided this usurpation of congressional authority.

Furthermore, the Secretary of Labor said, and I quote, “In order to maintain themselves, unions have got to have some ability to strap their members to the mast. The only way unions can exert countervailing power is to hold their members’ feet to the fire.” Whether or not that mast is attached to a sinking ship in something that the Secretary seems not to have considered.

Make no mistake about it, Mr. President, when you vote on this bill today oppose freedom. They make clear their ratification of Secretary Reich’s sentiments, that this Congress believes that union bosses know better than individuals what is in the interests of individual American workers. I would respectfully suggest that this is a concept foreign to the American way of thinking. And does anyone seriously suggest that Republican majorities were sent to both Houses of this Congress in order to perpetuate union bosses’ efforts to force Americans to support their narrowly radical social and political agenda?

But perhaps there is another explanation. After all, look at the most radical social and political agenda. Is it the radical social and political contributions of labor? Is it an accident that the bulk of union political activities and contributions benefit my friends on the other side of the aisle almost to the exclusion of contributions to the GOP? Is it surprising that an administration which promises to veto this bill, if passed, has the nearly unanimous support of the leaders of the AFL-CIO?

I urge my colleagues to support the National Right to Work Act because it is the right thing to do. It is a vote for worker freedom, a vote for responsible unions. American workers deserve the protection of a National Right to Work Act, the protection of a basic personal freedom. American working men and women deserve to be able to work and feed their families without paying tribute to anyone, much less a class of specially protected organizations.

Mr. CONRAD addressed the Chair. The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, several things come to mind. The remarks of Mr. Conrad pertaining to the introduction of S. 299 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

TRIBUTE TO JUDGE JOSEPH PHELPS

Mr. SHELBY. Mr. President, I rise today in honor of Judge Joseph Phelps who was killed tragically in a car accident on June 22, 1996. Joe retired from his Montgomery circuit judgeship in 1995, after spending 18 years on the bench. He served the State of Alabama, the Alabama judicial system, and our Nation with dignity, prudence, courage, and honor.

Joe received both a bachelor’s degree and a law degree from the University of Alabama. Even as a youth, Joe showed character in all that he did providing a glimpse into the future of the wise, Christian adult, leader, and honorable jurist he would later become.

In 1990, Joe was awarded the Alabama Bar Association’s Judicial Award of Merit, its highest award for outstanding and constructive service to the legal profession in Alabama.

Joe’s Christian values are reflected not only in the way he lived his life, but in the many positive organizations which he led, founded, belonged, and served. He was the past president of the Montgomery County Bar Association, and has served as a member, past president, trustee, and founder. He also served diligently in the YMCA; Montgomery Lion’s Club; Lion’s Club International Youth Day in Court Program, which he founded; Jimmy Hitchcock Blue Gray Veterans Association; Christian Athletes; Salvation Army; Capitol City Boys Club; STEP Foundation; Blue-Gray Association; Leadership Montgomery; the Governor’s Study Task Force on Drugs; Alabama Trial Lawyers’ Association; Association of Trial Lawyers of America; American Judicature Society; Montgomery Magnet Grant Review Committee; and numerous other legal, civic, and Christian groups. He was an elder at Trinity Presbyterian Church, where he served on the Christian education committee, congregational involvement committee, and long-range planning committee.

Joe also taught ninth grade Sunday School. In 1980, Joe was honored as YMCA Man of the Year in recognition of his service to youth in Montgomery. Joe was married to Mary Ann Phelps and the couple had two children, Todd and Kim. My heart goes out to Joe’s family.

Joe’s lifelong dedication to community and country made our world a better place. His presence will be sorely missed.

1996 JULY QUARTERLY REPORTS

The mailing and filing date of the July Quarterly Report required by the Federal Election Campaign Act, as amended, is Monday, July 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 226 Russell Senate Office Building, Washington, DC 20510-7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on July 15, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

THANKS TO DAVID O. COOKE AT THE PENTAGON FOR HIS CONTINUING SERVICE TO OUR NATION

Mr. NUNN. Mr. President, several months ago, I participated in a ceremony at the Pentagon to open an exhibit honoring the office of the Vice Chairman of the Joint Chiefs of Staff. This was a significant moment in recognizing the remarkable success of the Goldwater—Nichols legislation, which reorganized the Department of Defense. However, this moment would not have been possible without the help of the pentagon’s Director of Administration and Management, David O. (Doc)
Cooke. Today, I would like to extend my personal appreciation to Doc Cooke for his help in establishing this exhibit but primarily I want to thank him for his long and continuing career in public service.

Mr. President, I ask unanimous consent that an article on Doc Cooke that was published in Government Executive be reprinted in the Record at the conclusion of my remarks.

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

Mr. NUNN. Mr. President, Doc Cooke's association with our Nation's armed services began in World War II, when he served as an officer aboard the battleship U.S.S. Pennsylvania. In 1947, he became a civilian employee with the Navy in Washington, DC. He completed his law degree from George Washington University in 1950 and, shortly thereafter, was recalled to active duty during the Korean war as an instructor at the School of Naval Justice. Since that time, Doc Cooke has rendered outstanding service to 14 different Secretaries of Defense. In 1958, he became a member of a task force on Departmental Management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its skeletal structure or the way you want. Or you can think in terms of the people involved. And to loosely paraphrase the apostle Paul, the greatest of these is people."

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its skeletal structure or the way you want. Or you can think in terms of the people involved. And to loosely paraphrase the apostle Paul, the greatest of these is people."

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its skeletal structure or the way you want. Or you can think in terms of the people involved. And to loosely paraphrase the apostle Paul, the greatest of these is people."

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its wiring diagram." Cooke explains, "or its skeletal structure or the task skills you need to make it function. The one thing you can't separate is the people of the organization. And to loosely paraphrase the apostle Paul, the greatest of these is people."

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its wiring diagram." Cooke explains, "or its skeletal structure or the task skills you need to make it function. The one thing you can't separate is the people of the organization. And to loosely paraphrase the apostle Paul, the greatest of these is people."

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.

Cooke readily admits to using humor as a management tool. One of Cooke's most vividly remembered anecdotes is of the time he and Secretary of Defense, Neil McElroy, under Secretary of Defense Robert McNamara, served on a team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon." I have long and continuing career in public service.
supposed to be doing. I always ask: ‘Have you told these people? Have you explained to them what you expect?’ Very often I find they haven’t gotten the guidance and direction they should have gotten.

‘People constitute our most important resource.’ Cooke concludes, ‘and so often, we treat them like dirt.’

Cooke, practicing what he preaches, says three senior executives who have worked at the heart of his 11-member Pentagon management team.

‘Doc is very good at getting along with people, no matter who they are,’ says Arthur H. Ehlers, who recently retired from his post as director of organizational and management planning in Cooke’s office after 25 years.

Cooke has always maintained good relationships with members of Congress and with leaders in the executive branch, says Walter Freeman, another longtime top aide who is director of real estate and facilities for DoD, ‘and he treats them differently from anyone else.’

Leon Kniaz, another key assistant who recently retired after a decade as director of personnel, elaborates. Cooke, he says, ‘has always had an open-door policy and listens well to people. There isn’t anybody who walks into that office and talks with Cooke, beaming. ‘There’s nothing else like it in the area.’

Yet Cooke is no pushover. ‘He doesn’t just tell people what they want to hear,’ says Kniaz. ‘He knows how to say no, and I’ve heard him do so in meetings where participants come to him to say yes.’

And when Cooke is fighting for a cause in which he believes, he fights hard, his associates agree. Perhaps nowhere in his career is this more evident than in the stubborn campaign he waged to launch the current renovation of the Pentagon.

A BUREAUCRATIC COUP

Cracks in the walls, corroded pipes and frequently overloaded electrical circuits attest to 50 years of neglect in the upkeep of the Pentagon by the General Services Administration, the agency charged with maintaining the federal buildings. (See ‘Operation Renovation,’ February.)

‘For years,’ says Freeman, who joined Cooke as a tenant of the Pentagon in 1983, ‘Doc fought to renovate the Pentagon. It was a very expensive job, and DoD was paying big rent to GSA and was sort of cash cow. So GSA was reluctant.’

Although the ‘rent’ DoD paid GSA to look after the Pentagon injected hundreds of millions of dollars into the Federal Buildings Fund each year, GSA would not finance the sweeping renovations needed. Cooke saw that the only way out of the dispute was to stage a coup.

‘Doc went to Congress and asked that the ownership of the Pentagon be transferred to DoD. I think, ‘Doc would point to these things and say: ‘Just look at the building, you know.’”

The Senate, however, has not acted on Cooke’s request. “I don’t know anyone who would not shudder at the thought of Doc retiring,” says Freeman. “And why should he? He’s doing what’s fun for him and good for the country. Why should he turn to something that’s not so interesting?”

Federal management is still Cooke’s passion. ‘There are not many higher callings,’ he says. ‘This is the best of all possible worlds because it is the only possible world. We just have to keep working on it.’

THE LEADERSHIP AWARD

The NCAC/Government Executive Leadership award was established five years ago to recognize distinguished careers in the federal service. The award is cosponsored by the National Capital Area Chapter of the American Society for Public Administration. The roster of winners:

1995—David O. Cooke, director of administration and management and director of Washington Headquarters Services, Department of Defense.


1993—Thomas S. McFeely, assistant secretary for personnel administration, Department of Health and Human Services.

1992—Paul T. Weiss, deputy assistant secretary for administration, Department of Transportation.

1991—Robert L. Bomboia, director, Office of Immigration Litigation, Department of Justice.

THE MINIMUM WAGE BILL

Mr. CHAFFEE. Mr. President, yesterday, I voted for legislation to increase the minimum wage from $4.25 to $5.15 per hour over the next 2 years. Though this is a necessary increase, regrettably, Senators did not have a chance to vote for an ideal package.

First, it is essential that employers be given adequate time to prepare to implement the proposed increase. For this reason, I voted for the Bond amendment, though I felt delaying the increase to January 1, 1997, was too long. In my view, a reasonable effective date for the increase would have been September 1, 1996.

As passed by the Senate, H.R. 3448 would be effective retroactively to July 1, 1996, leaving employers with no adjustment period. This is unfortunate, in my view.

Second, I also believe a training wage is crucial for those entering the work force, particularly given our efforts to reform the welfare system. While many of my colleagues concerned that increasing the minimum wage will encourage welfare recipients to obtain gainful employment, I am afraid the increase
will actually reduce the availability of new positions.

Congress has spent the better part of 2 years developing and refining welfare reform legislation. All of the major bills include tough work participation provisions. Under one of these bills, it would require the States to have 50 percent of their welfare recipients off of the rolls in the next 6 years. Even if another 15 to 20 percent are granted hardship exceptions, the States will still have to comply. And to do so, many welfare recipients would have to meet the strict work requirements imposed by this legislation.

In my State of Rhode Island, approximately 20,000 families are now on public assistance. If 20 percent of these families are exempt from the work requirement, that leaves 16,000 families who must find their way off of welfare in the next 6 years. Even if Rhode Island must find jobs for only half of these families, which are talking about 8,000 entry-level jobs. Given that the Rhode Island economy is approximately 3 months, but unfortunately is unworkable.

Despite the fact that these new workers will undergo intensive job training and must also learn important life skills, such as being punctual for work, most former welfare recipients will qualify for no more than entry-level positions. While there may be a few exceptions, most will have to prove themselves before they will be given greater opportunities in the workplace.

To retain some incentive for employers to hire and train welfare recipients, I believe the most effective training wage at the current minimum of $4.25 per hour should be included in H.R. 3448.

Despite my concern that the Bond amendment contained a 6-month training wage provision, I voted for it. In contrast, the Kennedy alternative would have provided only a 30-day training wage, limited to those under 20 years of age. This provision would not have given employers the needed incentives to take a chance on hiring a welfare recipient.

As passed by the Senate, the training wage included in H.R. 3448 has a duration of 3 months, but unfortunately is limited to those under 20 years old. I would have preferred no age limitation on the provision to ensure its full utility in moving people from welfare to work.

If, in my view, small businesses should have some form of exemption from the minimum wage increases proposed in H.R. 3448. Very few employers who own small businesses qualify for the current exemption, which is flawed and unworkable.

For this reason, I voted for the Bond amendment. This amendment would have enabled employers with gross incomes of less than $500,000 to continue paying the current minimum wage of $4.25 per hour, while larger businesses would have been required to comply with the increase.

Regrettably, as approved by the Senate, the final version of H.R. 3448 contained no change in current law with respect to the treatment of small businesses. And hurting America's small businesses, Mr. President, places big hurdles on the road to economic recovery.

In summary, I am hopeful that some of these problems can be reviewed and corrected before H.R. 3448 becomes law.

RIGHT TO WORK FOR LESS

Mr. KERRY. Mr. President, today the Senate will take up the Right to Work Act. This legislation hurts union members by giving nonmembers a free ride to get union-negotiated benefits without contributing their fair share—or any money at all—to defray the costs. By repealing parts of the National Labor Relations Act and the Railway Labor Act which give each State the right to determine whether union security agreements should be permissible in that State, this bill would make such agreements unlawful in all States. Mr. President, this is bad public policy.

Currently, the National Labor Relations Act allows States to prohibit union security clauses but does not require States to choose to allow such agreements. That permits employers and unions to agree, if they wish, that employees will be required to give financial support to the union. My State of Massachusetts has chosen to permit such agreements, and workers are the beneficiaries. What the workers in my State of Massachusetts get from this is higher wages, greater benefits which protect them and their families, and a higher standard of living.

This bill unfairly tilts the playing field in favor of employers and against labor unions. Under Federal law, the union is responsible for representing employees in the bargaining unit even if they pay nothing toward the union's expenses. Under right-to-work legislation, these employees get union-negotiated higher wages and benefits as well as union representation during grievance proceedings without contributing a dime. Giving nonmembers a free ride to get union-negotiated benefits without contributing to defray the costs is unfair, and in the long run will weaken the ability of unions to obtain favorable wages and benefits for all workers in a unionized company.

Republicans are insisting on preempting State law despite the fact that only 21 States have seen fit to enact right-to-work laws since they were deemed lawful, 18 of these prior to 1959. And just last year legislatures in six States, Colorado, Maryland, Montana, New Hampshire, New Mexico, and Oklahoma, defeated statewide right-to-work bills. It is noteworthy that three of these are Republican-controlled legislatures.

Mr. President, my colleagues on the other side of the aisle want to force their sense of judgment and propriety on my State of Massachusetts and take away a free choice that my State ought to have and has always had. Simply speaking, if a State does not want right-to-work laws then these laws should not be imposed on it because some people here in the Senate more greatly value their own judgment on this issue than they do the judgment of the people of Massachusetts. I might point out that most of the Senators voting to do this voted against raising the minimum wage yesterday. This goes too far, Mr. President.

The Republicans' decision to couple the right-to-work bill—which has never been subject to hearings or markup—with the TEAM Act underscores their true disinterest in helping working Americans. And as they decry the role of big government in the lives of working Americans, the Republicans go ahead and tell the people of Massachusetts that they know better, that they know what the people of Lowell or Lawrence or Springfield or Boston or Hyannis want.

Right-to-work laws have not brought economic bonanzas to States that have adopted them. Not 1 of the 21 right-to-work States has a pay level above the national average and not 1 ranks in the top 15 States for annual workers' pay. This bill ought to be called the right-to-work-for-less bill.

Union security clauses are negotiated by a democratically elected union and the employer. Coming on the heels of Independence Day, opposing this bill is the right thing to do for the American worker, and I urge my colleagues to vote against this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZA-
TION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (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, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER (Mr. FRIST). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Senate has completed many long hours of debate on S. 1745, the National Defense Authorization Act for fiscal year 1997.

I would like to thank the distinguished ranking member of the Committee on Armed Services, my good
friend Senator Nunn, for his insight, wisdom, and devotion to our Nation. He and I have always worked to provide our Armed Forces with the direction and resources they need to carry out their difficult responsibilities. Our future collective efforts will be diminished by his absence.

Senator Nunn was named chairman of the ad hoc Subcommittee on Manpower and Personnel in 1974 and he served in that capacity until 1981. In 1983, he became the ranking minority member and in 1987 he became the chairman of the committee. He has struggled with distinction in that capacity for 8 years, and earned the respect of leaders around the globe for his wisdom, statesmanship, and insight. A hallmark of his tenure, and a basis for his effectiveness, was the trustworthy and bipartisan manner in which he conducted the committee’s business. Our Nation owes Senator Nunn deepest appreciation for his truly distinguished service.

I would also like to recognize the outstanding contributions of Senators Cohen and Exon, who are departing the Senate. They worked hard and fought hard to preserve our national security, and provide for the well-being of our men and women in uniform.

Mr. President, I want to extend my deep appreciation also to the distinguished majority leader, Senator Lott, who has been most helpful in every way in bringing this bill to final passage. He is a fine and able leader of whom the Senate can be proud.

I also want to thank all the members from both sides of the committee, and particularly Senator Warner and Senator McCain, for their leadership and assistance on the floor.

In addition, I would like to commend the entire staff of the Committee on Armed Services for their dedication and support. I would like to recognize each of them individually for their effort and commitment on the Senate floor. I urge my colleagues to endorse this bill with a solid vote of approval, to support our men and women in uniform who go in harm’s way every day to protect our Nation.

I ask unanimous consent that the list of staff I referred to earlier be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

**Armed Services Committee Staff**

**Majority**

Les Brownlee, Staff Director. Charles S. Abell; Patricia L. Banks; John R. Barnes; Lucia M. Chavez; Christine K. Cimko; Kathie S. Connor; Donald A. Deline; Marie Fazzio Dickinson; Shawn H. Edwards; Jonathan L. Etherton; Pamela L. Farrell; Cristina W. Fiori; Larry J. Hoag; Melinda M. Koutsoumpas; Lawrence J. Lanzillotta; George W. Lauffer; Paul M. Longsworth; Stephen L. Maday; J. John Reaves McLeod; J. John H. Miller; Ann Mary Mittermeyer; Bert K. Mozias; Linda B. Morris; Joseph G. Palonne; Cindy Pearson; Shareen E. Reaves; Steven C. Saulnier; Cord Sterling; Eric H. Thoennes; Roslyne D. Turner; Mary Deas Boykin Wagner; John W. Wallace.

**Minority**

Arnold L. Punaro, Staff Director for the Minority. Christine E. Cowart; Richard D. DeBebos; Andrew S. Effron; Andrew B. Fulford; Daniel B. Ginsberg; Mickie J. Anderson; Craig Green; Patrick T. Henry; William E. Hoehn, J.r.; Maurice Hutchinson; Jennifer Lambert; Michael J. McCord; Frank Norton, J.r.; Julie K. Rief; James R. Thompson III; DeNeige V. Watson.

Mr. Nunn addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank Chairman Thurmond very much for his gracious remarks concerning my participation in this bill and also my participation over the last 24 years in the Defense authorization process and matters affecting our national security.

I also say to my friend from South Carolina that I identify with and completely support his remarks about two outstanding members of our committee, Senator Exon on the Democratic side and Senator Cohen on the Republican side. These two individuals have made truly enormous contributions to our Nation’s security.

I have worked with Senator Exon on many different matters over the years. He has been a stalwart on strategic defense initiatives and real and fanciful contributions to our overall security.

Senator Cohen and I have joined together time after time in working on matters of great importance, including the special operating forces where he truly has been an expert and a leader. Senator Cohen is an expert on Asia and also has all sorts of legislative interests beyond the Defense Committee. But he has made tremendous contributions to the men and women who serve our Nation and to the taxpayers of our Nation. These two individuals, Senator Cohen and Senator Exon, truly will be missed, and really has made immense contributions.

In the brief time allotted to us today, I will defer my detailed expression of appreciation to members of the committee and staff for their dedicated service in securing passage of this legislation until we act on the conference report.

But I would like to summarize my thoughts at this time.

First and foremost, I would like to thank our distinguished chairman, Senator Thurmond. Through his leadership, his strength, and his steadfast dedication, he has provided the most dedicated commitment to the national defense, this bill is about to pass. It is my honor and privilege to work with him on all of the committee matters, and indeed have had the great pleasure of working with him over the years. I know that his service will continue with the strength and leadership that he has had in the past.

I am also grateful to the other committee members on both sides of the aisle who have dedicated themselves to this important bill. Our subcommittee staff have done yeomen service on this bill. They deserve much credit for the passage of the bill. We brought a sound, good defense bill to the floor.

There were a number of concerns that have now been ironed out. I think of such as demarcation, as in the ballistic missile and theater missile defense area, and also regarding the ABM Treaty; the multilateral provision that was in the bill. Both of those have been greatly improved on the floor. It is my strong impression that this bill will be acceptable to the administration.

We have a real challenge in the House-Senate conference because there are a number of provisions that clearly would not be acceptable to the administration. In the House, we have to prevail upon those issues if we are going to have a Defense bill signed into law this year.

The Senate also adopted a provision sponsored by Senator Lugar, Senator...
DOMENICI, and myself to bolster our defenses against weapons of mass destruction, including nuclear, chemical, and biological weapons, both at home and abroad. We need no reminder that we are in an era of terrorism now. We spent most of this past year in the hearings regarding the tragedy that took place in Saudi Arabia. Of course, our heart goes out to all of the families and to the men and women involved in that who were serving our Nation.

The provision that passed the Senate in the 1995 Base Closure Act added to or improved existing programs, such as the Nunn-Lugar program designed to stop proliferation of nuclear, chemical, and biological weapons at its source, primarily the former Soviet Union. But the primary new threat is on domestic preparedness against terrorist use of weapons of mass destruction, such as chemical, biological, and nuclear.

It is, very clearly by the hearings that we have had in the Permanent Subcommittee on Investigations as well as other hearings, that we are not prepared as a nation to deal with chemical or biological attack. We have a long way to go in the overall area of getting our policemen, our firemen, and everyone that is able to handle one of these threats, if it ever comes. But primarily our effort must continue to be to stop the sources of this proliferation at the very beginning before they leave the country where the weapons are, where the scientists are, where the technology is; and also to make sure, if that does happen, that we stop those weapons at our own borders before we have to deal with the attacks. But we have to have a tiered defense against this growing threat.

I think we will have an even stronger bill in conference since the Senate has taken action on the floor. I urge my colleagues to support this important defense measure.

The cooperation and help exhibited by all Senators, floor staff, parliamentarians, clerks, the Reporters of Debates, attorneys, and the Legislative Counsel's Office is very much appreciated by this manager of the bill. I am sure the chairman feels likewise.

Finally, Mr. President, I have to express my appreciation to the superlative staff committee on both sides of the aisle, and to our two staff directors, Les Brownlee with the majority and Arnold Purano with the minority. They did a magnificent job of managing and motivating in order to keep this bill on track and moving.

I particularly want to express my appreciation to Les Brownlee, who has just become the staff director, although he has been a stalwart both in his service to our Nation in the Army as well as his service on this committee. But he has truly done a tremendous job as staff director on this bill. We have enjoyed very much working with him in his capacity, as we did in his former capacity.

I appreciate the hard work of both of the staffs. I will have more to say about them when we get the conference report back. They are not through working yet. So I do not want to over congratulate them until we get through with the bill and we actually have it ready for conference.

I thank the chairman for his dedication.

I thank all of the members of our staff for their sacrifices which they have endured, and their families. In order to bring this bill to the floor.

Mr. President, as we conclude the debate on the national Defense authorization bill for fiscal year 1997, I would like to take a moment to bring to the Senate's attention recent remarks made by a former Senate colleague and a valued friend, Alan Dixon.

Last year, Alan Dixon had the difficult task of chairing the 1995 Base Closure Commission. While some may not agree with various aspects of the Commission's findings, the Commission, under the tremendous leadership of Alan Dixon, fulfilled its obligation to make fair assessments of Department of Defense recommendations for base closures and realignments, to review additional closures and realignment options, and to make final recommendations to the President on ways in which the Department of Defense must reduce its excess infrastructure.

DOD and the military services are executing these final BRAC decisions and affected local communities are making, plans for reuse and economic development. Mr. President, there is no easy part to base closure the final recommendations were not easy for the Commission, implementation of the final decisions by the services is not easy, and base reuse by local communities is not easy. Not easy, but a necessary part of the Department's ability to afford modernization and readiness in the future.

Mr. President. Alan Dixon made a speech before the American Logistics Association on June 18 where he summarized the 1995 Base Closure Commission's actions and commented on what should be considered in terms of a future round of base closure. In his remarks, he pointed out, as senior military and civilian defense leaders have also indicated, that excess capacity and infrastructure will remain even after all base realignment and closure actions from the 1988, 1991, and 1995 rounds have been completed.

Like previous Commissions, the 1995 Commission made changes to the list of closures and realignments proposed by DOD only in those cases where we found that the Secretary of Defense deviated substantially from the force structure plan or the selection criteria. Of the 147 recommendations on Secretary's original list, we approved 123, or 84 percent. This is almost identical to previous Commissions. The 1993 Commission accepted 83 percent of DOD's recommendations, and the 1991 Commission accepted 83 percent.

The 1990 Base Closure Act anticipated that the Commission would give great deference to the Secretary of Defense's recommendations, and you can see that all three Commissions did that.

I am particularly proud of the fact that the estimated 20-year savings from the 1995 Commission recommendations of just over $19.3 billion were $323 million higher than the revised savings baseline of $19.0 billion projected by DOD. This was the only time in the three closure rounds that the Commission achieved greater savings than contemplated by the Defense Department.

The 1995 Commission also included in our report a set of 20 recommendations for the President. Congress recommended by DOD only in those cases that suggested ways to improve the process of helping local communities recover from the economic consequences of a base closure. Finally, and we will talk a little more about this in a moment, the 1995 Commission recommended that Congress authorize another round of base closure and realignment. This occurred in 2001.

I think most of you are aware that President Clinton was a little upset with a couple of our recommendations—particularly the use of the Air Force Reserve Centers in Sacramento, California and San Antonio, Texas—but ultimately forwarded our recommendations to the Congress.

The Resolution of Disapproval introduced in the House of Representatives was defeated by a vote of 343 to 75 on last September 8.

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

CONGRESSIONAL RECORD — SENATE

JULY 10, 1996

PERSPECTIVE ON FUTURE BASE CLOSINGS

Thank you for the opportunity to speak to your convention today. Throughout my career in public service, I have advocated for the readiness of our military services and the quality of life for our military members and their families, so it is a real pleasure for me to be here and addressing you at this time, which contributes so much to these important goals.

Today I am going to talk a little bit about the base closure process. The first base closing round was in 1988. In my view, this first round was seriously flawed from a procedural point of view.

I was one of the principal authors of the 1990 Base Closure legislation that set up the 1995 Commission and I think we corrected most of the procedural shortcomings of the 1988 rounds.

Altogether, the 1995 Commission recommended 139 closures and realignments; the realignment of 26 others; and approved 27 requests from the Defense Department to change recommendations of previous Commissions.

The 1995 Commission rejected only 19 of the 146 closures or realignments proposed by DOD, and we closed or recommended installations not requested by the Pentagon.

Like previous Commissions, the 1995 Commission made changes to the list of closures and realignments proposed by DOD only in those cases where we found that the Secretary of Defense deviated substantially from the force structure plan or the selection criteria. Of the 147 recommendations on Secretary's original list, we approved 123, or 84 percent. This is almost identical to previous Commissions. The 1993 Commission accepted 83 percent of DOD's recommendations, and the 1991 Commission accepted 83 percent.

The 1990 Base Closure Act anticipated that the Commission would give great deference to the Secretary of Defense's recommendations, and you can see that all three Commissions did that.

I am particularly proud of the fact that the estimated 20-year savings from the 1995 Commission recommendations of just over $19.3 billion were $323 million higher than the revised savings baseline of $19.0 billion projected by DOD. This was the only time in the three closure rounds that the Commission achieved greater savings than contemplated by the Defense Department.

The 1995 Commission also included in our report a set of 20 recommendations for the President. Congress recommended by DOD only in those cases that suggested ways to improve the process of helping local communities recover from the economic consequences of a base closure. Finally, and we will talk a little more about this in a moment, the 1995 Commission recommended that Congress authorize another round of base closure and realignment. This occurred in 2001.

I think most of you are aware that President Clinton was a little upset with a couple of our recommendations—particularly the use of the Air Force Reserve Centers in Sacramento, California and San Antonio, Texas—but ultimately forwarded our recommendations to the Congress.

The Resolution of Disapproval introduced in the House of Representatives was defeated by a vote of 343 to 75 on last September 8.
AFTER FOUR SEPARATE BASE CLOSURE ROUNDS, DO WE NEED TO CLOSE MORE BASES?

In my view, the answer is yes. In the last 10 years, the defense budget has declined in real terms by almost 40 percent, and ongoing efforts for the defense budget to remain essentially stable through the end of the century. Overall, DOD has reduced the size of its military and civilian workforce by about 21 percent—and some are saying that further reductions in force levels are likely before the end of the decade.

The cumulative reduction in our domestic base structure from the 4 base closures rounds is approximately 21 percent. I am not saying that there should be a direct correlation between reductions in force levels and reductions in basing structure, but I think we can and should reduce more base structure.

The OSD leadership also thinks we need to close more bases.

Secretary of Defense Bill Perry told the Commission last year that DOD would still have any more defense dollars to spend after the 1995 round, and suggested the need for an additional round of closures and realignments in 3 to 4 years.

General Shalikashvili, the Chairman of the Joint Chiefs, agreed with Secretary Perry on the need for additional base closing authority in the future. He told us that opportunities remain to increase closing, particularly in the area of joint-use bases and training facilities.

Joseph Allison, who was Assistant Secretary of Defense for Policy during the 1995 Commission, serves as a consultant for the Bipartisan Policy Council last year that "our analysis of the Department of Defense is that our 1995 Commission did not set up another Base Closure Commission in the future.

In my view, the defense budget is not likely to get much larger in the next five years, so we still have a requirement to contain a ready, capable military. I am still convinced that closing military bases is one of the keys to the future readiness and modernization of our military forces.

Ultimately, I think members of Congress realize this. As painful as it is, we need to close more military bases, and I think that if we convince Congress with the right arguments that we can author another Base Closure Commission in the future.

Mr. PELL addressed the Chair. The PRESIDING OFFICER. The Senator from Rhode Island, Mr. PELL, Mr. President, I share with the chairmen of the Committee on Armed Services, the Senate from North Carolina [Mr. HELMS], and the Senator from Maryland [Mr. SARBAKES] a great deal of concern with regard to section 1005 of the Defense authorization bill. Senator HELMS and I had planned to offer an amendment to delete that section, but, as recess approached, we were not able to find an opportunity to do so. Nonetheless, I have authorized spending under the Military-to-Military Program for military education and training for military personnel of foreign countries. The program would be in addition to the International Military Education and Training Program now in operation and overseen by the Committee on Foreign Relations, the Committee on Appropriations, and their appropriate subcommittees. This new program would be administration of the same congressional oversight.

Oversight of the International Military Education and Training [IMET] Program has proved generally valuable in ensuring that the Congress is comfortable with the activities undertaken pursuant to the program. Just this year, for instance, the Department of Defense proposed a program for a troubled country that was not consistent with its needs. In consultation with the members of the Committee on Foreign Relations, I requested that the Defense Security Assistance Agency modify the program. They were quite prepared to consider our views and to
Mr. President, S. 1745, as introduced and reported by the Armed Services Committee, contains, in my judgment, several significant provisions failing clearly within the primary jurisdiction of the Foreign Relations Committee. And I have disclosed now my interest in this amendment of the Foreign Relations Committee. I do not think there can be a clearer case of imposing upon the jurisdiction of the Foreign Relations Committee than section 1005 of the bill, entitled "Use of Military Contacts Funds for Professional Military Education and Training."

That is a lot of gobbledegook perhaps, but it is a provision that represents an obvious effort by some to commandeer a longstanding foreign policy instrument of the Department of State, that being the International Military Education and Training program known familiarly as IMET.

Section 1005 of this bill does not even pretend to be entirely separate from the existing IMET program. The proposed authority would allow the Department of Defense to engage in a back-door foreign assistance program without the supervision of the State Department. Additionally, it weakens the Foreign Relations Committee by conducting "military education and training for military and civilian personnel of foreign countries."

Now, again, I am not going to get into any fight about the turf, but I must point out that this is the second year that an attempt has been made to seize foreign tools belonging solely to the Secretary of State. At a time when we should be considering consolidating the foreign affairs apparatus of the of the United States into the Department of State, it makes no sense to me to proliferate the number of foreign assistance programs outside the control of the Secretary of State. It makes even less sense in light of the drastic budget cuts undergone by the Department of Defense to pay for foreign aid in the defense budget and from defense funds. The result will be more nondefense spending in the 050 account. This authority—and I have checked on this—was not requested by the administration. It has not been agreed to by the Committee, I respectfully request that this particular provision be removed from the bill during conference.

Mr. President, S. 1745, provides a full $40 million for the IMET Program in the next fiscal year. This sum represents an increase in funding and reflects congressional willingness to back that well-established program. It makes no sense to create a duplicative military education and training program under the Military-to-Military Contacts Program. The IMET Program and the contacts program have different purposes and goals. The Congress must be careful to separate the programs to ensure that the Military-to-Military Contacts Program would not be used to circumvent the restrictions of the IMET Program and to prevent duplication and overlaps.

Three provisions were added to prohibit funding for the Military-to-Military Program from being used in countries that are ineligible for IMET to require coordination with the Secretary of State and to prevent the authorities from being used to transfer weapons. It is not at all in the interests of the Congress or the country for the distinction between these two programs to be blurred.

Mr. President, it is not at all clear why this provision is being sought. It was not requested by the Department of Defense and it is opposed by the Department of Defense and it is opposed by the Department of State. I believe very much that section 1005 has no place in this bill. I hope that, with both the comity and to good sense, it will be dropped in conference.

Thank you, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina?

Mr. HELMS. Mr. President, I believe there are 7½ minutes set aside for me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. We are supposed to begin voting at 12?

The PRESIDING OFFICER. Correct. Mr. HELMS. How many votes in tandem, three?

The PRESIDING OFFICER. We will have a series of five votes beginning at 12 o'clock.

Mr. HELMS. I thank the Chair.

Mr. President, I have been around this place for almost 24 years now, and I have never participated in the occasional turf battles that occur, and I do not particularly enjoy making the comments I am about to make but I feel obliged to make them for the record.

Mr. President, it is not at all clear why this provision is being sought. It was not requested by the Department of Defense and it is opposed by the Department of Defense and it is opposed by the Department of State.

I believe very much that section 1005 has no place in this bill. I hope that, with both the comity and to good sense, it will be dropped in conference.

Thank you, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina?

Mr. HELMS. Mr. President, I believe there are 7½ minutes set aside for me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. We are supposed to begin voting at 12?

The PRESIDING OFFICER. Correct. Mr. HELMS. How many votes in tandem, three?

The PRESIDING OFFICER. We will have a series of five votes beginning at 12 o'clock.

Mr. HELMS. I thank the Chair.

Mr. President, I have been around this place for almost 24 years now, and I have never participated in the occasional turf battles that occur, and I do not particularly enjoy making the comments I am about to make but I feel obliged to make them for the record.

Mr. President, S. 1745, as introduced and reported by the Armed Services Committee, contains, in my judgment, several significant provisions failing clearly within the primary jurisdiction of the Foreign Relations Committee. And I have disclosed now my interest in this amendment of the Foreign Relations Committee. I do not think there can be a clearer case of imposing upon the jurisdiction of the Foreign Relations Committee than section 1005 of the bill, entitled "Use of Military Contacts Funds for Professional Military Education and Training."

That is a lot of gobbledegook perhaps, but it is a provision that represents an obvious effort by some to commandeer a longstanding foreign policy instrument of the Department of State, that being the International Military Education and Training program known familiarly as IMET.

Section 1005 of this bill does not even pretend to be entirely separate from the existing IMET program. The proposed authority would allow the Department of Defense to engage in a back-door foreign assistance program without the supervision of the State Department. Additionally, it weakens the Foreign Relations Committee by conducting "military education and training for military and civilian personnel of foreign countries."

Now, again, I am not going to get into any fight about the turf, but I must point out that this is the second year that an attempt has been made to seize foreign tools belonging solely to the Secretary of State. At a time when we should be considering consolidating the foreign affairs apparatus of the United States into the Department of State, it makes no sense to me to proliferate the number of foreign assistance programs outside the control of the Secretary of State. It makes even less sense in light of the drastic budget cuts undergone by the Department of Defense to pay for foreign aid in the defense budget and from defense funds. The result will be more nondefense spending in the 050 account. This authority—and I have checked on this—was not requested by the administration. It has not been agreed to by the Committee, I respectfully request that this particular provision be removed from the bill during conference.

That action I believe would recognize appropriately the jurisdictional responsibilities of both of our committees. I thank the Chair, and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland?

Mr. SARBANES. Mr. President, will the Senator from Rhode Island yield me the remainder of his time?

Mr. PELL. I yield the remainder of my time to the Senator from Maryland.

Mr. HELMS. And if I have any time I yield it to the Senator from Maryland.

The PRESIDING OFFICER. The Senator has 3½ minutes. Mr. SARBANES. Mr. President, I join in the concerns expressed by Chairman HELMS and by the ranking member of the Foreign Relations Committee, Senator PELL, about section 1005 of this bill. This section would have the effect of creating a second IMET Program, a new program for foreign militaries. IMET, the International Military Education and Training Program, funds tuition for foreign military officers in U.S. professional military training courses, and related activities. It has traditionally been funded through the foreign aid bill.

In fact, the foreign operations appropriations bill reported by the Senate Appropriations Committee provides a full $40 million for IMET in fiscal year 1997. It is one of the only programs in the entire foreign aid budget that is slated to get more money in fiscal year 1997 than in fiscal year 1996 or 1995.

When the Military-to-Military Contacts Program was established in the Defense Department, the justification was used that this would not—would not—be another IMET Program. It was to be something entirely separate. It was not going to duplicate IMET activities.

That is the reason it was spelled out exactly what the new Military-to-Military Contact Program was going to be. In the law, there are listed eight specific activities, such as exchanges of personnel, transportation for contact and liaison teams, seminars and conferences, and distribution of publications, all distinct from the IMET activities.

To further ensure that the new Military-to-Military Program would not be used to circumvent the restrictions of the IMET Program, several conditions were added to ensure coordination and prevent overlap.

Because of concerns about the potential for duplication in the two programs, the fiscal year 1995 foreign operations appropriations bill required a report from the Secretary of Defense addressing the future of military training of foreign armed forces. In that report, which was issued with the concurrence of the Secretary of State, the Defense Department made the following statement:

The IMET Program and the traditional CINC military-to-military activities are distinct efforts contributing to the achievement...
of common goals. From the beginning, both programs have commanded close coordination between the Defense and State Departments. Coordination between both departments is a unique command to the effective utilization of scarce resources in support of broad U.S. foreign policy and national security goals.

Unfortunately, it appears that the bill now before us would eliminate all distinctions between the two programs. It would create, in effect, a second IMET Program under different jurisdiction and separate funding.

The Military-to-Military Contacts Program is expected to receive funding of $50 million in each of the fiscal years 1996 and 1997, out of the Services’ operations and maintenance accounts. That is on top of the $40 million already going to IMET.

I urge that it be dropped in conference. Mr. NUNN. Mr. President, I am puzzled concerning the objections to the use of Military-to-Military Contacts Program funds for international military education and training [IMET].

The committee's initiative this year seeks to build upon an existing program—the Military-to-Military Contacts Program—which is designed to encourage a democratic orientation of defense establishments and military forces of other countries. Under existing law, this program is primarily aimed at in-theater activities and generally involves military liaison teams and traveling contact teams engaging with democracies in identifying their needs and seek to design programs that are carried out by visiting experts, seminars, conferences, or exchange of personnel. When a larger need is identified that would exceed the limited funding for this program, the in-country liaison teams seek to identify programs under the Foreign Assistance Act that can satisfy the need. When IMET, however, we have found that existing funding for the IMET Program has already been programmed and the traditional IMET Program is unable to meet the need.

We have also found that the needs of emerging democracies in Eastern Europe have caused legitimate IMET needs of countries in Latin America, Africa, and Asia to go unfunded. Thus, by adding IMET as one of the activities that can be carried out under the Military-to-Military Contacts Program, we are merely seeking to provide a modest supplement to the traditional IMET Program when a truly pressing need arises. We are, of course, amenable to putting limits on the use of the military-to-military contacts programs for IMET and that has been communicated to the Foreign Relations Committee.

I hasten to point out that the Secretary of State must approve the conduct of any activity—not just IMET—carried out under the program and that funds cannot be provided for any country that is not eligible for assistance under the Foreign Assistance Act.

In summary, Mr. President, this is a modest supplement to the traditional IMET Program, it has a precedent in prior congressional action relating to the CINC Initiative Fund, and we are amenable to including reasonable funding limitations to its use for IMET. I urge my colleagues to support S. 1745.

Mr. President, I would simply say that the IMET Program is one of the highest priorities of the commanders in chief we hear from every year around the world with newly emerging democracies in the former Soviet Union and Eastern Europe have consumed a great deal of those funds, leaving almost nothing for Asia, Africa, and Latin America.

We also take note of the fact that these IMET funds have been cut each and every year, so they do not seem to have a high priority by the Foreign Relations Committee but they do have enormous priority for our military. So we will be glad to work with our friends on the Foreign Relations Committee to iron out jurisdictional problems with the hope that we can unite behind one of the most important programs we have to have created. It would enhance the war fighting capability, readiness, and sustainability of our armed forces and our military officers who have received IMET training.

Furthermore, it is opposed by the Defense Department. The committee's initiative has not been stricken from the bill. I agree that funding limitations to its use for IMET. I urge my colleagues to support S. 1745.

The committee's initiative this year seeks to build upon an existing program—the Military-to-Military Contacts Program—which is designed to encourage a democratic orientation of defense establishments and military forces of other countries. Under existing law, this program is primarily aimed at in-theater activities and generally involves military liaison teams and traveling contact teams in engaging democracies in identifying their needs and seek to design programs that are carried out by visiting experts, seminars, conferences, or exchange of personnel. When a larger need is identified that would exceed the limited funding for this program, the in-country liaison teams seek to identify programs under the Foreign Assistance Act that can satisfy the need. When IMET, however, we have found that existing funding for the IMET Program has already been programmed and the traditional IMET Program is unable to meet the need.

We have also found that the needs of emerging democracies in Eastern Europe have caused legitimate IMET needs of countries in Latin America, Africa, and Asia to go unfunded. Thus, by adding IMET as one of the activities that can be carried out under the Military-to-Military Contacts Program, we are merely seeking to provide a modest supplement to the traditional IMET Program when a truly pressing need arises. We are, of course, amenable to putting limits on the use of the military-to-military contacts programs for IMET and that has been communicated to the Foreign Relations Committee.

I hasten to point out that the Secretary of State must approve the conduct of any activity—not just IMET—carried out under the program and that funds cannot be provided for any country that is not eligible for assistance under the Foreign Assistance Act.

In summary, Mr. President, this is a modest supplement to the traditional IMET Program, it has a precedent in prior congressional action relating to the CINC Initiative Fund, and we are amenable to including reasonable funding limitations to its use for IMET. I urge my colleagues to support S. 1745.

Mr. President, I would simply say that the IMET Program is one of the highest priorities of the commanders in chief we hear from every year around the world with newly emerging democracies in the former Soviet Union and Eastern Europe have consumed a great deal of those funds, leaving almost nothing for Asia, Africa, and Latin America.

We also take note of the fact that these IMET funds have been cut each and every year, so they do not seem to have a high priority by the Foreign Relations Committee but they do have enormous priority for our military. So we will be glad to work with our friends on the Foreign Relations Committee to iron out jurisdictional problems with the hope that we can unite behind one of the most important programs we have to have created. It would enhance the war fighting capability, readiness, and sustainability of our armed forces and our military officers who have received IMET training.
spending priorities for each service that are set without regard to our unified command structure’s warfighting needs. Moreover, I cannot support the magnitude of the increase in funding especially when we are spending billions of dollars on programs we do not need now and some we may not need ever.

The additions in procurement include $750 million for the DDG-51 destroyer program, $701 million for the new attack submarine, $516 million for the V-22 program, $249 million for the C-17 program, $240 million for the E-8B program, $234 million for the F/A-18 C/D program, $204 million for the C-133 program, $183 million for the Apache longbow program, $158.4 million for the Kiowa warrior program, $147 million for the MRCS program and $107 million for the F-16 program.

The additions in research and development include the $885 million for missile defense programs to which I already opposed in plenary. For the Comanche Program and Army Force XXI, $305 million for the national defense sealift fund, $147 million for the Arsenal Ship and $116 for advanced submarine technology.

The additions in military construction projects, an annual temptation that Members cannot seem to resist, even though there is compelling reason to move these projects forward. I think the list that I have today, that at least $200 million of these projects not only did not make the initial cut of the budget request but also did not make the second cut of the services’ wish lists. We are authorizing an additional $600 million in military construction projects just so Members can say that they have brought home the bacon.

Another rite of spring, the addition of hundreds of millions of dollars in Guard and Reserve equipment was something I mentioned. Some progress has been made in avoiding the earmarking problem we had last year. Only about $485 million of the $760 million in funding is earmarked. Fortunately, no real progress has been made in eliciting a realistic budget request from the Defense Department for Guard and Reserve equipment. This failure invites earmarking funds for programs in Members’ districts and as a consequence, the funding demanded that becomes a direct, linear relationship to the Guard and Reserves’ requirements by happenstance. We should not be spending the taxpayers’ money in this way.

Several amendments to eliminate some or all of this unrequested funding were offered. Unfortunately, Mr. President, these efforts were defeated.

On other matters, I am concerned about the criteria used in allocating an additional $200 million for DOE’s environmental management program. I could support, and, fact, have long advocated increased funding for this program. However, rather than accept the recommendations provided by the Department of Energy which listed projects that, if given increased funding in the near term, could save substantial dollars in the out-years, the bill factors in additional criteria concerning site employment. I maintain that the credibility of the entire DOE cleanup operation will be undermined if it is treated merely as a jobs program. A number of factors should be assessed when deciding to increase funding for cleanup projects such as: reducing the risk to the public, workers and the environment; lessening the long-term mortgage costs of the program; mandates and the environment; lessening the long-term mortgage costs of the program; mandates from Federal and State laws; and stakeholder input. I do not believe that the effect on a given site’s employment should be among these factors.

I disagree with the committee’s report language concerning the external regulation of the Department of Energy. I believe Secretary O’Leary’s Advisory Committee on External Regulation established credible reasons for moving to external regulation, and I believe that this move can be accomplished without significant increased costs to the taxpayer and without any detrimental impact on our Nation’s security. In my view, the Defense Nuclear Facilities Safety Board will continue to play a key role in ensuring the safe operation of the defense nuclear facilities. Since January of this year, the Department has been carefully reviewing the options available for transitioning to external regulation. A preferred option should be presented to the Secretary within the next several weeks. I believe that the Department should continue planning to move to external regulation for nuclear safety. It is my hope that the plan presented to the Secretary will outline the steps necessary for a transition, recognizing that such a transition may take several years.

During consideration on the floor, the committee accepted an amendment I offered regarding worker safety and health at DOE’s Mound. For too long Congress has done too little to ensure that the workers in our nuclear weapon complexes were adequately protected from the many hazards they face on a daily basis. While the situation has improved, the benefits earned over the years and unfortunate the case that the Mound facility is still not up to the standards of other DOE facilities, not to mention commercial nuclear facilities. This amendment requires DOE to report to Congress on progress to improve worker health and safety at the facility.

On June 21, 1996, I received a letter from DOE Under Secretary Tom Grumbly. This letter clearly establishes the Department’s intent and satisfaction with the issue of not adequately address worker safety issues at Mound. The letter lists a series of discrete program improvements that will be taken at the mound site immediately and continuing through 1997. These important upgrades should begin at the earliest possible opportunity. I remain concerned though that we may be forcing a trade off between worker safety and health improvements and the pace of cleanup at the Mound site. In such a trade off, it may be necessary to seek an authorization for these activities during conference.

Finally, I would like to mention a special retirement provision for Federal employees who happen to work at military bases where those bases will be privatized as part of base closure. The Committee on Armed Services voted 11 to 9 to add nongermane legislation to the bill that appropriately is in the jurisdiction of the Senate Governmental Affairs Committee. This amendment was also recently introduced as a bill, S. 1686, which is pending before the Subcommittee on Post Office and Civil Service of the Governmental Affairs Committee.

Its stated purpose is to make privatization more likely to succeed by giving employees an incentive to stay at the base when a private employer takes over the workload. Under the terms of the amendment, 30 percent of the federal civilian employees at two DOD bases, one in Indianapolis and one in Louisville, would enjoy civil service retirement system [CSRS] benefits that no other Federal employee enjoys today. I believe the authors of the amendment intended for it to apply to a third base in Newark, OH, but it is unclear whether the workers at the Ohio base will be eligible for the benefit. In addition, it is unclear whether bases in Texas and California will also be covered by the amendment.

Under the terms of the amendment, additional retirement system credits would be given to employees in the civil service retirement system [CSRS] whose jobs are being privatized, and who are not eligible for immediate retirement benefits. The amendment would allow these employees to count their time as a prior Government employee as qualifying service toward meeting the eligibility requirements under CSRS. In addition, their current high-3 years of salary would be indexed to general increases in Federal salaries. These benefits are independent of additional subsequent retirement benefits earned by the employees following privatization.

Under current law, the affected employees would be eligible for a CSRS pension at age 62 with the high 3 years based on current employment by the Federal Government. Under the terms of the amendment, these employees could retire at an earlier age and their high-3 years of salary would be at a level indexed during the years of privatization. The concern is that the employees would not even be required to contribute toward the cost of these extra benefits, although Federal employees in CSRS must contribute toward system costs.
While the stated purpose of the amendment is to encourage Navy employees to accept contractor employment in Indianapolis and Louisville, the proposed retirement incentives do not apply to 70 percent of the work force.

Fifty-one percent of the employees are covered under the Federal employees retirement system [FERS] and therefore, are ineligible for the proposed retirement incentives. Fifty-one percent of the employees at the two facilities are now eligible to retire under CSRS and therefore, are ineligible for the proposed retirement incentives. Fifty-one percent of the employees at the two facilities are now eligible to retire under CSRS and therefore, are ineligible for the proposed retirement incentives.

My problem with the amendment adopted by the Armed Service Committee is that it is not generous enough to discourage employees from seeking other Federal employment and this is the focus of this legislation. The assumption that a majority of these employees will move onto other Federal employment also assumes that these employees will want to relocate and that they will find jobs through the priority placement program. These are two assumptions that I question. To repeat, the amendment is not generous enough to fulfill its stated purpose, while at the same time it is too generous when one considers that the Government is proposing to do nothing for other Federal employees being separated from Government employment. It is these sorts of contradictions which should be the subject of congressional hearings before we act.

WESTERN KENTUCKY TRAINING SITE

Mr. FORD. Mr. President, the fiscal year 1997 Department of Defense authorization bill we will pass today contains $10.8 million in authorized funding for phase 3 construction of the Western Kentucky Training Site in Muhlenberg County.

I appreciated the willingness of my colleagues to secure this funding for phase 3 construction at the site and wanted to share with them a recent article from Soldiers magazine. This article gives an excellent review of the center's training activities and its importance to our Nation's defense, calling it the training site of choice of units stationed in the Eastern United States.

Mr. President, I would like to thank my colleagues for their support of this military site, and I ask unanimous consent that the article be printed in the Record.

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

[From Soldiers magazine, July 1996]

KENTUCKY'S NTC EAST

(By Ssgt. David Alton)

Camouflaged soldiers bustle around the airstrip. In the distance, a formation of attack helicopters moves slowly across the overcast sky, slungloads of vehicles and equipment swinging beneath them.

A C-130 Hercules transport lands and kicks up a cloud of dust as it taxis to the end of the strip. Turning around in preparation for takeoff, the aircraft is immediately surrounded by a team of soldiers emerging from the nearby tree line.

A Humvee pulling a trailer is quickly off-loaded, and its cargo is marched into the woods. The C-130 stirs up another dust storm as it roars back down the runway toward home base. The entire operation take less than five minutes.

Welcome to the Western Kentucky Training Site.

Owned and operated by the Kentucky National Guard, the WKYTS is proving popular with active and Reserve soldiers and airmen, making it the training site of choice for units stationed in the Eastern United States.

The greatest appeal of the training site is the open terrain. Occupying more than 22,800 acres of reclaimed strip mine property near the western tip of Kentucky, the facility has enough flat and rolling land to give commanders plenty of training options. Nearby Fort Campbell and Fort Knox have live-fire ranges, accommodating everything from M1 Abrams main battle tanks to Multiple Launch Rocket System, the WKYTS has showed a real need for movement-to-contact exercises and large-scale maneuvers.

The expense of the WKYTS is a tanker's dream come true, said Lt. Col. Norman Arflack, commander of the Kentucky Army Guard's 1st Battalion, 123rd Armor.

"As a maneuver unit we need to conduct force-on-force training, especially when we go to battalion-on-company tactics," he said. "That's hard to do unless you go someplace like Fort Hood. We feel fortunate to have a facility like this close, especially with training dollars so tight."

Col. Pat Ritter, director of the Fort Knox Battle Lab, which oversaw Focused Dispatch, held a similar opinion. "If this isn't NTC east," he said, referring to the National Training Center in California, "I don't know what is.

Following the pattern of modernization established at the WKYTS, there is an addition of a new moving target system using a laser interface device, similar to the familiar MILES systems that most crews are already trained to use. Along with various stationery electronic targets and a wash rack designed to accommodate the largest military hardware, the training center possesses features of a fully equipped battle training site.

There are plans to station a battalion of M1s at the site this summer for year-round use. Visiting units will have access to this equipment and, making them ship their own tanks, increasing training cost-effectiveness.

CWO 4 Joe Wilkins, WKYTS manager, is especially proud of the expansion taking place at the site. Most recent is a $6.5 million project that will house 175 soldiers. In the works are new classrooms and offices, dorms, a gymnasium, and an auditorium.

"It's our goal to create the best military training facility possible," said Wilkins, "not just for the Kentucky Guard, but for any Guardsman who has a training session. We don't like to think of ourselves as being limited in our vision."
The versatility of the WKYTS already pays off. Last fall’s Operation Mega Gold, for example, brought together elements of the 101st Airborne Division with assets of the Kentucky Air National Guard’s 123rd Airlift Wing. More than 5,000 soldiers and airmen took part in the two-week exercise, culminating in the simulated capture of an airfield by enemy forces.

Teamwork and high technology are also playing an important part in preserving the ecological stance of the WKYTS. In addition to implementing Army’s Integrated Training Area Management Program, site managers have begun working with local universities in creating a comprehensive database listing everything from endangered species to the different types of soils. The goal is to create a complete picture of the natural resources of the WKYTS and, in turn, ensure more efficient management of the site’s training environment.

“We want our soldiers to train in a natural environment, not a wasteland,” said Faith Fiene, state environmental manager for the Kentucky Department of Military Affairs. “With better identification of training areas and areas of avoidance by our soldiers today, we intend to preserve this training area for future soldiers as well.”

In 1994 the site received the Kentucky Governor’s Environmental Excellence Awards in Soil and Water. An agreement with the state’s Department of Fish and Wildlife Resources promises to dramatically expand the training assets that will be available to the military as well as the recreational assets available to the public.

With its beginnings in 1969 as a 29-acre weekend training site, the WKYTS has grown considerably during its development into what many in the Kentucky Guard hope will prove to be the state-of-the-art battle training site of the 21st century.

Just as the nature of battle is one of constant change, the WKYTS is constantly improving itself, mixing computer simulation technology, satellite positioning systems, and targeting with the mud and the dust of field training—all to prepare today’s soldier for tomorrow.

Mrs. Frahm. Mr. President, I rise today in support of the fiscal year 1997 Defense Authorization bill. Through the able guidance of the distinguished chairman, Senator Thurmond, the committee has worked out a strong bill, which not only ensures the readiness of our forces today, but also, through the addition of funds for the procurement and research and development accounts, takes significant steps toward ensuring the future readiness of our military.

The bill currently before us represents the second straight year of Republican leadership on defense—common-sense conservatism correcting the drastic cuts to our defenses imposed by the current administration. Had we simply rubberstamped the administration’s request, we would have again placed this country on the path back to a hollow force. Once again, the Republican led congress has taken the leadership in maintaining our Armed Forces preeminence. With additional funding in the so-called investment accounts, increased funding for military construction and the fully funded GI Bill, the Senate has taken steps which will ensure that the men and women of the U.S. military are not only the best trained and equipped, but also that they are provided with an adequate quality of life.

Mr. President, I am also pleased that the bill contains a number of provisions which are important to my State of Kansas. For example, Mr. Parsons, or Junction City, this bill has great effects on Kansas. For example, the bill includes funding for construction projects at Fort Riley, McConnell AFB, and the Kansas National Guard. Additionally, it also ensures the efficient procurement of the majority of aircraft training systems, manufactured in Wichita, and the sensor fused weapons, a program important to the Kansas Army Ammunition plant.

In closing, Mr. President, as the newest member of the Armed Services Committee, I look forward to working with my colleagues in conference to craft a bill which will pass both Chambers and be presented to the President for his signature. In so doing, we will invite the President to join with us in restoring the U.S. military and ensuring their future preparedness.

Ms. MOSELEY-BRAUN. Mr. President, after much thought and careful consideration of our military obligations and needs, I have, reluctantly, to vote against the National Defense Authorization Act. My decision has been made all the more difficult because the bill two amendments—protection of a woman’s marital property rights if a spouse rolls the military pension and the continuation of funding for the Computer Aided Education and Training Institute—which I authored. This fact notwithstanding, I cannot, in good conscience, vote in favor of the fiscal year 1997 National Defense Authorization Act as reported out by the Armed Services Committee and amended by the Senate.

Mr. President, my reasons for voting against S. 1745 are threefold.

First, and most important, the present bill still exceeds the President and Pentagon’s request by $11.3 billion. This includes $31 billion for unrequested procurement items—for some unexplained reason, the bill does not provide $2 billion for requested procurement projects—and $3.3 billion for weapons and weapon systems that are not a part of the Department of Defense’s long-range modernization plans. Second, the bill includes $3.4 billion for unrequested development items, while failing to provide $900 million for research and development projects requested by the President.

These unrequested increases add to the budget deficit and our national debt.

Third, many of the requested weapons and weapons systems, at best, only marginally add to the national security of our Nation. In any case, their cost do not justify their manufacture and implementation.

Mr. President, I believe in a strong defense. I also believe that defense expenditures must be consistent with our military need and obligations and that whatever we purchase it must be affordable. Sadly, the fiscal year 1997 National Defense Authorization Act does not meet either of those criteria.

Mr. SARBANES. Mr. President, I want to express my strong support for provisions in this legislation which ensure that our Nation’s only military medical school, the Uniformed Services University of the Health Sciences (USUHS) will continue its important military medical training programs into the 21st century.

Since it was established in 1972, USUHS has played a vital role in providing top-quality medical care to the men and women of our armed services. The institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness.

USUHS provides a unique curriculum that integrates medical logistics, nuclear medicine, tropical infectious diseases, and medical responses to terrorism.

Over the years, the university’s graduates have consistently demonstrated a high level of performance during their various deployments in combat areas and in support missions from Desert Storm to Bosnia and Somalia. This performance based upon their extensive military training has been validated by three Surgeons General, the Assistant Secretary of Defense for Health Affairs, the American Medical Association and the Military Coalition, the Retired Officers Association, the National Association for Unified Services and the American Legion, among others. I ask that letters from these organizations attesting to the critical importance of the university be printed in the RECORD immediately following my statement.

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

Mr. SARBANES. Also, I want to underscore the long-term commitment made by the majority of USUHS graduates to our armed services. Although USUHS graduates are required to serve 7 years of active duty beyond the time they devote to internships and residencies, the average time they serve is actually 18.5 years. Of the 2,304 USUHS graduates-to-date, more than 94 percent are still serving in the Air Force, the Army, the Navy, or the Public Health Service. Even more incredible is the fact that, even those who have completed their required obligation and could leave for private practice, 85 percent continue to serve our Nation.

Mr. President, the continued operation of the Uniformed Services University of the Health Sciences remains...
critical to our ability to provide a continuous, experienced cadre of military physicians to meet our Nation’s special needs of military medicine and medical readiness in the future. I appreciate my colleagues’ continued support and commitment in this very important matter.

EXHIBIT 1

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., June 18, 1996.

Hon. PAUL S. SARBANES, U.S. Senate, Washington, D.C.

DEAR SENATOR SARBANES: The American Medical Association (AMA) is writing to request your opposition to Senator Feingold’s anticipated amendment to the FY 1997 Department of Defense Authorization bill (S. 1745) which would phase out the Uniformed Services University of the Health Sciences (USUHS). We urge you to join with your colleagues in the House of Representatives who, on May 25, voted overwhelmingly (343-82) not to close the USUHS.

Our Nation’s only military medical school is a national asset which contributes greatly to our military preparedness as a cost effective source for the Uniformed Services. Military physicians require special training to equip them in handling peace and war time situations that are not taught in traditional medical schools. For example, during recent military deployments in Bosnia, Somalia and the Gulf, the effects of modern weapons, the stress of continuous operations, air and noise, toxins and other battlefield hazards were adroitly handled by USUHS-trained physicians. The knowledge imparted to these highly-equipped officers is vastly different from that taught in a civilian medical practice.

Many are unaware that the USUHS not only educates its own graduates, it also provides special continuing medical education courses for other physicians. Such education includes courses in combat casualty care, tropical medicine, combat stress, disaster medicine, and medical responses to terrorism—courses not available through civilian medical schools.

A 1995 GAO study concluded that the USUHS is cost effective to the federal government by producing medical graduates who consistently meet the special needs of military medicine. This study also acknowledged another telling advantage of USUHS-trained physicians: 43 out of 44 commanders of major military medical units perceived that physicians from the USUHS have a greater overall understanding of the military, greater commitment to the military, better preparation for operational assignments, and better preparation for leadership roles.

The AMA believes that the USUHS’s mission and goals are consistent with our nation’s national interest. It is a cost-effective source of militarily trained physicians for the Armed Forces. We continue to support USUHS.

Sincerely,

STEV E A. ROBERTSON,
Director, National Legislative Commission.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, Va., June 17, 1996.

DEAR SENATOR: As a result of misleading information and incomplete information several attempts have been made to close the Uniformed Services University of the Health Sciences (USUHS) once again you urge to support USUHS.

The General Accounting Office (GAO) recently confirmed what we and other military associations have been asserting during the past four consecutive attempts at closure...there is NO DIFFERENCE in the federal government in the cost per year of service between USUHS and the scholarship physicians (GAO/HEHS-95-244, page 32). The cost per year is: $181,757/USUHS vs. $181,699/scholarship.

Further, there is a difference between medical practice in military and civilian settings. During military deployments to Bosnia, Somalia, Haiti and the Gulf, the effects of modern weapons, the stress of continuous operations, and the noise, toxins, and other hazards of battlefield were encountered and anticipated. Military physicians had to deal with realities of risk assessment, prevention, medical evacuation, and the clinical findings of diseases and injuries; the outstanding performance of deployed USUHS physicians has been recognized and verified by the Surgeons General of the Uniformed Services and the medical commanders in response to the GAO.

It is a fact that “the militarily unique courses provided by USUHS are NOT available through civilian medical schools.”

AMERICAN MEDICAL ASSOCIATION letter of endorsement to the Congress dated May 15, 1996.

USUHS has consistently met, or exceeded, its mission. This excellence in service was recognized in the House of Representatives on May 15, 1996, with 343 votes for the retention of USUHS vs. 82 votes for closure.

We believe that the Senate should reaffirm its decision for the continuation of USUHS as a cost effective source of militarily-trained physicians for the Armed Forces. We believe that we owe it to those who serve our Nation in the Uniformed Services to provide them with the best medical support that is available.

Sincerely,

J. C. PENNINGTON,
Major General, USA, Retired, President.

Mr. PELL. Mr. President, I would like to draw the attention of my fellow Members to a significant nonproliferation amendment now in the defense authorization bill. I have joined with the Senator from Ohio [Mr. GLENN] in the provision that would withhold for a period of 1 year Export-Import Bank credits for any entity that knowingly assists a nonnuclear-weapons state to acquire an explosive device or the special nuclear materials for such a device. I am pleased that the Senator from North Carolina [Mr. HELMS] is joining us as a cosponsor.

This amendment, which has been adopted, represents a significant advance in our efforts to target companies that are profiting from nuclear proliferation. It will strengthen the President’s hand in showing U.S. determination to do all that it can to prevent illicit trafficking in nuclear weapons and the materials needed to make them.

Under current law, and subject to a national interest waiver, Eximbank credits are denied to: First, any country that has violated an international nuclear safeguards agreement; second, any country that has violated an agreement for nuclear cooperation with the United States; third, any nonnuclear weapons state that has detonated a nuclear weapon, or, fourth, any country that has willfully aided or abetted a nonnuclear weapons state to get nuclear weapons.

This amendment requires the President to apply sanctions against persons, including government-owned entities operating as commercial enterprises, that knowingly aid or abet efforts by a country to acquire a nuclear explosive device or the nuclear material for such a device. The amendment also authorizes the President to terminate sanctions upon receipt of reliable assurances that the effort to aid or abet has ceased and that such country or person will not in the future aid or abet any nonnuclear-weapons state in efforts to acquire nuclear explosives or safeguarded materials.

Mr. President, in May the State Department announced that a firm owned by the Chinese Government—CNEIC,
Mr. GLENN. I certainly do. As the Senator knows, DOE has recently issued regulations pursuant to the Price Anderson Act/Atomic Energy Act. These regulations are entitled Nuclear Safety Management, 10 CFR 830, and Occupational Radiation Protection, 10 CFR 835. A primary purpose of these regulations is to strengthen line management accountability for nuclear safety. These regulations are enforceable with sanctions, such as fines and penalties. The strength of the regulations is enhanced by public accountability, primarily of the DOE contractors, through self-reporting, as well as through DOE inspections. Does the distinguished Senator in the Price Anderson nuclear safety regulations will enhance the DOE's goal of improving nuclear safety?

Mr. KEMPThORNE. Absolutely. A key factor in improving nuclear safety at DOE defense nuclear facilities is line accountability. The Secretary of Energy and Defense Nuclear Facilities Safety Board have repeatedly highlighted this point. In order for Congress to be assured that such accountability is occurring, we should ask of course the Department of Energy to provide Congress with regular briefings on the status of its compliance with the important nuclear safety regulations which we have discussed here today.

Mr. GLENN. I agree. Such briefings could include: First, a list of defense nuclear facilities evaluated and a discussion of progress made in meeting the compliance requirements set forth in the regulations appropriate; second, a list of non-compliance events and violations of the regulations identified by line management and headquarters oversight; third, improvements in public safety and worker safety as a result of these regulations; and fourth, any other information which the Department deems important.

Mr. KEMPThORNE. I believe this is important information for Congress to have as it carries out its responsibilities. I look forward to continuing to work with the Senator from Ohio on this important issue.

Mr. GLENN. I thank the Senator and congratulate him on his leadership on these issues on the Strategic Forces Subcommittee.

Mrs. BOXER. Mr. President, although I support many provisions of this bill, I will vote against the National Defense Authorization Act of 1997.

This bill authorizes more than $30 billion above the funding level requested by the administration and the Joint Chiefs of Staff. This level of funding is simply unwarranted.

The United States spends more on its military than the next five countries combined, most of which are our NATO allies. In the Cold War, the Cold War has been won. Our military must focus on the very real threats of today, not the ghost of the Warsaw Pact.

Furthermore, more than $2 billion of the congressional add-on is earmarked for programs that are not in the Pentagon's 5-year defense plan. These are programs that the Pentagon says it does not need now and will not need for the foreseeable future. Funneling billions of dollars into programs the military has made clear it does not need is bad policy in the extreme.

I am pleased that the managers have agreed to remove objectionable language concerning the ABM Treaty from the bill. While the removal of these legislative riders improves the bill, it still includes an unjustifiable authorization level for ballistic missile defense programs. I vigorously support funding for theater missile defense systems, but oppose the shift in emphasis contained to national missile defense systems. To deploy a national missile defense system as envisioned by the sponsors of this bill could cost up to $60 billion while contributing little to our nuclear security.

The bill contains three amendments that I offered. An amendment offered by Senator GRASSLEY and myself would cap the amount of reimbursable compensation for government contractors at $600,000. This amendment would put an end to the multimillion dollar bonuses that defense executives regularly pay themselves, and then pass the bill to the American taxpayer.

Another amendment I offered would make it easier for civilians to take advantage of the tremendous resources available at the Defense Language Institute. Also, the managers accepted an amendment I offered to extend a pilot program for the purchase of municipal services at the closing Fort Ord. I hope that the managers will work to retain these amendments in conference.

Mr. GORTON. Mr. President, I ask unanimous consent for 1 minute to ask a question of the managers of the bill. At the conclusion of that question, I would move to cut off the debate.

Mr. GORTON. Mr. President, I, too, have an amendment that I would like considered in this bill. I have discussed it with the staff and with the principal. Because they do not want to go back to second reading, they did not want to do it at the present time. But in an amendment which Senator MURRAYS and I sponsored with relation to USTF’s and medical care, we have a portion of section 722 that the two of us would like deleted. It is connected to the assurances, which I am sure are there, of the Senators that they will work to do the job right for Seattle and the State of Washington in the course of the conference.

Mr. SCHUMACHER. The Senator from South Carolina.

Mr. THURMOND. I assure the Senator we will be glad to discuss this matter in conference.

Mr. PRESIDING OFFICER. I understand the Senator from South Carolina.

Mr. THURMOND. I assure the Senator we will be glad to discuss this matter in conference.
July 10, 1996

CONGRESSIONAL RECORD — SENATE

S7525

and understand the effects of the amendment at this point, but we will be glad to work with him in con-
ference.

Mr. GORTON. I thank the managers of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that all re-
maining votes following the vote on passage of the Dodd appropriations bill be limited to 10 minutes in length, and there be 1 minute for explanation to be provided prior to the votes with respect to the Dorgan amendment and the Kasasebaum amendment.

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

Mr. THURMOND. Mr. President, going back to the defense bill, I just want to take this opportunity, although I have had printed the name of every staff member of the Armed Services Committee following my earlier remarks in the Record—they all did a fine job—I just want to especially commen-
d the director, Les Brownlee, for the outstanding job he has done. He has done one of the best jobs since I have been in the Senate in connection with a defense bill.

I also would like to commend Arnold Punaro, the director on the minority side, for doing such a fine job. He has been in the Senate since 1973. We have been very fortunate to have Les Brownlee and Arnold Punaro to work with us on this defense bill.

Mr. NUNN. Mr. President, have the yeas and nays been ordered on the bill? The PRESIDING OFFICER. They have not.

Mr. NUNN. Mr. President, 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 now occurs on the passage of S. 1745, as amended.

The clerk will call the roll.

Mr. NICKLES. Mr. President, I announce that the Senator from Mississippi [Mr. Coch-
ran] is necessarily absent.

The result was announced, yeas 68, nays 31, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—68

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brown
Burns
Campbell
Coats
Chafee
Conrad
Coverdell
Craig
D’Amato
Daschle
DeWine
Dodd
Domenici
Fasicko
Feinstein
Ford
Frates
Frist
Gorton
Graham
Gramm
Grasso
Gregg
Hatch
Health
Helms
Jennings
Hutchison
Inhofe

Smith
Snowe
Stevens
Simpson
Thomas
Harkin
Hatfield
Kennedy
Kerry
Kerry
Kohl
Laufenberg
Leahy
Levin
Moseley-Braun
Moynihan

Thurmond
Pell
Pryor
Rockefeller
Sarbanes
Simon
Specter
Welstone
Wyden

Robb

Sec. 125. Maritime prepositioning ship pro-
gram enhancement.
Sec. 126. Additional exception from cost lim-
itation for Seawolf submarine program.
Sec. 127. Radar modernization.

Subtitle D—Air Force Programs
Sec. 131. Multiyear contracting authority for
the C-17 aircraft program.

Subtitle E—Reserve Components
Sec. 141. Assessments of modernization pri-
orities of the reserve compo-

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and ex-
ploratory development.
Sec. 203. Defense Nuclear Agency.
Sec. 204. Funds for research, development, test,
and evaluation relating to humani-

tarian demining tech-

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Space launch modernization.
Sec. 212. Department of Defense Space Ar-
chitect.
Sec. 213. Space-based infrared system pro-
gram.
Sec. 214. Research for advanced submarine

technology.
Sec. 215. Clementine 2 micro-satellite devel-


program.
Sec. 216. Tier III minus unmanned aerial vehi-
cle.
Sec. 217. Defense airborne reconnaissance pro-
gram.
Sec. 218. Cost analysis of F-22 aircraft pro-
gram.
Sec. 219. F-22 aircraft program reports.
Sec. 220. Nonlethal weapons and tech-

nologies programs.
Sec. 221. Counterproliferation support pro-
gram.
Sec. 222. Federally funded research and de-
velopment centers and univer-
sity-affiliated research centers.
Sec. 223. Advanced submarine technologies.
Sec. 224. Funding for basic research in nu-
clear clear seismic monitoring.
Sec. 225. Cyclone class craft self-defense.
Sec. 226. Computer-assisted education and
training.
Sec. 227. Seamless High-Off-Chip
Connectivity.
Sec. 228. Cost-benefit analysis of F/A-18E/F
aircraft program.
Sec. 229. National Polar-Orbiting Oper-

ational Environmental Satel-

tile System.
Sec. 230. Surgical strike vehicle for use against hardened and deeply buried targets.

Subtitle C—Ballistic Missile Defense
Sec. 231. Conversion of A/BM treaty to multi-

lateral treaty.
Sec. 232. Funding for upper tier theater mis-

sile defense systems.
Sec. 233. Elimination of requirements for
certain items to be included in the
annual report on the ballistic
missile defense program.
Sec. 234. A/BM treaty defined.
Sec. 235. Scorpions launch array pro-


tects.
Sec. 236. Corps SAM/MEADS program.
Sec. 237. Annual report on threat of attack
by ballistic missiles carrying
nuclear, chemical, or biological

warheads.
Sec. 238. Air Force national missile defense plan.
Sec. 293. Extension of prohibition on use of funds to implement an international agreement concerning theater missile defense systems.

Sec. 341. Establishment of separate environmental restoration accounts for each military department.

Sec. 345. Authority to withhold listing of Federal facilities on National Priorities List.

Sec. 346. Authority to transfer contaminated Federal property before completion of required remedial actions.

Sec. 347. Clarification of meaning of uncontaminated property for purposes of transfer by the United States.

Sec. 348. Shipboard solid waste control.

Sec. 349. Cooperative agreements for the management of cultural resources on military installations.

Sec. 350. Report on withdrawal of public lands at El Centro Naval Air Facility, California.

Sec. 351. Use of hunting and fishing permit fees collected at closed military reservations.

Sec. 352. Authority for agreements with Indian tribes for services under Environmental Restoration Program.

Sec. 353. Reporting and consultation requirements for response actions.

Sec. 354. Requirement for reports on completion of required remedial actions.

Sec. 355. Authority to extend period for removal of Federal property before remediation.

Sec. 356. Authorization of appropriations for Program.

Sec. 357. Authority to extend period for removal of Federal property before remediation.

Sec. 358. Prohibition on reorganization of Army ROTC Cadet Command of the Army Reserve and National Guard.

Sec. 359. Prohibition on reorganization of Army ROTC units pending report on ROTC.

Sec. 360. Authority to extend period for removal of Federal property before remediation.

Sec. 361. Extension of authority for temporary promotions for certain Navy lieutenants with critical skills.

Sec. 362. Exception to baccalaureate degree requirement for appointment in the Naval Reserve in grades O-3.

Sec. 363. Time for award of degrees by unaccredited educational institutions for graduates to be considered educationally qualified for appointment as Reserve officers in grades O-3.

Sec. 364. Frequency of periodic report on promotion rates of officers currently or formerly serving in joint duty assignments.

Sec. 365. Grade of Chief of Naval Research.

Sec. 366. Service credit for senior ROTC cadets and midshipmen in simultaneous membership program.

Sec. 367. Retirement at grade to which select service is credited.

Sec. 368. Uniform policy regarding retention of members who are permanently nonworldwide assignable.

Sec. 369. Authority to extend period for enrollment in regular component under the delayed entry program.

Sec. 370. Authorization of appropriations for military personnel.

Sec. 371. Clarification of definition of active status.

Sec. 372. Amendments to Reserve Officer Personnel Management Act provisions.

Sec. 373. Repeal of requirement for physical examinations of members of National Guard called into federal service.

Sec. 374. Authority for a Reserve on active duty to waive retirement sanctions.

Sec. 375. Retirement of reserves disabled by injury or disease incurred or aggravated during inactive duty training periods.

Sec. 376. Reserve credit for participation in the Health Professions Scholarship and Financial Assistance Program.

Sec. 377. Report on Guard and Reserve force structure.

Sec. 378. Modified end strength authorizations for military technicians for the Air National Guard for fiscal year 1990.

Sec. 379. Inactive duty to waive retirement sanctions.

Sec. 380. Demonstration project for instruction and support of Army ROTC units by members of the Army Reserve and National Guard.

Sec. 381. Demonstration project for instruction and support of Army ROTC units pending report on ROTC.

Sec. 382. Prohibition on reorganization of Army ROTC units pending report on ROTC.

Sec. 383. Uniform policy regarding retention of members who are permanently nonworldwide assignable.

Sec. 384. Authority for a Reserve on active duty to waive retirement sanctions.
Sec. 1006. Payment of certain expenses relating to humanitarian and civic assistance.

Sec. 1007. Reimbursement of Department of Defense for costs of disaster assistance provided outside the United States.

Sec. 1008. Fisher House Trust Fund for the Navy.

Sec. 1009. Designation and liability of disbursing and certifying officials for the Coast Guard.

Sec. 1010. Authority to suspend or terminate collection actions against deceased members of the Coast Guard.

Sec. 1011. Cashing and exchange transactions with credit unions outside the United States.

Sec. 1012. Authority to transfer naval vessels.

Sec. 1013. Transfer of certain obsolete tugboats of the Navy.

Sec. 1014. Repeal of requirement for continuance of applicability of contracts for phased modernization of AE class ships.

Sec. 1015. Contract options for LMSR vessels.

Sec. 1016. Sense of the Senate concerning USS LCS 102 (LSSL 102).

Sec. 1017. Authority to provide additional support for counter-drug activities of Mexico.

Sec. 1018. Limitation on defense funding of the National Drug Intelligence Center.

Sec. 1019. Investigation of the National Drug Intelligence Center.

Sec. 1020. Agreements for exchange of defense personnel between the United States and foreign countries.

Sec. 1021. Authority to transfer naval vessels.

Sec. 1022. Transfer of certain obsolete tugboats of the Navy.

Sec. 1023. Limitation on defense funding of the National Drug Intelligence Center.

Sec. 1024. Investigation of the National Drug Intelligence Center.

Sec. 1025. Agreements for exchange of defense personnel between the United States and foreign countries.

Sec. 1026. Sense of the Senate regarding the United States-Japan semiconductor trade agreement.

Sec. 1027. Food donation pilot program at the service academies.

Sec. 1028. Designation of the National D-Day Memorial as National D-Day Memorial.

Sec. 1029. Improvements to National Security Education Program.

Sec. 1030. Reimbursement for excessive compensation of contractor personnel prohibited.

Sec. 1031. Sense of the Senate on Department of Defense sharing of experiences with military youth programs.

Sec. 1032. Sense of the Senate on Department of Defense sharing of experiences with military child care.

Sec. 1033. Increase in penalties for certain traffic offenses on military installations.
Sec. 1113. Federal holiday observance rules for Department of Defense employees.
Sec. 1114. Revision of certain travel management authorities.

Subtitle B—Defense Economic Adjustment, Diversification, Conversion, and Stabilization
Sec. 1121. Pilot programs for defense employees converted to contractor employment due to privatization at closed military installations.
Sec. 1122. Troops-to-teachers program improvements applied to civilian personnel.

Subtitle C—Defense Intelligence Personnel
Sec. 1131. Short title.
Sec. 1132. Civilian intelligence personnel management.
Sec. 1133. Repeals.
Sec. 1134. Clerical amendments.

TITLE XII—FEDERAL CHARTER FOR THE FLEET RESERVE ASSOCIATION
Sec. 1201. Recognition and grant of Federal charter.
Sec. 1202. Powers.
Sec. 1203. Purposes.
Sec. 1204. Service of process.
Sec. 1205. Membership.
Sec. 1206. Board of directors.
Sec. 1207. Officers.
Sec. 1208. Restrictions.
Sec. 1209. Liability.
Sec. 1210. Maintenance and inspection of books and records.
Sec. 1211. Audit of financial transactions.
Sec. 1212. Annual report.
Sec. 1213. Reservation of right to amend or repeal charter.
Sec. 1214. Tax-exempt status.
Sec. 1215. Termination.
Sec. 1216. Definitions.

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION
Sec. 1301. Short title.
Sec. 1302. Findings.
Sec. 1303. Definitions.

Subtitle A—Domestic Preparedness
Sec. 1311. Emergency response assistance program.
Sec. 1312. Nuclear, chemical, and biological emergency response.
Sec. 1313. Military assistance to civilian law enforcement officials in emergency situations involving biological or chemical weapons.
Sec. 1314. Testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials
Sec. 1321. United States border security.
Sec. 1322. Nonproliferation and counter-proliferation research and development.
Sec. 1324. Criminal penalties.
Sec. 1325. International border security.

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.
Sec. 1332. Verification of dismantlement and conversion of weapons and materials.
Sec. 1333. Elimination of plutonium production.
Sec. 1334. Industrial partnership programs to demilitarize weapons of mass destruction production facilities.

Sec. 1335. Lab-to-lab program to improve the safety and security of nuclear materials.
Sec. 1336. Cooperative activities on security of highly enriched uranium used for propulsion of Russian ships.
Sec. 1337. Military-to-military relations.
Sec. 1338. Transfer authority.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction
Sec. 1341. National coordinator on non-proliferation.
Sec. 1342. National Security Council Committee on Nonproliferation.
Sec. 1343. Comprehensive preparedness program.
Sec. 1344. Termination.

Subtitle E—Miscellaneous
Sec. 1351. Contracting policy.
Sec. 1352. Transfers of allocations among cooperative threat reduction programs.
Sec. 1353. Additional certifications.
Sec. 1354. Authority to transfer limited uranium derived from Russian highly enriched uranium.
Sec. 1355. Purchase, packaging, and transportation of fissile materials at risk of theft.
Sec. 1356. Reductions in authorization of appropriations.

TITLE XIV—FEDERAL EMPLOYEE TRAVEL REFORM
Sec. 1401. Short title.

Subtitle A—Relocation Benefits
Sec. 1411. Modification of allowance for seeking permanent residence quarters.
Sec. 1412. Modification of temporary quarters subsistence expenses allowance.
Sec. 1413. Modification of residence transaction expenses allowance.
Sec. 1414. Authority to pay for property management services.
Sec. 1415. Authority to transport a privately owned motor vehicle within the continental United States.
Sec. 1416. Authority to pay limited relocation allowances to an employee who is performing an extended assignment.
Sec. 1417. Authority to pay a home marketing incentive.
Sec. 1418. Conforming amendments.

Subtitle B—Miscellaneous Provisions
Sec. 1431. Repeal of the long-distance telephone call certification requirement.
Sec. 1432. Transfer of authority to issue regulations.
Sec. 1434. Effective date; issuance of regulations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI—ARMY
Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations for military family housing units.

TITLE XXII—NAVY
Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Defense access roads.
Sec. 2205. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE
Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.

TITLE XXIV—DEFENSE AGENCIES
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Military housing improvement program.
Sec. 2405. Energy conservation projects.
Sec. 2406. Authorization of appropriations.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM
Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.
Sec. 2503. Redesignation of North Atlantic Treaty Organization Infrastructure program.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES
Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Funding for construction and improvement of reserve centers in the State of Washington.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2704. Extension of authorizations of certain fiscal year 1996 projects.
Sec. 2705. Prohibition on use of funds for certain projects.
Sec. 2706. Effective date.

TITLE XXVIII—GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
Sec. 2801. Increase in certain thresholds for unspecified minor construction projects.
Sec. 2802. Clarification of authority to improve military family housing.
Sec. 2803. Authority to grant easements for rights-of-way.

Subtitle B—Defense Base Closure and Realignment
Sec. 2811. Restoration of authority under 1988 base closure law to transfer property and facilities to other entities in the Department of Defense.
Sec. 2812. Agreements for services at installations after closure.

Subtitle C—Land Conveyances
Sec. 2822. Land transfer, Potomac Annex, District of Columbia.
Sec. 3121. Tritium production.

Sec. 3123. Authority for conceptual and construction design, engineering, and construction of tritium recycling facilities.

Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for emergency planning.

Sec. 3126. Authority for emergency planning, design, and construction activities.

Sec. 3127. Funds available for all national security programs of the Department of Energy.

Sec. 3128. Availability of funds.

Sec. 3129. Reaffirmation of land conveyances.

Sec. 3130. Tritium production.

Sec. 3131. Requirement for annual five-year budgeting for national security programs of the Department of Energy.

Sec. 3132. Requirements for Department of Energy nuclear weapons activities budgets for fiscal years after fiscal year 1997.

Sec. 3133. Repeal of requirement relating to developing and implementing procedures for Department of Energy funds.

Sec. 3134. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.

Sec. 3135. Update of report on nuclear test readiness posture.

Sec. 3136. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production complexes.

Sec. 3137. Extension of applicability of notice-and-wait requirement regarding proposed cooperation with the United States Nuclear Weapons Executive Authority.

Sec. 3138. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3139. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3140. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3141. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3142. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3143. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3144. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3145. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3146. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3147. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3148. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.


Sec. 3150. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3151. Requirement for annual five-year budgeting for national security programs of the Department of Energy.

Sec. 3152. Requirements for Department of Energy nuclear weapons activities budgets for fiscal years after fiscal year 1997.

Sec. 3153. Repeal of requirement relating to developing and implementing procedures for Department of Energy funds.

Sec. 3154. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.

Sec. 3155. Update of report on nuclear test readiness posture.

Sec. 3156. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production complexes.

Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation with the United States Nuclear Weapons Executive Authority.

Sec. 3158. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3159. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3160. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3161. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3162. Fiscal year 1998 funding for Green River Project, Livermore, California.

Sec. 3163. Opportunity for review and comment by State of Oregon regarding certain remedial actions at Hanford Reservation, Washington.

Sec. 3164. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3165. Foreign environmental technology.

Sec. 3166. Study on worker protection at the Savannah River Site.

Sec. 3167. Demonstration of technology for national security programs of the Department of Energy.

Sec. 3168. Foreign environmental technology.

Sec. 3169. Demonstration of technology for national security programs of the Department of Energy.

Sec. 3170. Sense of Congress regarding reliability and safety of remaining nuclear forces.

Sec. 3171. Report on Department of Energy liability issues at Department superfund sites.

Sec. 3172. Fiscal year 1998 funding for Green River Project, Livermore, California.

Sec. 3173. Opportunity for review and comment by State of Oregon regarding certain remedial actions at Hanford Reservation, Washington.

Sec. 3174. Sense of Congress relating to designation of Defense Environmental Restoration and Waste Management Program.

Sec. 3175. Demonstration of technology for national security programs of the Department of Energy.

Sec. 3176. Demonstration of technology for national security programs of the Department of Energy.

Sec. 3177. Demonstration of technology for national security programs of the Department of Energy.

Sec. 3178. Termination.

Sec. 3179. Definitions.

Sec. 3180. Environmental Protection Agency responsibilities.

Sec. 3181. Short title and reference.

Sec. 3182. Definitions.

Sec. 3183. Test phase and retrieval plans.

Sec. 3184. Test phase activities.

Sec. 3185. Compliance with environmental laws and regulations.

Sec. 3186. Disposal operations.

Sec. 3187. Environmental Protection Agency responsibilities.

Sec. 3188. Compliance with environmental laws and regulations.

Sec. 3189. Retrievability.

Sec. 3190. Decommissioning of WIPP.

Sec. 3191. Economic assistance and miscellaneous payments.

Sec. 3192. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Sec. 3193. Payment for costs of operation and maintenance of infrastructure at Nevada Test Site.

Sec. 3194. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Sec. 3195. Payment for costs of operation and maintenance of infrastructure at Nevada Test Site.

Sec. 3196. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Sec. 3197. Payment for costs of operation and maintenance of infrastructure at Nevada Test Site.

Sec. 3198. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Sec. 3199. Payment for costs of operation and maintenance of infrastructure at Nevada Test Site.

Sec. 3200. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Sec. 3201. Authorization.

Sec. 3202. Authorization of appropriations.

Sec. 3203. Authorization of appropriations.

Sec. 3204. Authorization of appropriations.

Sec. 3205. Authorization of appropriations.

Sec. 3206. Authorization of appropriations.

Sec. 3207. Authorization of appropriations.

Sec. 3208. Authorization of appropriations.

Sec. 3209. Authorization of appropriations.

Sec. 3210. Authorization of appropriations.

Sec. 3211. Authorization of appropriations.

Sec. 3212. Authorization of appropriations.

Sec. 3213. Authorization of appropriations.

Sec. 3214. Authorization of appropriations.

Sec. 3215. Authorization of appropriations.

Sec. 3216. Authorization of appropriations.

Sec. 3217. Authorization of appropriations.

Sec. 3218. Authorization of appropriations.

Sec. 3219. Authorization of appropriations.

Sec. 3220. Authorization of appropriations.

Sec. 3221. Authorization of appropriations.

Sec. 3222. Authorization of appropriations.

Sec. 3223. Authorization of appropriations.

Sec. 3224. Authorization of appropriations.

Sec. 3225. Authorization of appropriations.

Sec. 3226. Authorization of appropriations.

Sec. 3227. Authorization of appropriations.

Sec. 3228. Authorization of appropriations.

Sec. 3229. Authorization of appropriations.

Sec. 3230. Authorization of appropriations.

Sec. 3231. Authorization of appropriations.

Sec. 3232. Authorization of appropriations.

Sec. 3233. Authorization of appropriations.

Sec. 3234. Authorization of appropriations.

Sec. 3235. Authorization of appropriations.
SEC. 105. RESERVE COMPONENTS.
Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement of aircraft, vehicles, communications equipment, and munitions for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $224,000,000.
(2) For the Air National Guard, $305,800,000.
(3) For the Air Reserve, $90,000,000.
(4) For the Naval Reserve, $40,000,000.
(5) For the Air Force Reserve, $40,000,000.
(6) For the Marine Corps Reserve, $60,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.
Funds are hereby authorized to be appropriated for fiscal year 1997 for the procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.
There is hereby authorized to be appropriated for fiscal year 1997 the amount of $802,847,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
(2) the destruction of chemical warfare material that is stored at any State that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAM.
Funds are hereby authorized to be appropriated for fiscal year 1997 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $280,470,000.

SEC. 109. DEFENSE NUCLEAR AGENCY.
Of the amounts authorized to be appropriated for the Department of Defense under section 104, $7,900,000 shall be available for the Defense Nuclear Agency.

Subtitle B—Army Programs
SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE SYSTEM.
The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of the Javelin missile system.

SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.
Subsections (b) and (f) of section 172 of the National Technology Transfer and Advancement Act (2 U.S.C. 175) are amended by striking out "Assistant Secretary of the Army (Installations, Logistics and Environment)" and inserting in lieu thereof "Assistant Secretary of the Army (Research, Development and Acquisition)".

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 site for destruction 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).

SEC. 114. PERMANENT AUTHORITY TO CARRY OUT INITIATIVES.

SEC. 115. TYPE CLASSIFICATION OF ELECTRO OPTIC AUGMENTATION (EOA) SYSTEM.
(a) REQUIREMENT.—The Secretary of the Army shall type classify the Electro Optic Augmentation (EOA) system. (b) FUNDING.—Of the amounts authorized to be appropriated for the Army by this division, $100,000 shall be made available to be available to the Armed Forces Systems Modernization Program manager for the type classification required by subsection (a).

SEC. 116. BRADLEY TOW 2 TEST PROGRAM SETS.
Of the funds authorized to be appropriated under section 103 of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $5,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

SEC. 117. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.
(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a 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 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 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal program, except with respect to the activities conducted under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 Stat. 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 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 pursuant to 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 other program referred to in paragraph (2)(C).
(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.—(1) Not later than December 31, 2000, the Secretary of Defense shall—
(A) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—
(1) is as safe and cost efficient as incineration for the disposal of assembled chemical munitions; and
(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986;
(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 long lead contracts 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, or in any bulk site that may meet the requirements of this section, the enactment of this Act or, thereafter until the executive agent designated for the pilot program submits an application for such permit as are necessary under the laws 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) Provided, however, that the Secretary may enter into a contract described in paragraph (1) not earlier than 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 there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at nonbulk sites that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.
(f) ASSEMBLED CHEMICAL MUNITIONS DESTRUCTION.—For the purposes 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, $90,000,000 shall be available for the pilot program pursuant to paragraph (1) of 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 for 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.

Subtitle C—Navy Programs
SEC. 121. EA-6B AIRCRAFT REACTIVE JAMMER PROGRAM.
(a) LIMITATION.—None of the funds appropriated pursuant to section 121(a)(1) for modifications or upgrades of EA-6B aircraft have been obligated, or may be obligated, for a reactive jammer program for such aircraft, until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees in written form—
(1) a certification that some or all of such funds have been obligated for a reactive jammer program for EA-6B aircraft; and
(2) a report that sets forth a detailed, well-defined program for—
(A) developing a reactive jamming capability for EA-6B aircraft; and
(B) upgrading the EA-6B aircraft of the Navy to incorporate the reactive jamming capability.
(b) CONTINGENT TRANSFER OF FUNDS TO AIR FORCE.—(1) If the Secretary of the Navy has not submitted the certification and report described in subsection (a) to the congressional defense committees before june 1, 1997, then, on that date, the Secretary of Defense shall transfer to the Air Force, out of appropriations available to the Navy for fiscal year 1997 for procurement of aircraft, the amount equal to the amount appropriated to the Navy for fiscal year 1997 for modifications and upgrades of EA-6B aircraft.
(2) Funds transferred to the Air Force pursuant to paragraph (1) shall be available for maintaining and upgrading the jamming capability of EF-111 aircraft.
SEC. 122. PENGUIN MISSILE PROGRAM.
(a) Multiyear Procurement Authority.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of not more than 106 Penguin missile systems.
(b) Cost.—The total amount obligated or expended for procurement of Penguin missile systems under contracts under subsection (a) may not exceed $84,890,000.

SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.
(a) Amounts Authorized.—(1) Of the amount authorized to be appropriated by section 102(a)(3)—
   (A) $804,100,000 shall be available for construction of the third vessel (designated SSN-25) in the Seawolf submarine class;
   (B) $296,200,000 shall be available for long-lead and advance construction and procurement of components for construction of a submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1998 to be built by Electric Boat Division; and
   (C) $703,000,000 shall be available for long-lead and advance construction and procurement of components for construction of a second submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1999 to be built by Newport News Shipbuilding.

   (2) In addition to the purposes for which the amount authorized to be appropriated by section 102(a)(3) is available under subparagraphs (B) and (C) of paragraph (1), the amounts available under such subparagraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1997 for...

   (A) long-lead components for the submarines referred to in such subparagraphs; and
   (B) advance construction of such components and other components for such submarines.

(b) Contracts Authorized.—(1) The Secretary of the Navy is authorized, using funds available pursuant to subparagraphs (B) and (C) of paragraph (1), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1997 for...

   (A) long-lead components for the submarines referred to in such subparagraphs; and
   (B) advance construction of such components and other components for such submarines.

   (2) The Secretary of the Navy may enter into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(B) only if the Secretary enters into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(C).

(c) Competition and Limitations on Obligations.—(1)(A) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Secretary of Defense certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines described in subparagraph (B) will be in accordance with the policies of the National Defense Authorization Act for Fiscal Year 2000.

   (B) If the Secretary of the Navy solicits competitive proposals and awards the contract or contracts on the basis of price.

   (8) The submarines referred to in subparagraph (A) are nuclear attack submarines that are to be constructed beginning—

   (i) after fiscal year 1999, or
   (ii) if funds are available to be procured as provided for in the plan required under section 131(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 207), and the plans for the future development and improvement of the nuclear attack submarine program of the Navy,

   (B) the implementation of, and activities conducted under, the plan required to be established by the Secretary of Defense in accordance with the advance procurement program.

   (A) the oversight activities undertaken by the Under Secretary up to the date of the report pursuant to section 131(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 207), and the plans for the future development and improvement of the nuclear attack submarine program of the Navy.

   (b) Contracts Authorized.—(1) The Secretary of the Navy may, in accordance with section 2306b(k) of title 10, United States Code, 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.

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE.

Section 131 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, 75N-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)."

SEC. 127. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for modernization of the Airborne Early Warning Aircraft Pulse Doppler Upgrade modification to the AN/SPS-46E radar system.
number of aircraft to be procured (within the total number set forth in subsection (a)); and
(8) to enter into follow-on one-year contracts with the contractor for the procurement of C-17 aircraft (within the total number of aircraft authorized under subsection (a)) at a negotiated price that is not to exceed the price that is negotiated before September 30, 1998, for the annual production contract for the C-17 aircraft in lot VIII and subsequent lots.

**Subtitle E—Reserve Components**

**SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES OF THE RESERVE COMPONENTS.**

(a) **ASSESSMENTS REQUIRED.**—Not later than December 1, 1996, each officer referred to in subsection (b) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(b) **RESPONSIBLE OFFICERS.**—The officers required to submit a report under subsection (a) are as follows:

(1) The Chief of the National Guard Bureau.
(2) The Chief of Army Reserve.
(3) The Chief of Air Force Reserve.
(4) The Commandant of the Coast Guard.
(5) The Commanding General, Marine Forces Reserve.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,958,140,000.
(2) For the Navy, $9,041,334,000.
(3) For the Air Force, $14,786,356,000.
(4) For Defense-wide activities, $9,699,542,000, of which—

(a) $252,038,000 is authorized for the activities of the Director, Test and Evaluation; and
(b) $21,968,000 is authorized for the Director of Operational Test and Evaluation.

**SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.**

(a) **FISCAL YEAR 1997.**—Of the amounts authorized to be appropriated by section 201, $4,007,767,000 shall be available for basic research and exploratory development projects.

(b) **BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.**—For purposes of this section, the term ‘basic research and exploratory development’ means work funded in programs of the Department of Defense for research, development, test, and evaluation under Department of Defense category 6.1 or 6.2.

**SEC. 203. DEFENSE NUCLEAR AGENCY.**

Funds are hereby authorized to be appropriated for the Department of Defense under section 201, $221,300,000 shall be available for the Defense Nuclear Agency.

**SEC. 204. FUNDING PURSUANT TO PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS.**

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 (PE003120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

**SEC. 211. SPACE LAUNCH MODERNIZATION.**

(a) **FUNDING PURSUANT TO THE AUTHORIZATION OF APPROPRIATIONS IN SECTION 201.**—(3) The funds authorized pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for space launch modernization for purposes and in amounts as follows:

(1) For the Evolved Expendable Launch Vehicle program, $44,457,000.
(2) For a competitive reusable launch vehicle technology program, $250,000,000.
(b) **LIMITATIONS.**—(1) Of the funds made available for the reusable launch vehicle technology program pursuant to subsection (a)(2), the total amount obligated for such purpose may not exceed the total amount allocated in the fiscal year 1997 current operating plan of the National Aeronautics and Space Administration for the Reusable Space Launch program of the National Aeronautics and Space Administration.

(2) None of the funds made available for the Evolved Expendable Launch Vehicle program pursuant to subsection (a)(1) may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available all of the funds, if any, that are available for the reusable launch vehicle technology program pursuant to subsection (a)(2).

**SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.**

(a) **REQUIRED PROGRAM ELEMENT.**—The Secretary of Defense shall include the kinetic energy tactical anti-satellite program of the Department of Defense as an element of the space control architecture being developed by the Department of Defense Space Architect.

(b) **LIMITATION ON USE OF FUNDS.**—None of the funds authorized to be appropriated pursuant to this Act, or otherwise made available to the Department of Defense for fiscal year 1997, may be obligated or expended for the Department of Defense Space Architect until the Secretary of Defense certifies to Congress that—

(1) the funds authorized to be appropriated pursuant to this Act for fiscal year 1996 for the Clementine 2 micro-satellite development program have been obligated in accordance with Public Law 104-106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 124 (House Report 104-450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

**SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.**

(a) **AMOUNT FOR PROGRAM.**—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Department of Defense for space-based infrared system procurement of Predator unmanned aerial vehicle and the Ballistic Missile Defense Organization.

(b) **CERTIFICATION.**—If, within the 30-day period described in subsection (b), the Secretary submits to Congress a certification that the Secretary has established a program baseline for the Space-Based Infrared System that satisfies the requirements of section 216(2)(A), then subsection (b) of this section shall cease to be effective on the date on which the Secretary submits the certification.

**SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.**


**SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.**

(a) **AMOUNT FOR PROGRAM.**—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) **LIMITATION.**—None of the funds authorized to be appropriated pursuant to this Act for the Global positioning system (GPS) Block II F Satellite system may be obligated until the Secretary of Defense certifies to Congress that—

(1) the funds authorized to be appropriated for fiscal year 1996 for the Clementine 2 micro-satellite development program have been obligated in accordance with Public Law 104-106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 124 (House Report 104-450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

**SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.**

No official of the Department of Defense may enter into a contract for the procurement of (including advance procurement for) a higher number of Dark Star or a higher number of Predator unmanned aerial vehicles than is necessary to complete procurement of a total of three such vehicles until flight testing has been completed.

**SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress a report comparing the Predator unmanned aerial vehicle program with the Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicle program. The report shall contain the following:

(1) A comparison of the capabilities of the Predator unmanned aerial vehicle with the capabilities of the Dark Star unmanned aerial vehicle.

(2) A comparison of the costs of the Predator program with the costs of the Dark Star program.

(3) A recommendation on which program should be funded in the event that funds are authorized to be appropriated, and are appropriated for one or the two programs in the future.

(b) **LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.**—Funds appropriated pursuant to section 216(2) may not be obligated for any contract to be entered into after the date of the enactment of this Act for the procurement of Predator unmanned aerial vehicles until the date described in subsection (a) of this section.

(1) the Secretary has made available for obligation the funds authorized for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.
SEC. 218. COST ANALYSIS OF F-22 AIRCRAFT PROGRAM.

(a) REVIEW OF PROGRAM.—The Secretary of Defense shall direct the Cost Analysis Improvement Division of the Office of the Secretary of Defense to review the F-22 aircraft program, analyze and estimate the production costs of the program, and submit to the Committee on Appropriations of the Senate a report on the results of the review. The report shall include—

(1) a comparison of—
(A) the cost analysis performed for the purposes of preparing the budget for fiscal year 1996 with the annual review of the program for fiscal year 1997 by the Secretary and the National Aeronautics and Space Administration; and
(B) the results of the most independent estimate of production costs of the program that was prepared by the Cost Analysis Improvement Division of the Office of the Secretary of Defense.

(2) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (1)(B) was made, including any major change in assumptions regarding the production schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production.

(b) REPORT.—Not later than March 30, 1997, the Secretary shall transmit to the appropriate congressional defense committees the report prepared under paragraph (1), together with the Secretary’s views on the matters covered by the report.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 92 percent of the funds authorized for the F-22 aircraft program pursuant to the authorization of appropriations in section 103(1) may be expended until the Secretary of Defense submits the report required by subsection (b).

SEC. 219. F-22 AIRCRAFT PROGRAM REPORTS.

(a) ANNUAL REPORT.—(1) At the same time as the President submits the budget for a fiscal year to Congress pursuant to section 1105(a), the President of the United States shall submit to Congress a report on event-based decisionmaking for the F-22 aircraft program for that fiscal year. The Secretary shall submit the report required by this subsection—

(A) a discussion of each decision (known as an “event-based decision” or an “event”) that is expected to be made during that fiscal year regarding whether the F-22 program is to proceed into a new phase or into a new administrative subdivision of a phase;

(B) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (1)(A) was made, including any major change in assumptions regarding the program schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production.

(2) The Secretary shall submit to the congressional defense committees the report prepared under paragraph (1), together with the Secretary’s views on the matters covered by the report.

(b) REPORT ON EVENT-BASED DECISIONS.—Not later than 30 days after an event-based decision has been made for the F-22 aircraft program, the Secretary of Defense shall submit to Congress a report on event-based decisionmaking for the F-22 aircraft program for that fiscal year. The Secretary shall submit the report required by this subsection—

(A) a discussion of the commitments made, and the commitments to be made, under the program as a result of the decision; and

(B) a description of any event that may be used to provide authority for an item that has a higher priority than the items from which authority is transferred; and

(C) a description of the event that may be used to provide authority for an item that has been denied authorization by Congress.

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 92 percent of the funds authorized for the F-22 aircraft program pursuant to the authorization of appropriations in section 103(1) may be expended until the Secretary of Defense submits the report required by subsection (b) unless the Secretary authorizes additional funds to support the program.

(d) REPORT ON COUNTERPROLIFERATION SUPPORT PROGRAM.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations of the Senate a report containing—

(A) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(B) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGY PROGRAMS.

(a) FUNDING.—Of the amounts authorized to be appropriated under section 201(4), $176,200,000 shall be available for the nonlethal weapon technologies program.

(b) FUNDING.—Of the amounts authorized to be appropriated by section 218(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 222) for the nonlethal weapons and nonlethal technologies program, none of the funds authorized to be appropriated by that section may be obligated until the funds authorized to be appropriated by that section have been released to the program by the executive agent referred to in subsection (b).

SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the amounts authorized to be appropriated by section 218(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 222) for the Counterproliferation Support Program, which of the funds authorized to be appropriated under subsection (a) are released for obligation by the executive agent referred to in subsection (b).

(b) REPORT.—Not later than March 30, 1997, the Secretary shall submit to the Committee on Appropriations of the Senate a report containing—

(A) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(B) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(C) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations of the Senate a report containing—

(A) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(B) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(C) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver. The waiver may be made only after the end of the 60-day period that begins on the day on which the notice is submitted to those committees.

SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an “FFRDC”) or university-affiliated research center (in this section referred to as a “UARC”) only in the case of a center named in the report required by subsection (b) and, in the case of such a center, in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations of the Senate a report containing—

(A) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(B) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.

(C) a description of the Counterproliferation Support Program that are to be made available for fiscal year 1997.
SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.

(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—Of the amount authorized to be appropriated by section 201(2),

(1) $494,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine; and

(2) $100,000,000 is available to address the inclusion on future nuclear attack submarines of core advanced technologies, category I advanced technologies, and category II advanced technologies, as such advanced technologies are identified by the Secretary of Defense in Appendix C of the report of the Secretary of the Navy on the execution of the technology assessment panel report on Nuclear Attack Submarine Program and Submarine Technology," submitted to Congress on March 20, 1996.

(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—In using funds made available in accordance with subsection (a)(2), the Secretary of the Navy shall emphasize research, development, test, and evaluation of the technologies identified by the Submarine Technology Assessment Panel (in the final report of the panel to the Assistant Secretary of Defense for Research, Development, and Acquisition, dated March 15, 1996) as having the highest priority for initial investment.

(c) SHIPOYARDS INVOLVED IN TECHNOLOGY DEVELOPMENT.—To further implement the recommendations of the Submarine Technology Assessment Panel, the Secretary of the Navy shall ensure that the shipyards involved in the construction of nuclear attack submarines are also principal participants in the process of developing advanced technologies and including the technologies in future submarine designs. The Secretary shall ensure that those shipyards have access for such purpose (under procedures established by the Secretary) to the laboratories of the Navy and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secretary) to the Defense Advanced Research Projects Agency.

(d) FUNDING FOR CONTRACTS UNDER 1996 AGREEMENT AMONG THE NAVY AND SHIPOYARDS.—In addition to the purposes of which the amount authorized to be appropriated by section 201(2) are available under paragraphs (1) and (2) of subsection (a), the amounts available under such paragraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB), Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine," dated April 5, 1996, for research and development activities under that memorandum of agreement.

SEC. 224. 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 PE 0601103D), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

SEC. 225. CYCLOPHONE CLASS CRAFT SELF-DEFENSE.

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclophone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) REPORT REQUIRED.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

SEC. 226. COMPUTER-ASSISTED EDUCATION AND TRAINING.

Of the amount authorized to be appropriated under section 201(4), $10,000,000 shall be available for computer-assisted education and training at the Defense Advanced Research Projects Agency.

SEC. 227. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCCH) under the materials and electronic technology program (PE 0602712E).

SEC. 228. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A-18E/F aircraft program taking into account the operational combat effectiveness of the aircraft.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A-18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No more than 90 percent of the funds authorized to be appropriated by this Act may be obligated or expended for the F/A-18E/F aircraft program before the date that is 30 days after the date on which the congressional defense committees receive the report required under subsection (a).

SEC. 229. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.

(a) FUNDS AVAILABLE FOR POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.—Of the amount authorized to be appropriated under section 201(3), $29,024,000 is available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program.

(b) FUNDS AVAILABLE FOR INTERCONTINENTAL BALLISTIC MISSILE.—Of the amount authorized to be appropriated under section 201(3), $2,094,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 0604851F).

SEC. 230. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

(a) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated by section 201(4) for counterterrorist support programs, $3,000,000 shall be made available to the Air Combat Command for research and development of a capability to defeat hardened and deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and weapons systems.

(b) REQUIREMENTS.—Nothing in this section shall be construed as precluding the applicability of the requirements of the Competition in Contracting Act.

Subtitle C—Ballistic Missile Defense

SEC. 231. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

(a) FISCAL YEAR 1997.—It is the sense of the Senate that during fiscal year 1997, the United States shall not be bound by any intergovernmental agreement for the limitation of the President that would substantially modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) RELATIONSHIP TO OTHER LAW.—This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 103-357, 103 Stat. 2170) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

SEC. 232. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE.

(a) FUNDING.—Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

(1) For the Theater High Altitude Area Defense (THAAD) System, $621,766,000.

(2) For the Navy Upper Tier (Theater Wide) system, $304,171,000.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that—

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier Theater missile defense system in the theater missile defense core program.

SEC. 233. ELIMINATION OF REQUIREMENTS FOR CERTAIN SYSTEMS INCLUDED IN THE ANNUAL REPORT ON THE BALISTIC MISSILE DEFENSE PROGRAM.

Section 224(b) of the Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), is amended—

(1) by striking paragraphs (3), (4), (7), (9), and (10); and

(2) by redesigning paragraphs (5), (6), and (8), as paragraphs (3), (4), and (5), respectively.

SEC. 234. ABM TREATY DEFINED.

In 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, signed in Moscow on July 3, 1974.

SEC. 235. 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 63869C); and

SEC. 236. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63869C); and

CONGRESSIONAL RECORD — SENATE

July 10, 1996

(continued)

(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 February 24, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated unless the Secretary of Defense submits to the congressional defense committees the following:

(1) 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 efforts for the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

SEC. 237. ANNUAL REPORT ON THE THREAT OF ATOMIC, BIOLOGICAL, OR CHEMICAL WEAPONS AND BALLISTIC MISSILES TECHNICAL ABILITY TO CARRY OUT A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON. The Secretary of Defense shall require that F-22 aircraft be made available for live-fire test program involving realistic threat simulations about the survivability of F-22 aircraft can be drawn from the test results.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c)(1) of title 10, United States Code, waive for the F-22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered engineering and manufacturing development.

(b) ALTERNATIVE SURVIVABILITY TEST REQUIREMENTS.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the V-22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall certify that a sufficient number of components critical to the survivability of the V-22 aircraft be tested in an alternative live-fire test program involving realistic threat simulations about the survivability of V-22 aircraft can be drawn from the test results.

(b) FUNDING.— Funds available for the V-22 aircraft program may be used for carrying out any alternative live-fire test program for V-22 aircraft.

SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM. Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking "fiscal years before the fiscal year in which the institution submits a proposal" and inserting in lieu thereof "most recent fiscal years for which complete statistics are available when proposals are requested".

SEC. 244. DESALTING TECHNOLOGIES. (a) FUNDING.—Funds available for research and development into technologies to reduce the costs of converting saline water into fresh water.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c)(1) of title 10, United States Code, waive for the F-22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered full-scale engineering development.

(b) REPORTING REQUIREMENT.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the F-22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that F-22 aircraft be tested in an alternative live-fire test program.

(b) COMPONENTS SUBSYSTEM REQUIREMENTS.—Funds available for a such a program shall be components that—

(1) Access to scarce fresh water is likely to be cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region.

(2) The Middle East is an area of vital and strategic importance to the United States.

(3) The United States has a military role in the Middle East, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region.

(4) United States troops have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East.

(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent future conflicts in the Middle East, the United States should, in cooperation with its allies, pursue and invest in technologies to reduce the costs of converting saline water into fresh water.

(b) FUNDING FOR RESEARCH AND DEVELOPMENT.—Funds available for such a program shall be made available for any alternative live-fire test program.

(b) COMPONENTS SUBSYSTEM REQUIREMENTS.—Funds available for such a program shall be components that—

A. could affect the survivability of the F-22 aircraft; and

B. are sufficiently large and realistic that meaningful conclusions about the survivability of F-22 aircraft can be drawn from the test results.

(b) FUNDING.— Funds available for the V-22 aircraft program may be used for carrying out any alternative live-fire test program for F-22 aircraft.

SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c)(1) of title 10, United States Code, waive for the F-22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered full-scale engineering development.

(b) REPORTING REQUIREMENT.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the F-22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that F-22 aircraft be tested in an alternative live-fire test program.

(b) COMPONENTS SUBSYSTEM REQUIREMENTS.—Funds available for such a program shall be components that—

A. could affect the survivability of the F-22 aircraft; and

B. are sufficiently large and realistic that meaningful conclusions about the survivability of F-22 aircraft can be drawn from the test results.

(b) FUNDING.— Funds available for the V-22 aircraft program may be used for carrying out any alternative live-fire test program for V-22 aircraft.
CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM

§ 7901. National Oceanographic Partnership Program

(a) Establishment.—The Secretary of the Navy shall establish a program to be known as the ‘National Oceanographic Partnership Program’. 

(b) Purposes.—The purposes of the program shall be as follows:

(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

(A) identifying and carrying out partnerships among Federal agencies, institutions of higher education, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

(B) reporting annually to Congress on the program.

(c) National Coastal Data Center.—(1) The Secretary of the Navy shall establish a National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

(3) The Secretary of the center shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

§ 7902. National Ocean Research Leadership Council

(a) Council.—There is a National Ocean Research Leadership Council (hereinafter in this chapter referred to as the ‘Council’). 

(b) Membership.—The Council is composed of the following members:

(1) The Secretary of the Navy who shall be the chairman of the Council. 

(2) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the vice chairman of the Council. 

(3) The Director of the National Science Foundation. 

(4) The Administrator of the National Aeronautics and Space Administration. 

(5) The Commandant of the Coast Guard. 

(6) With their consent, the President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

(7) Up to five members appointed by the Chairman from among individuals who will represent the views of ocean industries, institutions of higher education, and State governments. 

(c) Term of Office.—The term of office of a member of the Council appointed under paragraph (7) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Annual Report.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

(1) A description of the activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description shall also include a list of the members of the Ocean Research Partnership Coordinating Group (established pursuant to subsection (e)), the Ocean Research Advisory Panel (established pursuant to subsection (f)), and any working groups in existence during the fiscal year covered.

(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started in which the report is prepared and during the following fiscal year.

(4) A description of the involvement of the program with Federal interagency coordinating entities.

(5) The amounts, in the budget submitted pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities during such following fiscal year.

(6) Ocean Research Partnership Coordinating Group.—(1) The Council shall establish an Ocean Research Partnership Coordinating Group consisting of not more than 10 members appointed by the Council from among officers and employees of the Government, persons employed in the maritime industry, representatives of State governments, persons eminent in the fields of oceanography, economics, and education, and officers and employees of State governments.

(2) The Council shall designate a member of the Coordinating Group to serve as Chairman of the Group.

(3) The Council shall assign to the Coordinating Group responsibilities that the Council considers appropriate. The Coordinating Group shall be subject to the authority, direction, and control of the Council in the performance of those responsibilities.

(7) Ocean Research Advisory Panel.—(1) The Council shall establish an Ocean Research Advisory Panel consisting of members appointed by the Council from among persons eminent in the fields of oceanography, ocean sciences, or marine policy (or related fields) who may be representatives of the interests of governments, institutions of higher education, and industry in the matters covered by the purposes of the National Oceanographic Partnership Program (as set forth in section 7903(b) of this title).

(2) The Council shall assign to the Advisory Panel responsibilities that the Council considers appropriate. The Coordinating Group shall be subject to the authority, direction, and control of the Council in the performance of those responsibilities.

§ 7903. Partnership program projects

(a) Selection of Partnership Projects.—The National Ocean Research Leadership Council shall select the partnership projects that are to be considered eligible for support under the National Oceanographic Partnership Program. A project selected shall be an instrument that the Council considers appropriate, including a memorandum of understanding, a cooperative research and development agreement, or any similar instrument.

(b) Contract and Grant Authority.—(1) The Council may authorize one or more of these agreements and agencies of the Federal Government represented on the Council to enter into contracts or to make grants for the support of partnership projects selected under subsection (a).

(2) Funds appropriated or otherwise available for the National Oceanographic Partnership Program may be used for contracts and grants entered into under authority provided pursuant to paragraph (1).

(3) The table of chapters at the beginning of title C of title 10, United States Code, and at the beginning of part IV of such title, are each amended by inserting after the item relating to chapter 663 the following:


(b) Initial Appointments of Council Members.—The Chairman of the National Ocean Research Leadership Council established pursuant to section 7902(d) of title 10, United States Code, as added by subsection (a)(1), shall make the appointments required by subsection (b)(7) of such section not later than December 1, 1996.

(c) First Annual Report of National Ocean Research Leadership Council.—The first annual report required by section 7902(d) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to Congress not later than March 1, 1997.

(d) Funding.—Of the funds authorized to be appropriated by section 2012(a), $13,000,000 shall be available for the National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $13,147,623,000.

(2) For the Navy, $20,298,339,000.

(3) For the Marine Corps, $2,279,477,000.

(4) For the Air Force, $17,949,339,000.

(5) For Defense-wide activities, $9,863,942,000.

(6) For the Army Reserve, $1,094,436,000.

(7) For the Naval Reserve, $851,027,000.

(8) For the Marine Corps Reserve, $10,367,000.

(9) For the Air Force Reserve, $1,493,553,000.

(10) For the Army National Guard, $2,218,477,000.

(11) For the Air National Guard, $2,699,173,000.

(12) For the Defense Inspector General, $336,000,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,797,000.

CONGRESSIONAL RECORD — SENATE
(14) For Environmental Restoration, Army, $356,916,000.
(15) For Environmental Restoration, Navy, $302,900,000.
(16) For Environmental Restoration, Air Force, $414,700,000.
(17) For Environmental Restoration, Defense-wide, $258,500,000.
(18) For Drug Interdiction and Counter-drug Activities, Defense-wide, $793,824,000.
(19) For Medical Programs, Defense, $9,375,980,000.
(20) For Cooperative Threat Reduction programs, $327,900,000.
(21) For Overseas Humanitarian, Disaster, and Civil Aid programs, $49,000,000.

SEC. 302. DEFENSE NUCLEAR AGENCY.
Of the amounts appropriated for the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1997 in the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:
(1) For the Defense Business Operations Fund, $258,500,000.
(2) For the National Defense Seafalift Fund, $1,268,002,000.

SEC. 303. DEFENSE NUCLEAR AGENCY.
Of the amounts appropriated for the Department of Defense under section 301(5), $88,083,000 shall be available for the Defense Nuclear Agency.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.
(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1997 in amounts as follows:
(1) For the Army, $50,000,000.
(2) For the Navy, $50,000,000.
(3) For the Air Force, $50,000,000.
(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—
(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and
(2) may not be expended for an item that has been denied authorization of appropriations by Congress.
(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.
(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act, $14,525,000 may be made available to the Civil Air Patrol Corporation.
(b) AMOUNT FOR SEARCH AND RESCUE OPERATIONS.—Of the amount made available pursuant to subsection (a), not more than 75 percent of such amount may be available for costs other than the costs of search and rescue missions.

SEC. 306. SR-71 CONTINGENCY RECONNAISSANCE FORCE.
Of the funds authorized to be appropriated by section 301(4), $30,000,000 is authorized to be made available for the SR-71 contingency reconnaissance force.

Subtitle B—Program Requirements, Construction, and Limitations
SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME PREPOSITIONING SHIPS OUT OF NATIONAL DEFENSE SEALIFT FUND.
(a) NATIONAL DEFENSE SEALIFT FUND.—To the extent provided in appropriations Acts, funds in the National Defense Seafalift Fund may be expended for the purchase of, or for conversion, or construction, of a total of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.
(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 302(2), $240,000,000 is authorized to be appropriated for the purpose stated in subsection (a).

SEC. 312. NATIONAL DEFENSE SEALIFT FUND.
Section 2218 of title 10, United States Code, is amended—
(1) in subsection (c)(1)(E), by striking out “, but only for vessels built in United States shipyards”;
(2) in subsection (f)—
(A) in paragraph (1)—
(i) by striking out “five” and inserting in lieu thereof “ten”; and
(ii) by striking out “(c)(1)” and inserting in lieu thereof “(c)(1)(A)”;
and
(B) in paragraph (2), by striking out “(c)(2)” and inserting in lieu thereof “(c)(1)(A)”;
and
(3) in subsection (j), by striking out “(c)(1) (A), (B), (C), (D), and (E)” and inserting in lieu thereof “(c)(1) (A), (B), (C), (D), and (E)”.

SEC. 313. NONLETHAL WEAPONS CAPABILITIES.
Of the amount authorized to be appropriated under section 301, $5,000,000 shall be available for the immediate procurement of nonlethal weapons capabilities to meet existing deficiencies in inventories of such capabilities, of which—
(1) $2,000,000 shall be available for the Army; and
(2) $3,000,000 shall be available for the Marine Corps.

SEC. 314. RESTRICTION ON COAST GUARD FUNDING.
No funds are authorized by this Act to be appropriated to the Department of Defense for the Coast Guard within budget subfunction 054.

SEC. 315. OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.
(a) FUNDS AUTHORIZED.—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) PURPOSE.—Such funds identified in subsection (a) shall be in addition to such amounts already provided for this purpose in the budget request.

Subtitle C—Depot-Level Activities
SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF CORE LOGISTICS FUNCTIONS.
Section 2466(a) of title 10, United States Code, is amended by striking out “40 percent” in the first sentence and inserting in lieu thereof “50 percent.”.

SEC. 322. DEPARTMENT OF DEFENSE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD Defined.
(1) FIFTY PERCENT LIMITATION.—Section 2466(a) of title 10, United States Code, is amended by striking out “40 percent” in the first sentence and inserting in lieu thereof “50 percent”.
(2) INCREASE DELAYED PAYMENT RECEIVED PLAN FOR DEPARTMENT OF DEFENCE MAINTENANCE AND REPAIR.—(1) Notwithstanding the first sentence of section 2466(a) of title 10, United States Code (as amended by subsection (a)), the strategic plan for the performance of depot-level maintenance and repair is submitted under section 325, not more than 40 percent of the funds made available to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency.
(2) In paragraph (1), the term “depot-level maintenance and repair workload” has the meaning given such term in section 2466(f) of title 10, United States Code.

SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED. Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:
(1) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—
(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by Federal Government personnel; and
(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by non-Federal Government personnel.
(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller’s views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.

SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.
Section 2466 of title 10, United States Code, is amended by adding at the end the following:
(1) DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.—In this section, the term ‘depot-level maintenance and repair workload’—
(A) means material maintenance requiring major overhaul or complete rebuilding of parts, assemblies, or subassemblies, and testification of equipment as necessary, including all aspects of software maintenance;
(B) includes those portions of interim contracts for support, nonlogistics support, or any similar contractor support for the performance of services described in paragraph (1); and
(C) does not include ship modernization and other repair activities that—
(A) are funded out of appropriations available to the Department of Defense for procurement; and
(B) were not considered to be depot-level maintenance and repair workload activities —
under regulations of the Department of Defense in effect on February 10, 1996.''

SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) STRATEGIC PLAN REQUIRED.—As soon as possible after the enactment of this Act, the Secretary of Defense shall submit to the Committee on National Security of the Senate and the Committee on National Security of the House of Representatives a strategic plan for the performance of depot-level maintenance and repair activities owned and operated by the Department of Defense and private-sector sources.

(b) ADDITIONAL MATTERS COVERED.—The Secretary of Defense shall include in the strategic plan submitted under subsection (a) a detailed discussion of the following matters:

(1) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that are necessary to perform within the Department of Defense maintenance and repair workloads that are being or proposed to be converted to contractor performance by private entities during the next fiscal year.

(2) The strategic plan shall cover the performance of depot-level maintenance and repair for the Department of Defense in fiscal years 1998 through 2007. The plan shall provide for maintaining the capability described in section 2464 of title 10, United States Code.

(3) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that the Secretary of Defense plans to perform within the Department of Defense in order to satisfy the requirements of section 2465 of title 10, United States Code.

(4) The activities identified pursuant to paragraphs (1) and (2), a discussion of which specific existing weapon systems or other planned weapon systems or other planned equipment, are weapon systems or equipment for which it is necessary to maintain a core depot-level maintenance and repair capability within the Department of Defense.

(5) The core capabilities, including sufficient skilled personnel, equipment, and facilities, that—

(A) are of sufficient size—

(i) to ensure a ready and controlled source of the existing weapon systems, and depot-level maintenance and repair capabilities, that are necessary to meet the requirements of the national military strategy and other requirements to respond to mobilizations and military contingencies; and

(ii) to provide for rapid augmentation in time of emergency; and

(B) are assigned a sufficient workload to ensure cost efficiency and technical proficiency in peacetime.

(6) The environmental liability issues associated with the contracted privatization of the performance of depot-level maintenance and repair, together with detailed projections of the costs to the United States of satisfying environmental liabilities associated with such privatized operations.

(7) Any significant issues and risks concerning—

(A) the proposed privatization of the performance of depot-level maintenance and repair activities and workloads that the Secretary of Defense has identified and proposed for con- version to contractor performance by private entities under section 2466 of title 10, United States Code; and

(B) any deficiencies in Department of Defense financial systems that hinder effective performance of the Secretary of Defense and private-sector sources, and control of depot-level maintenance and repair activities owned and operated by the Department of Defense and private-sector sources, and any necessary changes in financial and information systems to support the Secretary of Defense influence to review the assumptions underlying the analysis for subsection (d) and to the Comptroller General of the United States.

(8) At the same time that the Secretary submits the strategic plan required by subsection (a), the Secretary shall transmit a copy of the plan (including the report of the public accounting firm provided for under subsection (c)) to the Joint Chiefs of Staff and make available to the Comptroller General all information used by the Department of Defense in preparing the plan and any necessary changes in the Department of Defense financial systems to support the Secretary's influence to review the assumptions underlying the analysis for subsection (d) and to the Comptroller General.

(9) The review by the Comptroller General.—(1) At the same time that the Secretary submits the strategic plan required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the strategic plan.

SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—(1) Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on National Security of the Senate and the Committee on National Security of the House of Representatives a report describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a).

(b) FIRST REPORT.—The first report under subsection (d) of section 2469 of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 1997.

SEC. 328. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§2473. Reports on privatization of depot-level maintenance work."

"(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than January 1 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the privatization of depot-level maintenance workloads of the Department of Defense."

(2) The Secretary shall include with respect to each depot-level maintenance workload the following:

(A) An assessment of the risk to the readiness, sustainability, and technology of the Armed Forces in a full range of anticipated scenarios for peacetime and for wartime of—

(i) using public entities to perform the workload;

(ii) using private entities to perform the workload; and

(iii) using a combination of public entities and private entities to perform the workload.

(B) The recommendation of the Joint Chiefs of Staff to whether public entities, private entities, or a combination of public entities and private entities could perform the workload without jeopardizing military readiness.

(C) Not later than 30 days after receiving the report under paragraph (1), the Secretary shall transmit the report to Congress."

"(b) ANNUAL REPORT ON PROPOSED PRIVATIZATION.—(1) Not later than February 28 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on each depot-level maintenance workload of the Department of Defense that the Joint Chiefs believe could be privatized in performance by private entities during the next fiscal year without jeopardizing military readiness.

(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall submit to the Committee on National Security of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the recommendation of the Secretary; and

(B) a justification for the differences between the recommendation of the Joint Chiefs and the recommendation of the Secretary."

"(c) ANNUAL REPORT. — Section 2469 of title 10, United States Code, is amended by adding at the end the following:

"(d) ANNUAL REPORT. — Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on National Security of the Senate and the Committee on National Security of the House of Representatives a report describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a)."
"(b) a justification for the differences between the proposal of the Joint Chiefs and the proposal of the Secretary.".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

``2473. Reports on privatization of depot-level maintenance work.''

SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED CONSTRUCTION AND MAINTENANCE.

(a) EXTENSION OF AUTHORITY.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–155) is amended by adding at the end the following:

``(f) AUTHORITY TO REQUEST FUNDING.—The Secretary of Defense may exercise this authority after September 30, 1995, subject to the limitation in subsection (e) of such section as amended by subsection (a) of this section.

SEC. 329. LIMITATION ON USE OF FUNDS FOR F–18 AIRCRAFT DEPOT MAINTENANCE.

Of the amounts authorized to be appropriated in section 301(2), not more than $5,000,000 may be used for the performance of depot maintenance on F–18 aircraft until 30 days after the date on which the Secretary of Defense transmits to the congressional defense committees a report on aviation depot maintenance. The report shall contain the following:

(1) The results of a competition which the Secretary shall conduct between all Department of Defense aviation depots for selection for the performance of depot maintenance on F–18 aircraft.

(2) An analysis of the total cost of transferring the F–18 aircraft depot maintenance workload to an aviation depot not performing such work as of the date of the enactment of this Act.

SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILITIES CLOSED BY BRAC.

The Secretary may not contract for the performance by a private sector source of any of the depot maintenance workload performed as of the date of the enactment of this Act at a Naval Air Logistics Center, the San Diego Air Logistics Center, the San Antonio Air Logistics Center, or the San Francisco Air Logistics Center, unless:

(1) the Secretary publishes criteria for the evaluation of bids and provides funds to perform such workload; and

(2) the Secretary conducts a competition for the workload between public and private entities.

The Secretary shall report to the congressional defense committees with the criteria published under paragraph (1) that an offer submitted by a private sector source to perform the workload is the best value for the United States.

(4) Submits to Congress the following—

(1) a detailed comparison of the cost of the performance of depot-level maintenance by employees of the Department of Defense with the cost of the performance of the workload by that source; and

(2) an analysis which demonstrates that the performance of the workload by that source will provide the best value for the United States over the life of the contract.

Subtitle D—Environmental Provisions

SEC. 341. ESTABLISHMENT OF SEPARATE DEPARTMENTAL ENVIRONMENTAL RESTORATION ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

``2703. Environmental restoration accounts. . . .

(b) REFERENCES.—Any reference to the Departmental Environmental Restoration Account made by CERCLA shall be applied to the appropriate environmental restoration account established under this section.

(c) AMENDMENT.—Section 2703(a) of title 10, United States Code, is amended to read as follows:

``(a) ESTABLISHMENT OF ACCOUNTS.—There are hereby established in the Department of Defense the following accounts:

(1) An account to be known as the ‘‘Defence Environmental Restoration Account’’.

(2) An account to be known as the ‘‘Army Environmental Restoration Account’’.

(3) An account to be known as the ‘‘Navy Environmental Restoration Account’’.

(4) An account to be known as the ‘‘Air Force Environmental Restoration Account’’.

(5) An account to be known as the ‘‘National Environmental Restoration Account’’.

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(f) PAYMENTS OF FINES AND PENALTIES.—

(1) Amounts recovered under CERCLA for response activities shall be credited to the appropriate environmental restoration account:

(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

(3) PAYMENTS OF FINES AND PENALTIES.—None of the amounts appropriated to the Department of Defense under CERCLA shall be used for any purpose other than the payment of civil penalties assessed under the Federal Water Pollution Control Act, as amended by the Safe Drinking Water Act, or remedial or preventive measures under any other provision of law.

SEC. 342. DEFENSE CONTRACTORS COVERED BY CERCLA.

A contractor, insurer, surety, or any other person may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) stipulated civil penalties assessed under CERCLA in amounts, and using funds, as follows:

(1) Using funds authorized to be appropriated to the Army Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code, as amended by section 341 of this Act, $34,000 assessed against Fort Riley, Kansas, under CERCLA.

(2) Using funds authorized to be appropriated to the Air Force Environmental Restoration Account established under section 2703(a)(1) of title 10, as so amended, $55,000 assessed against the Massachusetts Military Reservation, Massachusetts, under CERCLA.

(3) Using funds authorized to be appropriated to the Navy Environmental Restoration Account established under section 2703(a)(1) of title 10, as so amended, $55,000 assessed against the Naval Education and Training Center, Newport, Rhode Island, under CERCLA.


SEC. 343. AUTHORITY TO WITHHOLD LISTING OF FEDERAL FACILITIES ON NATIONAL PRIORITIES LIST.

Section 110(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ‘‘not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator’’ and inserting the following:

``(3) In General—The Administrator’’; and

(3) by striking ‘‘such criteria’’ and all that follows through the end of the subsection and inserting the following:

``(4) Application of Criteria.—The criteria referred to in paragraph (3) shall be applied in the same manner as the criteria are applied to facilities that are'
owned or operated by persons other than the United States.

"(B) RESPONSE UNDER OTHER LAW.—That the head of the department, agency, or instrumentality that owns or operates a facility has arranged with the Administrator or appropriate State authorities to respond appropriately, under authority of a law other than this Act, to a release or threatened release of a hazardous substance shall be an appropriate factor to be taken into consideration for the purposes of section 103(b)(8)(A).

"(3) Evaluation and listing under this subsection shall be completed in accordance with a reasonable schedule established by the Administrator.

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) In General.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesigning subparagraph (A) as clause (i) and clauses (ii), (iii), and (iii) of that subparagraph as subclauses (I), (II), and (III), respectively;

(2) by striking "After the last day" and inserting the following:

"(A) IN GENERAL.—After the last day";

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesigning subparagraph (C) as clause (iii);

(5) by striking "For purposes of subparagraph (B)(i)" and inserting the following:

"(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(i), (A)(ii), and (C)(iii);"

(6) in subparagraph (B), as redesignated by paragraph (5), by striking subparagraph (B) each place it appears and inserting "subparagraph (A)(ii)"; and

(7) by adding at the end the following:

"(C) DEFERRAL.—"

"(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(i)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

"(I) the property is suitable for transfer for use intended by the transferee;

"(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (i); and

"(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and an opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

"(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is or was potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

"(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

"(ii) provide that there will be restrictions on use until the area is deemed appropriate for transfer investigations, remedial actions, and oversight activities will not be disrupted;

"(iii) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

"(iv) Federal responsibility.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.

(b) Continued Application of State Law.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting "or facilities that are the subject of a deferral under subsection (h)(3)(C)" after "United States".

SEC. 347. CLARIFICATION OF MEANING OF CONTAMINATED PROPERTY FOR PURPOSES OF TRANSFER BY THE UNITED STATES.

Section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)) is amended in the first sentence by striking "for purposes of the Act" and inserting the following:

"(I) the property is suitable for transfer for use intended by the transferee;

"(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (i); and

"(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and an opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

"(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is or was potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

"(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

"(II) provide that there will be restrictions on use until the area is deemed appropriate for transfer investigations, remedial actions, and oversight activities will not be disrupted;

"(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

"(IV) Federal responsibility.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.

"(b) Continued Application of State Law.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting "or facilities that are the subject of a deferral under subsection (h)(3)(C)" after "United States".

SEC. 348. SHIPBOARD SOLID WASTE CONTROL.

(a) In General.—Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(c)) is amended—

(1) in paragraph (1), by striking "Not later than" and inserting "Except as provided in paragraphs (2) and (3), not later than"; and

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, charge in special areas, not otherwise authorized, non-plastic, non-floating garbage.

"(2)(B) Garbage described in subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

"(2)(C) Garbage described in subparagraph (A)(ii) may not be discharged within 12 nautical miles of land.

"(2)(D) This paragraph applies to any ship that is owned or operated by the Department of the Navy that is determined by the Secretary of the Navy—

"(I) has unique military design, construction, manning, or operating requirements; and

"(II) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is logistically or technologically feasible or would impair the operations or operational capability of the ship.

"(3) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(A) of section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(c)) is amended by striking subparagraph (a) of this section.

(b) List of Ship Types.—A list of ship types which the Secretary of the Navy has determined can comply with the special area requirements of Regulation 5 of Annex V to the Convention is amended by striking subparagraph (a) of this section.

(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 pursuant to paragraph (2) of section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(c)) a statement of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(d) Description of New Technologies.—A description of any emerging technologies offering the potential to achieve compliance with Regulation 5 of Annex V to the Convention is amended by striking subparagraph (a) of this section.

SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGEMENT OF CULTURAL RESOURCES ON MILITARY INSTALLATIONS.

(a) Authority To Enter Into Agreements.—Chapter 159 of title 10, United States Code, is amended by adding after the last subsection the following:

"§ 2694. Cooperative agreements for management of cultural resources on military installations.

"(a) Authority To Enter Into Agreements.—The Secretary of Defense and the Secretaries of the military departments may enter into cooperative agreements with States, local governments, and other public and private entities in order to provide for the preservation, management,
maintenance, and rehabilitation of cultural resources on military installations.

"(b) Inapplicability of Certain Federal Financial Management Laws.—A cooperative agreement under subsection (a) shall not be treated as a cooperative agreement for purposes of chapter 63 of title 31.

"(c) Authority to Carry Out Agreements.—The authority of the Secretary of Defense or the Secretary of a military department to carry out an agreement entered into under subsection (a) shall be subject to the availability of funds for that purpose.

"(3) Definition.—For purposes of this section, the term 'cultural resource' means any of the following:

"(I) A building, structure, site, district, or object included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470aaa).

"(II) A cultural item as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

"(III) An archaeological resource as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb).

"(4) Archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations:—

"(b) Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2694. Cooperative agreements for management of cultural resources on military installations.

SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT EL CENTRO NAVAL AIR FACILITY, CALIFORNIA.

(a) Report.—Not later than March 15, 1997, the Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security, shall submit to the congressional defense committees a report that assesses the effects of the proposed withdrawal of public lands at El Centro Naval Air Facility, California, on the operational and training requirements of the Department of Defense at that facility.

(b) Report Elements.—The report under subsection (a) shall—

"(1) describe in detail the operational and training requirements of the Department of Defense at that facility;

"(2) assess the effects of the proposed withdrawal on such operational and training requirements;

"(3) describe the relationship, if any, of the proposed withdrawal to the withdrawal of other public lands under the California Desert Protection Act of 1994 (Public Law 103-433);

"(4) assess the additional responsibilities, if any, of the Navy in land management at the facility as a result of the proposed withdrawal; and

"(5) assess the costs, if any, to the Navy resulting from the proposed withdrawal.

SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES COLLECTED AT CLOSED MILITARY FACILITIES.

Subparagraph (B) of section 101(b)(4) of the Act of September 15, 1960 (commonly known as the "Sikes Act"; 16 U.S.C. 670(b)(4)), is amended by inserting after "Sikes Act" the following:

"(B) The fees collected under this paragraph—

"(i) shall be expended at the military reservations to which the activity is restricted; and

"(ii) if collected with respect to a military reservation that is closed, shall be available for expenditure at any other military reservation, for the maintenance of fish and wildlife at such reservation."

SEC. 352. AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION ACT OF 1989.

Section 2703(d) of title 10, United States Code, is amended—

"(1) in the first sentence of paragraph (1), by striking out "", or with any State or local government agency," and inserting in lieu thereof "with any State or local government agency, an Indian tribe,"; and

"(2) by adding at the end the following:

"(3) Definition.—In this subsection, the term 'Indian tribe' has the meaning given in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36))."

SEC. 353. OTHER MATTERS.

SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNCTIONS AT FACILITIES LEASED TO THE GOVERNMENT.

Section 2462b of title 10, United States Code, is amended—

"(1) by striking out "or" at the end of paragraph (2);

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

"(3) by adding at the end the following:

"(4) to a contract to be carried out at a private facility at which a Federal Government activity is located pursuant to a lease of the facility to the Federal Government, funds appropriated to the Department of the Army, the Department of the Navy, or the Department of the Air Force for the purpose of the activity.''.

SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.

(a) Authority.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 520c. Authorized use of recruiting funds.

"(a) Meals and refreshments.—Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments that are provided in the performance of personnel recruiting functions of the armed forces to—

"(1) persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title;

"(2) persons who are objects of armed forces recruiting efforts;

"(3) influential persons in communities when assisting the military departments in recruiting efforts;

"(4) members of the armed forces and Federal Government employees when attending recruiting events in accordance with a requirement to do so; and

"(5) other persons who are contributing to recruiting efforts by attending recruiting events.

"(b) Annual report.—Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.

"(c) Termination of Authority.—(1) The authority in subsection (a) may not be exercised after December 30, 2001.

"(2) No report is required under subsection (b) after 2002.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"520c. Authorized use of recruiting funds.

SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

(a) Clarification of Exception to Competitive Procurement.—Section 2486 of title 10, United States Code, is amended by adding at the end the following:

"(e) The Secretary of Defense may not, under the exception provided in section 2304(c)(5) of this title, use procedures other than competitive procedures for the procurement of a brand-name commercial item for resale in commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the commercial item will be sold in commissary stores.''

(b) Effect on Existing Contracts.—The amendment made by subsection (a) shall not affect the terms, conditions, or duration of any contract entered into by the Secretary of Defense before the date of the enactment of this Act for the procurement of commercial items for resale in commissary stores.

SEC. 364. ADMINISTRATION OF MIDSHIPMEN'S STORE AND OTHER NAVAL ACADEMY SUPPORT ACTIVITIES AS NON-APPROPRIATED FUND INSTRUMENTALITIES.

(a) in General.—(1) Chapter 603 of title 10, United States Code, is amended by striking out sections 6970 and 6971 and inserting in lieu thereof the following new section:

"§ 6970. Midshipmen's store and Naval Academy shops, laundry, and dairy; nonappropriated fund account.

"(a) in General.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy shall administer a nonappropriated fund account for each of the Academy activities referred to in subsection (b).

"(b) Activities.—Subsection (a) applies to the following Academy activities:

"(1) The midshipmen's store.

"(2) The barber shop.

"(3) The cobbler shop.

"(4) The tailor shop.

"(5) The dairy.

"(6) The laundry.

"(7) Crediting of revenue.—The Superintendent shall credit to each account administered with respect to an activity under subsection (a) all revenue received from the activity."

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 6970 and 6971 and inserting in lieu thereof the following new item:

"§ 6970. Midshipmen's store and Naval Academy shops, laundry, and dairy; nonappropriated fund account."

(b) Employment Status of Employees of Activities.—Section 2105 of title 5, United States Code, is amended by striking out subsection (b).

SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.

(a) in General.—Section 2543 of title 10, United States Code, is amended to read as follows:

"§ 2543. Equipment and services: Presidential Inaugural committees.

"(a) Assistance Authorized.—The Secretary of Defense may provide the assistance referred to in subsection (b) to the following committees:

"(1) An Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721).

"(2) A joint committee of the Senate and House of Representatives appointed under section 9 of that Act (36 U.S.C. 721).

"(b) Assistance.—The following assistance may be provided under subsection (a):

"(1) Planning and carrying out activities relating to security and safety.

"(2) Planning and carrying out ceremonial activities.
"(3) Loan of property.
"(4) Any other assistance that the Secretary considers appropriate.
(c) REIMBURSEMENT.—(1) An inaugural committee referred to in subsection (b)(1) shall reimburse the Secretary for any costs incurred in connection with the provision to the committee of assistance referred to in subsection (b)(1)."
The End Strengths for Selected Reserve personnel of the reserve components as of September 30, 1997, as follows:

<table>
<thead>
<tr>
<th>Reserve Component</th>
<th>Authorized Strength</th>
<th>Active Duty</th>
<th>Reserve Force</th>
<th>Coast Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army National Guard of the United States</td>
<td>365,756</td>
<td>71,728</td>
<td>124,015</td>
<td>1,877</td>
</tr>
<tr>
<td>Navy Reserve</td>
<td>120,000</td>
<td>22,979</td>
<td>13,692</td>
<td>5,200</td>
</tr>
<tr>
<td>Air Force Reserve</td>
<td>115,000</td>
<td>22,169</td>
<td>13,304</td>
<td>5,019</td>
</tr>
<tr>
<td>Marine Corps Reserve</td>
<td>110,000</td>
<td>21,360</td>
<td>12,915</td>
<td>4,838</td>
</tr>
<tr>
<td>Navy</td>
<td>105,000</td>
<td>20,873</td>
<td>12,560</td>
<td>4,678</td>
</tr>
<tr>
<td>Marine Corps</td>
<td>100,000</td>
<td>20,238</td>
<td>12,240</td>
<td>4,514</td>
</tr>
<tr>
<td>Air Force</td>
<td>95,000</td>
<td>19,545</td>
<td>11,940</td>
<td>3,987</td>
</tr>
<tr>
<td>National Guard</td>
<td>90,000</td>
<td>18,831</td>
<td>11,340</td>
<td>3,789</td>
</tr>
</tbody>
</table>

Title V—Military Personnel Policy

Subtitle A—Officer Personnel Policy


(a) The Air Force Reserve, 212,925.
(b) The Air National Guard of the United States, 108,904.
(c) The Marine Corps Reserve, 42,000.
(d) The Army National Guard of the United States, 66,000.
(e) The Naval Reserve, 73,721.
(f) The Coast Guard Reserve, 8,000.

(b) Waiver Authority—The Secretary of Defense may extend authority authorized by subsection (a) by not more than 2 percent.

(c) Adjustments—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately increased by—

1. The total authorized strength of units organized to serve as the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year.
2. The total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

Section 412. End Strengths for Reserves on Active Duty in Support of the Reserve.

Within the end strengths prescribed in section 412(a), the reserve components of the Army and the Marine Corps on or after September 30, 1997, the number of reservists to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 22,798.
2. The Army Reserve, 11,475.
3. The Marine Corps Reserve, 16,603.
4. The Marine Corps Reserve, 2,559.
5. The Naval Reserve, 16,603.
6. The Naval Reserve, 2,559.
7. The Air Force Reserve, 10,403.
8. The Air Force Reserve, 1,060.
10. The Air Force Reserve, 10,139.
11. The Air Force Reserve, 6,873.
12. The Air Force Reserve, 1,014.
13. The Air Force Reserve, 1,014.
14. The Air Force Reserve, 1,014.
15. The Air Force Reserve, 1,014.
16. The Air Force Reserve, 1,014.
17. The Air Force Reserve, 1,014.
18. The Air Force Reserve, 1,014.
19. The Air Force Reserve, 1,014.
20. The Air Force Reserve, 1,014.
21. The Air Force Reserve, 1,014.
22. The Air Force Reserve, 1,014.
23. The Air Force Reserve, 1,014.
24. The Air Force Reserve, 1,014.
25. The Air Force Reserve, 1,014.
26. The Air Force Reserve, 1,014.
27. The Air Force Reserve, 1,014.
28. The Air Force Reserve, 1,014.
29. The Air Force Reserve, 1,014.
30. The Air Force Reserve, 1,014.
31. The Air Force Reserve, 1,014.
32. The Air Force Reserve, 1,014.
33. The Air Force Reserve, 1,014.
34. The Air Force Reserve, 1,014.
35. The Air Force Reserve, 1,014.
36. The Air Force Reserve, 1,014.
37. The Air Force Reserve, 1,014.
38. The Air Force Reserve, 1,014.
39. The Air Force Reserve, 1,014.
40. The Air Force Reserve, 1,014.
41. The Air Force Reserve, 1,014.
42. The Air Force Reserve, 1,014.
43. The Air Force Reserve, 1,014.
44. The Air Force Reserve, 1,014.
45. The Air Force Reserve, 1,014.
46. The Air Force Reserve, 1,014.
47. The Air Force Reserve, 1,014.
48. The Air Force Reserve, 1,014.
49. The Air Force Reserve, 1,014.
50. The Air Force Reserve, 1,014.
51. The Air Force Reserve, 1,014.
52. The Air Force Reserve, 1,014.
53. The Air Force Reserve, 1,014.
54. The Air Force Reserve, 1,014.
55. The Air Force Reserve, 1,014.
56. The Air Force Reserve, 1,014.
57. The Air Force Reserve, 1,014.
58. The Air Force Reserve, 1,014.
59. The Air Force Reserve, 1,014.
60. The Air Force Reserve, 1,014.
61. The Air Force Reserve, 1,014.
62. The Air Force Reserve, 1,014.
63. The Air Force Reserve, 1,014.
64. The Air Force Reserve, 1,014.
65. The Air Force Reserve, 1,014.
66. The Air Force Reserve, 1,014.
67. The Air Force Reserve, 1,014.
68. The Air Force Reserve, 1,014.
69. The Air Force Reserve, 1,014.
70. The Air Force Reserve, 1,014.
71. The Air Force Reserve, 1,014.
72. The Air Force Reserve, 1,014.
73. The Air Force Reserve, 1,014.
74. The Air Force Reserve, 1,014.
75. The Air Force Reserve, 1,014.
76. The Air Force Reserve, 1,014.
77. The Air Force Reserve, 1,014.
78. The Air Force Reserve, 1,014.
79. The Air Force Reserve, 1,014.
80. The Air Force Reserve, 1,014.
81. The Air Force Reserve, 1,014.
82. The Air Force Reserve, 1,014.
83. The Air Force Reserve, 1,014.
84. The Air Force Reserve, 1,014.
85. The Air Force Reserve, 1,014.
86. The Air Force Reserve, 1,014.
87. The Air Force Reserve, 1,014.
88. The Air Force Reserve, 1,014.
89. The Air Force Reserve, 1,014.
90. The Air Force Reserve, 1,014.

Title V—Military Personality Policy

Subtitle A—Personnel Management Relating to the Selective Service System


(a) The reduction of minimum time in grade required for consideration for promotion.

(b) Below-Zone Selection.—Section 575(b)(1) of such title is amended by inserting "Chief warrant officer, W-3," in the first sentence after "two years of service".

(c) Repeat of Temporary Authority for Varying Conditions of End Strengths.—The following provisions of law are repealed:

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 1, 1979, that the officer performed while serving on active duty" and inserting in lieu thereof "that service for which the officer performed on or after August 1, 1979." 

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retention pay shall accrue for periods before the date of this Act by reason of the amendments made by this section.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STATUS.

Section 101(d)(4) of title 10, United States Code, is amended by striking out "a reserve commissioned officer, other than a commissioned warrant officer," and inserting in lieu thereof the following: "a member of a reserve component".

SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT PROVISIONS.

(a) SERVICE REQUIREMENT FOR RETIREMENT IN HIGHEST GRADE HELD.—Section 1370(d) of title 10, United States Code, is amended by—

(1) by redesigning paragraph (3) as paragraph (4); and

(2) in paragraph (2)(A), by striking out "(A)".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 is amended by striking out the reference to section (b), service performed''; and

(c) TECHNICAL CORRECTION.—Section 1431(k)(2) of such title is amended by striking out "of the Air Force".

SEC. 513. REQUIREMENT FOR PHYSICAL EXAMINATIONS OF MEMBERS OF NATIONAL GUARD CALLED INTO FEDERAL SERVICE.

(a) REPEAL.—Section 12408 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 is amended by striking out the reference to section (b), service performed''; and

(c) TECHNICAL CORRECTION.—Section 1431(k)(2) of such title is amended by striking out "of the Air Force".

SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO WAIVE RETIREMENT SANC

TURY.

SEC. 1266 of title 10, United States Code, is amended by—

(1) by inserting "(a) LIMITATION.—" before "Under regulations"; and

(2) by adding at the end the following new subsection:

"(B) WAIVER.—(1) The Secretary concerned may authorize a member described in paragraph (2) to waive the applicability of the limitation under this subsection if the Secretary concerned determines that the waiver is in the best interest of the Government.

(2) The authority provided in paragraph (1) applies to a member of a reserve component who is on active duty (other than for training) pursuant to an order to active duty in order to active duty under section 12301 of this title that specifies a period of less than 180 days.

SEC. 515. RETIRED PERSONNEL DISABLED BY INJURY OR DISEASE INCURRED OR AGGRAVATED DURING OVERNIGHT OR INACTIVE DUTY TRAINING PERIODS.

Paragraph (2) of section 1204 of title 10, United States Code, is amended to read as follows:

"(2) The disability is a result of—

(A) performing active duty or inactive-duty training;

(B) traveling directly to or from the place at which such duty is performed; or

(C) an injury, illness, or disease incurred or aggravated while remaining overnight, being hospitalized, or participating in inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence or place of employment at the time of the injury, illness, or disease.

SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) CREDIT AUTHORIZED.—Section 2126 of title 10, United States Code, is amended—

(1) by striking out "Service performed" and inserting in lieu thereof "(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed"; and

(2) by redesigning paragraph (1) as paragraph (2) to read as follows:

"(B) EXCEPTION.—(1) The Secretary concerned may authorize service performed by a member of the program in pursuit of a course of study under this subchapter to be counted in accordance with this subsection if the member demonstrates—

(A) completes the course of study;

(B) completes the active duty obligation imposed under section 2123(a) of this title; and

(C) possesses a specialty designated by the Secretary concerned as critically needed in wartime.

(2) Service credited under paragraph (1) counts only for the following purposes:—

"(A) Award of retirement points for computation of years of service under section 12732 of this title and for computation of retirement pay under section 12709 of this title.

"(B) Computation of years of service creditable under section 206 of title 37.

"(C) For purposes of paragraph (2)(A), a member may be credited in accordance with paragraph (1) with not more than 50 points for each year of participation in a course of study that the member satisfactorily completes as a member of the program.

(3) Service may not be counted under paragraph (1) for more than four years of participation in a course of study as a member of the program.

(4) A member is not entitled to any retroactive award of, or increase in, pay or allowances under title 37 by reason of an award of service credit under paragraph (1).

(b) AWARD OF RETIREMENT POINTS.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after clause (C) the following:

"(D) Points credited for the year under section 1226(b) of this title;";

and

(B) in the matter following clause (D), as inserted by paragraph (1), by striking out "and (C)" and inserting in lieu thereof "(C), and (D)".

(2) Section 12733(3) of such title is amended by striking out "(or (C)) and inserting in lieu thereof "(C), or (D)".

SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUCTURE.

(a) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on the current force structure of the organized reserve components of the National Guard and the other reserve components.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The role of specific guard and reserve units in the current force structure of the guard and reserves;

(2) The projected role of specific guard units and reserve units in a major regional contingency;

(3) Whether or not the current force structure of the guard and reserves is excess to the combat readiness requirements of the Armed Forces and, if so, to what extent.

(c) Effect of Existing Law on the Force Structure of the Guard and Reserves on Combat Readiness within the Tiered Structure of Combat Readiness Applied to the Armed Forces.

SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR MILITARY TECHNICIANS IN THE AIR NATIONAL GUARD FOR FISCAL YEAR 1997.

Section 513(b)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 305; 10 U.S.C. 113 note) is amended to read as follows:

"(3) Air National Guard:
"(A) For fiscal year 1996, 22,906.
(B) For fiscal year 1997, 22,906."

Subtitle C—Officer Education Programs

SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A CADET OR MIDSHIPMAN IN RESERVE OFFICERS' TRAINING CORPS AND THE SERVICE ACADEMIES.

(a) SENIOR NORTH AMERICAN RESERVE OFFICERS' TRAINING ACADEMIES.—Section 2107(a) of title 10, United States Code, is amended by striking out "25 years of age" and inserting in lieu thereof "22 years of age".

(b) UNITED STATES MILITARY ACADEMY.—Section 4346(a) of title 10, United States Code, is amended by striking out "twenty-second" and inserting in lieu thereof "twenty-third".

(c) UNITED STATES NAVAL ACADEMY.—Section 6590(a)(1) of title 10, United States Code, is amended by striking out "twenty-second" and inserting in lieu thereof "twenty-third".

(d) UNITED STATES AIR FORCE ACADEMY.—Section 9346(a) of title 10, United States Code, is amended by striking out "twenty-second" and inserting in lieu thereof "twenty-third".

SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION AND SUPPORT OF ARMY ROTC UNITS BY MEMBERS OF THE ARMY, THE ARMY NATIONAL GUARD, AND MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) IN GENERAL.—The Secretary of the Army shall carry out a demonstration project in order to assess the feasibility and advisability of providing instruction and similar support to units of the Reserve Officers Training Corps of the Army through members of the Army Reserve (including members of the Individual Ready Reserve) and members of the Army National Guard.

(b) PROJECT IMPLEMENTATION.—(1) The Secretary shall carry out the demonstration project at least one institution.

(2) In order to enhance the value of the project, the Secretary may take actions to ensure that members of the Army Reserve and the Army National Guard provide instruction and support under the project in a variety of innovative ways.

(c) INAPPLICABILITY OF LIMITATION ON SERVICES IN SUPPORT OF ROTC.—The assignment of a member of the Army Reserve or the Army National Guard to provide training or support under the demonstration project shall not be treated as an assignment of the member to duty with a unit of the Reserve Officers Training Corps of the Army.

SEC. 523. LIMITATIONS ON RECALL OF RETIRED MEMBERS TO ACTIVE DUTY.

(a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—Section 1373 of title 10, United States Code, is amended—

(1) by striking out "(a) Number of retired members on active duty concurrently."

(b) ELIGIBLE MEMBERS.—This section applies to the following members:

(1) A member of a regular component of the armed forces who has been called or ordered to active duty under this section.

(2) Any other member of the armed forces who has been called or ordered to active duty under this section.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

"(C) 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 10-year period ending on the date on which such member was ordered to active duty under such subsection."
(2) by striking out “a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 101(a)(2) of this title) for a period of more than 30 days,” and inserting in lieu thereof “a member described in subsection (a) of this title”; and

(3) by inserting after “incurred while entitled to basic pay” the following: “or incurred while absent as described in section 502(b) of title 37, United States Code, which is amended”.

SEC. 537. REVISIONS TO MISSING PERSONS AUTHORIZED EXPEDITED SEARCHES.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—

(1) Section 1501 of title 10, United States Code, is amended by inserting after the item relating to section 1176 the following:

“(C) Covered Persons.—Section 5102 of this title applies in the case of any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is in doubt, as determined by the authorized member of the armed forces on active duty who becomes involuntarily absent.”

(b) T ECHNICAL AMENDMENTS.—

(1) Section 1502 of such title is amended—

(A) in paragraph (1), by striking out “one individual described in paragraph (2)” and inserting in lieu thereof “one military officer”;

(B) by striking out paragraph (2); and

(c) REPEALS.—

(1) Section 1506 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out “section 1502(b)” and inserting in lieu thereof “section 1502(c)”; and

(B) by redesignating subsection (b) as subsection (a).
(f) Information To Accompany Recommendation of Status of Death.—Section 1507(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4).

(g) Repeal of Right of Judicial Review.—Section 1508 of title 10, United States Code, is repealed.

(h) Scope of Preenactment Review.—(1) Section 1509 of title 10, United States Code, is amended—
(A) by striking subsection (b); and
(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;
(C) by redesignating subsection (d) as subsection (c); and
(D) in subsection (c), as so redesignated—
(i) by striking out paragraph (1); and
(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The section heading of such section is amended by striking out "special interest cases."

(i) Clerical Amendments.—The table of sections at the beginning of chapter 76 of title 31, United States Code, is amended—
(A) in the item relating to section 1509, by striking out ", special interest cases"; and
(B) by striking out the item relating to section 1509.

SEC. 538. INAPPLICABILITY OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 TO UNIFORMS OF MILITARY PERSONNEL FOR FILING CLAIMS FOR CORRECTIONS OF MILITARY RECORDS.

(a) Extension of Period.—Section 1552(b) of title 10, United States Code, is amended—
(1) by inserting "(ii)" after "(i)"; and
(2) by adding at the end the following:

"(2) Notwithstanding the provisions of section 1552 of title 10, United States Code, any other provision of law, the three-year period for filing a request for correction of records is not extended by reason of military service. However, in determining under paragraph (1) whether it is in the interest of justice to excuse a failure timely to file a request for correction, the board shall consider the claimant's military service and its effect on the claimant's ability to file a claim.".

(b) Positions and Appointment.—Paragraph (2) of section 1552(b) of such title, as added by subsection (a), shall take effect three years after the date of the enactment of this Act.

SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRI-CAN AMERICAN SOLDIERS WHO SERVED IN WORLD WAR II.

(a) Inapplicability of Time Limitations.—Notwithstanding any time limitations in section 1574(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor to each person identified in subsection (b), each such person having distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving in the United States Army during World War II.

(b) Applicability.—The authority in this section applies with respect to the following persons:

(1) Vernon J. Baker, who served as a first lieutenant in the 370th Infantry Regiment, 92nd Infantry Division.
(2) David A. Carter, who served as a staff sergeant in the 58th Armored Infantry Battalion, 12th Armored Division.
(3) John R. Fox, who served as a first lieutenant in the 366th Infantry Regiment, 92nd Infantry Division.
(4) Willy F. James, who served as a private first class in the 423d Infantry Regiment, 92nd Infantry Division.
(5) Ruben Rivers, who served as a staff sergeant in the 761st Tank Battalion.

SEC. 540. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) Chief of Army Nurse Corps.—Subsection (b) of section 3069 of title 10, United States Code, is amended—
(1) in the first sentence, by striking out "major" and inserting in lieu thereof "lieutenant colonel";
(2) by inserting after the first sentence the following: "An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general."; and
(3) in the last sentence, by inserting "to the same position" before the period at the end.

(b) Assistant Chief.—Subsection (c) of such section is amended by striking out "major" in the first sentence and inserting in lieu thereof "lieutenant colonel".

(c) Clerical Amendments.—The heading of such section is amended to read as follows:

"§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.

(1) The item relating to section 307 of title 10, United States Code, is amended—
(a) by striking out "army" and inserting in lieu thereof "air"; and
(b) by adding at the end the following:

"(b) C OMPETENCE OF ARMY NURSE CORPS. Ð(1) Positions and Appointment. ÐChapter 70 of title 10, United States Code, is amended—
(A) in subsection (b) Ð
(i) by striking out paragraph (1); and
(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;
(B) by redesignating subsection (c) as subsection (b); and
(C) by redesignating subsection (d) as subsection (c);
(D) in subsection (c), as so redesignated—
(i) by striking out paragraph (1); and
(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

The section heading of such section is amended to read as follows:

"§ 3069. Air Force nurse corps: composition; Chief and assistant chief; appointment; grade.

(1) The item relating to section 307 of title 10, United States Code, is amended by inserting after section 8067 the following:

"(a) Positions and Appointment—Chapter 307 of title 10, United States Code, is amended by inserting after section 8067 the following:

"(1) Chief and assistant chief. ÐThere are a Chief and assistant chief of the Air Force Nurse Corps.

(b) Chief. ÐThe Secretary of the Army shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

(c) Assistant Chief. ÐThe Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel."

(d) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

"(1) Section 3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.".

SEC. 541. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) Positions and Appointment.—Chapter 307 of title 10, United States Code, is amended by inserting after section 8067 the following:

"(a) Positions of Chief and Assistant Chief. ÐThere are a Chief and assistant chief of the Air Force Nurse Corps.

(b) Chief. ÐThe Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

(c) Assistant Chief. ÐThe Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel."

SEC. 542. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) Waiver of Time Limitation.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations as described in subsection (b), the award of each such decoration having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of title 10, United States Code.

(b) Distinguished Flying Cross.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II, as the laws:

(1) First Award.—First award, for completion of at least 20 qualifying combat missions, to the following members and former members of the Armed Forces:

- Vernard V. Aiken of Wilmington, Vermont.
- Ira V. Babcock of Dothan, Georgia.
- George S. Barlow of Grafton, Virginia.
- Earl A. Bratton of Bodega Bay, California.
- William C. Edwards of Johns Island, South Carolina.
- James M. Fitzgerald of Anchorage, Alaska.
- Paul L. Hitchcock of Raleigh, North Carolina.
- Harold H. Hotte of Hillsboro, Ohio.
- Samuel M. Keith of Anderson, South Carolina.
- Otis Lancaster of Wyomissing, Pennsylvania.
- James P. Merriman of Midland, Texas.
- The late Michael L. Michalak, formerly of Akron, New York.
- A. J. Pfeiffer of Racine, Wisconsin.
- Duane L. Rhodes of Earp, California.
- Frank V. Roach of Bloomfield, New Jersey.
- Arnold V. Rosekrans of Horseheads, New York.
- Joseph E. Seaman, Jr. of Bordentown, New Jersey.
- Luther E. Thomas of Panama City, Florida.
- Morton S. Ward of South Hamilton, Massachusetts.
- Simon L. Webb of Magnolia, Mississippi.
- J. Berry Webster of Leander, Texas.
- Stanley J. Orlowski of Jackson, Michigan.

(2) Second Award.—Second award, for completion of at least 40 qualifying combat missions, to the following members and former members of the Armed Forces:

- Ralph J. DeCeeuster of Dover, Ohio.
- Gilbert J. Kimble of San Francisco, California.
- George W. Knauff of Monument, Colorado.
- John W. Lincoln of Rockland, Massachusetts.
- Alan D. Marker of Sonoma, California.
- Joseph J. Oliver of White Haven, Pennsylvania.
- Artur C. Adar of Grants Pass, Oregon.
- Glen E. Danielson of Whittier, California.
- Orange C. Jeng of Honolulu, California.
- Warren E. Johnson of Vista, California.
- Albert P. Emsley of Bothell, Washington.
- Robert B. Carnes of West Yarmouth, Massachusetts.
- Urbain J. Fournier of Houma, Louisiana.
- John B. Tagliaperti of St. Helena, California.

(3) Third Award.—Third award, for completion of at least 60 qualifying combat missions, to the following members and former members of the Armed Forces:

- Glenn Bowers of Dillsburg, Pennsylvania.
- Arthur C. Casey of Irving, California.
- Robert J. Larsen of Gulf Breeze, Florida.
- William A. Nickerson of Portland, Oregon.
- David Mendoza of McAllen, Texas.
(a) Short Title.—This section may be cited as the "Military Personnel Stalking Punishment and Prevention Act of 1996.

(b) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

"§ 2261A. Stalking of members of the Armed Forces of the United States

"(a) IN GENERAL.—Whoever, within the special maritime and territorial jurisdiction of the United States or in the course of interstate travel, with the intent to injure or harass any military person, places that military person in reasonable fear of the death of, or serious bodily injury to, that military person or a member of the immediate family of that military person shall be punished as provided in section 2261.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'immediate family' has the same meaning as in section 115; and

"(2) the term 'military person' means—

"(A) any member of the Armed Forces of the United States (including a member of any reserve component); and

"(B) any member of the immediate family of a person described in subparagraph (A)."

(c) CONFORMING AMENDMENTS.—

(1) Section 2661(b) of title 18, United States Code, is inserted "or section 2261A" after "this section".

(2) Sections 2261(b) and 2261(b) of title 18, United States Code, are each amended by striking "offender's spouse or intimate partner" each place it appears and inserting "victim".

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting "AND STALKING" after "VIOLENCE".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

"2261A. Stalking of members of the Armed Forces of the United States.

"(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the day after the date of enactment of this Act.

Subtitle E—Commissioned Corps of the Public Health Service

SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICES OF TRAINING ON CREDITING CADET OR MIDSHIPMEN SERVICE AT THE SERVICE ACADEMIES.

Section 971(b) of title 10, United States Code, is amended by—

(1) in subsection (a), by inserting before the period at the end the following: "or an officer in the Commissioned Corps of the Public Health Service"; and

(2) in subsection (b)—

(A) by striking out "and" at the end of paragraph (3) and inserting in lieu thereof "and"; and

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ";" and

(C) by adding at the end the following new paragraph:

"(4) no officer in the Commissioned Corps of the Public Health Service may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.".

SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC HEALTH SERVICE OFFICERS ASSIGNED TO THE DEPARTMENT OF DEFENSE.

Section 206 of the Public Health Service Act (42 U.S.C. 207 et seq.) is amended by adding at the end thereof the following new subsection:

"(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFICERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In computing the maximum number of commissioned officers of the Public Health Service authorized by law to hold a grade which corresponds to the grade of captain, major, lieutenant colonel, or colonel, there may be excluded from such computation officers who hold such a grade while the officers are assigned to duty in the Department of Defense.

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE FIREFIGHTERS.

Section 1152(g) of title 10, United States Code, is amended—

(1) by striking out "(g) CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIREFIGHTERS.—(1) Subject to paragraph (2), the', and inserting in lieu thereof "(g) AUTHORITY TO EXPAND PLACEMENT TO INCLUDE FIREFIGHTERS.—The'"; and

(2) in paragraph (2), by striking out the first sentence.

SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS.

(a) SEPARATED MEMBERS OF THE ARMED FORCES.—Section 1151 of title 10, United States Code, is amended by striking out "may establish" and inserting in lieu thereof "shall establish":

(1) in subsection (a), by striking out "five consecutive school years" and inserting in lieu thereof "five school years"; and

(2) in subsection (b)(3)(A), by striking out "five consecutive school years" and inserting in lieu thereof "two school years".

(b) in subsection (h)(3)(A), by striking out "five consecutive school years" and inserting in lieu thereof "two consecutive school years".

(c) Subsection (g) of such section is amended—

(1) by striking out the comma after "section 1174a of this title" and inserting in lieu thereof "or"; and

(2) by striking out ", or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102-484; 10 U.S.C. 1203 note)",

(d) Subsection (h)(3)(B) of such section is amended—

(1) in clauses (i), by striking out "$25,000" and inserting in lieu thereof "$17,000";

(2) in clauses (ii) and (iii), by striking out "percent" and inserting in lieu thereof "25 percent"; and

(iii) by striking out "$10,000" and inserting in lieu thereof "$7,000";

(4) by striking out clauses (iii), (iv), and (v).

(b) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1151 of title 10, United States Code, before the date of the enactment of this Act.

Subtitle G—Armed Forces Retirement Home


Except as otherwise provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference is deemed to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.).

SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.

(a) AUTHORITY.—(1) The Chairman, the Director, or such other officer in the Commissioned Corps of the Service Academy as is designated by the Chairman or the Director, may accept voluntary personal services or gratuitous services unless the acceptance of the voluntary services is disapproved by the Retirement Home Board.

(2) The Chairman or Director shall—

(A) supervise the person providing the services; and

(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

(b) REQUIREMENTS AND LIMITATIONS.—(1) The Chairman or the Director shall notify the person of the scope of the services accepted.

(2) The Chairman or Director shall—

(A) supervise the person providing the services; and

(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.—The Chairman, the Director, or such other officer in the Commissioned Corps of the Service Academy as is designated by the Chairman or the Director, may recruit and train persons to provide services authorized to be accepted under subsection (a).

(d) STATUS OF PERSONS PROVIDING SERVICES.—(1) Subject to paragraph (3), while providing services accepted under subsection (a), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

(2) A person providing services accepted under subsection (a) shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensations for work-related injuries).

(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

(C) By striking out "or receiving training under subsection (c), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

(3) For purposes of determining the compensation for work-related injuries, a person providing services under subsection (a) shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

(4) For purposes of determining the compensation for work-related injuries, a person providing services under subsection (a) shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).
(A) the average monthly number of hours that the person provided the services, by
(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair
Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(e) Reimbursement of Incidental Expenses.—The Chairman of the Retirement
Board and a member of a Local Board may, after discovering new subsection (a), the Chairman or Director shall determine which expenses qualify for reim-
bursement under this subsection.

(b) Disposal of Residents Paid for Part-Time or Intermittent Services.—Paragraph (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to read as follows:

"(A) chapter 171 of title 28, United States Code (relating to claims for damages or
loss);".

SEC. 583. Disposal of Real Property.

(a) Disposal Authorized.—Notwithstanding title II of the Federal Property and Admin-
istrative Services Act of 1949 (40 U.S.C. 481 et seq.), section 501 of the Stewart B. McKinion Homeless Assistance Act (42 U.S.C. 11411), or
any other provision of law relating to the management and disposal of real property, including improvements thereof, consisting of approximately 49 acres located in Washington, District of Columbia, east of North Capitol Street, and recorded as Dis-
No. 121/19.

(b) Manner, Terms, and Conditions of Disposal.—The Retirement Home may deter-
mine

(1) the manner for the disposal of the real property under subsection (a); and
(2) the terms and conditions for the conveyance of real property, including any terms and conditions that the Board considers necessary to protect the interests of the United States.

(c) 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 Board and the parties to the transaction, which survey shall be borne by the party or parties to which the property is to be conveyed.

(d) Congressional Notification.—(1) Before disposing of real property under sub-
section (a), the Board shall notify the Com-
mmittee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed dis-
posal. The Board may not dispose of the real property until the later of

(A) the date that is 60 days after the date on which the notification is received by the committees;
(B) the date of the next day following the expiration of the first period of 30 days of continuous session of Congress that follows the date on which the notification is re-
ceived by the committees.

(2) For the purposes of paragraph (1),

(A) a single period of session is broken only by an adjournment of Congress sine die; and
(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded from the computation of any period of time in which Congress is in continuous session.

SEC. 584. Matters Concerning Personnel.

(a) Terms of Appointment to Governing Boards.—Section 1515(e) (24 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking out "sub-
section (f)" and inserting in lieu thereof "paragraph (2)="#

(2) by redesignating paragraph (2) as para-
graph (4) and inserting after paragraph (3) the fol-
lowing new paragraph:

"(2)(A) The increment between levels of in-
come of a resident of the Armed Forces Re-

(2) Subsection (b)(2)(B) of such section is
amended by striking out "October 1, 1997"
and inserting in lieu thereof "October 1, 1999".

(2) Subsection (b)(2)(B) of such section is
amended by striking out "1998", "1999", and
"2000" in paragraphs (1) and (2) of the sub-
section (as added by paragraph (2)(B)) and
inserting in lieu thereof "1999", "2000", and "2001".

(2) by redesigning paragraph (2) as para-
graph (4) and inserting after paragraph (3)
the following new paragraph:

"(4) A discussion of whether the Armed
Forces Retirement Home Board has and
shall apply with respect to pay periods begin-
ning on or after January 1, 1997.

SEC. 585. Fees for Residents.

(a) One-Year Delay in Amendment of New Fee Structure.—(1) Subsection (d)(2) of section 371 of the National Defense Author-
ization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3237) is amended by striking out "October 1, 1997"
and inserting in lieu thereof "October 1, 1999".

(b) Report on Funding the Armed Forces Retirement Home.—(1) Not later than March 3, 1997, the Secretary of Defense shall submit to the Congress a report containing the needs of the Armed Forces Retirement Home in a manner that is fair and equitable to the residents and to the members of the Armed Forces who provide required monthly contributions for the home.

(2) The report shall include the following:

(A) The increment between levels of in-
come of a resident of the Armed Forces Re-

(2) Subsection (b)(2)(B) of such section is
amended by striking out "1998", "1999", and
"2000" in paragraphs (1) and (2) of the sub-
section (as added by paragraph (2)(B)) and
inserting in lieu thereof "1999", "2000", and "2001".

(2) by redesigning paragraph (2) as para-
graph (4) and inserting after paragraph (3)
the following new paragraph:

"(4) A discussion of whether the Armed
Forces Retirement Home Board has and
shall apply with respect to pay periods begin-
ning on or after January 1, 1997.

SEC. 585. FEES FOR RESIDENTS.

(a) ONE-YEAR DELAY IN AMENDMENT OF NEW FEE STRUCTURE.—(1) Subsection (d)(2) of section 371 of the National Defense Author-
ization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3237) is amended by striking out "October 1, 1997"
and inserting in lieu thereof "October 1, 1999".

(b) REPORT ON FUNDING THE ARMED FORCES RETIREMENT HOME.—(1) Not later than March 3, 1997, the Secretary of Defense shall submit to the Congress a report containing the needs of the Armed Forces Retirement Home in a manner that is fair and equitable to the residents and to the members of the Armed Forces who provide required monthly contributions for the home.

(2) The report shall include the following:

(A) The increment between levels of in-
come of a resident of the Armed Forces Re-

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.

(a) WAIVER OF SECTION 3009 ADJUSTMENT.—Any adjustment required by section 3009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1997 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective January 1, 1997, the rates of basic pay and basic allowance for subsistence for members of the uniformed services are increased by 3.0 percent.

(c) INCREASE IN BAIQ.—Effective January 1, 1997, the rates of basic pay and basic allowance for subsistence for members of the uniformed services are increased by 4.0 percent.

SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.

Section 203(c) of title 37, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1)".

SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHO ARE SEPARATED.

(a) IN GENERAL.—Section 210 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) A senior enlisted member of an armed force who is entitled to be paid at the rate of basic pay authorized for the senior enlisted member of that armed force while the member is hospitalized, beginning on the day of the hospitalization and ending on the day the member is discharged from the hospital, but not for more than 180 days.";

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows: "§ 210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.";

(2) The tables relating to such section in the table of sections at the beginning of chapter 3 of title 10, United States Code, is amended to read as follows:

"210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized:";

SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS ASSIGNED TO SEA DUTY.

(a) ENTITLEMENT OF SINGLE MEMBERS ABOVE GRADE E-5.—Section 403(c)(2) of title 37, United States Code, is amended by striking out the second sentence.

(b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN GRADES BELOW GRADE E-6.—Section 403(c)(2) of such title, as amended by subsection (a), is further amended by adding at the end the following:

"However, the Secretary concerned may authorize the basic allowance for quarters to members of a uniformed service without dependents who are in grade E-5, are on sea duty, and are not provided Government quarters.";

(c) ENTITLEMENT WHEN BOTH SPOUSES IN GRADES BELOW GRADE E-6 ARE ASSIGNED TO SEA DUTY.—Section 403(c)(2) of such title, as amended by subsections (a) and (b), is further amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(A) When both spouses are assigned to sea duty under section (c); and

(b) ACCESION BONUS FOR REGISTERED NURSES.—Section 302a(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308(c)(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY OCCUPATIONS.—Section 308(b)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

(3) The Secretary shall consult the Army, the Navy, and the Air Force concerning the need for recruiting and retaining highly qualified enlisted members of the Selected Reserve for critical high priority occupations, and shall consider the need for extending the periods of time during which such payments may be made.

(4) The Secretary shall notify Congress at least 30 days before any such extension is made.

SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO DENY AN ELECTION NOT TO OCCUPY GOVERNMENT QUARTERS.

Section 403b(3) of title 37, United States Code, is amended by striking out "A member" and inserting in lieu thereof "Subject to the provisions of subsection (j), a member";

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS SEPARATED BY MILITARY ORDERS FROM SPOUSES WHO ARE MEMBERS.

Section 427(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B); and

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ";", and

(C) by adding at the end the following:

"(D) when a member of a uniformed service, the member has no dependent other than the spouse, and are simultaneously assigned to sea duty on ships are jointly entitled to one basic allowance for quarters at the rate provided for members with dependents in the highest pay grade in which either spouse is serving.";

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1996.

SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR PAY AND ALLOWANCES.

Section 3702 of title 37, United States Code, is amended by adding at the end the following:

"(5) Section 421 of this title does not apply to a member of a uniformed service, who has been discharged from the service on or after October 1, 1996, before separation by reason of execution of military orders, and the two members were residing together immediately before being separated by reason of execution of military orders.

(6) By striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308(h) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO SEA DUTY.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 312a(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";

(b) ACCESION BONUS FOR REGISTERED NURSES.—Section 302a(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308(c)(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE CANDIDATES, REGISTERED NURSES, AND NURSE OFFICERS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 330a(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 330(c) and 332(c) of title 37, United States Code, are each amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL BONUSES.

(a) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS.—Section 312a(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.

(b) SPECIAL PAY FOR NUCLEAR QUALIFIED OR SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS WHO EXTEND SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998.";
SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC, AND ATMOSPHERIC ADMINISTRATION OFFICERS.

(a) ELIGIBILITY.—Section 336 of title 37, United States Code, is amended in subsection (a)—

(1) in the matter preceding paragraph (1), by striking out “armed forces” and inserting in lieu thereof “uniformed services”; and

(2) in paragraph (2)—

(A) by striking out “Secretary of Defense” and inserting in lieu thereof “Secretary concerned”; and

(B) by inserting “or public health” after “national defense”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking out “military” and inserting in lieu thereof “uniformed services”; and

(B) in subparagraph (C), by striking out “military” and inserting in lieu thereof “Secretary concerned.”

(b) ADMINISTRATION.—Subsection (d) of such section is amended—

(1) by striking out “his jurisdiction and” and inserting in lieu thereof “the Secretary’s jurisdiction,”

(2) by inserting before the period at the end “, by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIPPI NG MOTOR VEHICLES AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Section 406(b)(1)(B) of title 37, United States Code, is amended as follows—

(1) in clause (i)(I), by inserting “,” including return travel to the old duty station,” after “nearest the old duty station”; and

(2) in clause (ii), by inserting “, including travel from the new duty station to the port of debarkation to pick up the vehicle” after “to the new duty station.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 1, 1997.

SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A PRIVATELY OWNED VEHICLE AT GOVERNMENT EXPENSE OF THE UNITED STATES.

(a) IN GENERAL.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (g); and

(2) by transferring subsection (g), as so redesignated, to the end of such section; and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) When a member is ordered to make a change of permanent station to a foreign country and the member is authorized under subsection (a) to have a vehicle transported under that subsection, the Secretary may authorize the member to store the vehicle (instead of having it transported) if restrictions imposed by the foreign country or the United States preclude entry of the vehicle at the end of such period provided for under subsection (a), the changes of employment, or for the purposes of critical operational missions, as determined under the third sentence of section 411b(a)(2) of title 37, United States Code (as added by subsection (a)).

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREMENT PAY OF FISCAL YEAR 1998.

(a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE FOR FISCAL YEAR 1996.—Section 1401B(2)(B) of title 10, United States Code, is amended—

(1) by striking out “(B) Special rules” and all that follows through “in the case of” in clause (i) and inserting in lieu thereof “(B) Special rules for fiscal year 1996.”

(b) REPEAL OF CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—Section 631 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 364) is amended by striking out subsection (b).

SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.

(a) AUTHORITY.—(1) Part II of subtitle A of title 10, United States Code, is amended by
inserting after chapter 71 the following new chapter:  
"CHAPTER 72—MISCELLANEOUS RETIRED AND RETAINER PAY AUTHORITIES  
"Sec. 421. Allotments.  
§ 421. Allotments.  
(a) AUTHORITY.—Subject to such conditions and restrictions as may be provided in regulations prescribed under subsection (b), a member or former member of the armed forces entitled to retired or retainer pay may transfer or assign the member or former member’s retired or retainer pay account when due and payable.  
(b) REGULATION.—The Secretaries of the military departments and the Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy) shall prescribe uniform regulations for the administration of subsection (a).  
(2) The tables of chapters at the beginning of title 10 of this title, in so far as the beginning of part II of such title are amended by inserting after the item relating to chapter 71 the following:  
"71. Miscellaneous retired and retainer pay authorities  
END OF SUBTITLE A OF SUCH TITLE AND THE BEGINNING OF SUBTITLE B OF SUCH TITLE.
(1) in paragraph (1), by inserting "(less the amount of Federal income tax withheld from such pay)" before the period at the end; and
(2) in paragraph (2), by inserting "(less the amount of Federal income tax withheld from such pay)" before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996, and shall apply to payments of separation pay, severance pay, or readjustment pay that are made after October 1, 1996.

SEC. 643. PAYMENT TO VIETNAMESE COMMON- DONS CAPTURED AND INTERRED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to anyone who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(2) No payment may be made under this section to any individual who the Secretary of Defense determines, based on the available evidence, was a member of the People's Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be payable to the survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(c) AMOUNT PAYABLE.—The amount payable to or with respect to a person under this section is $40,000.

(d) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section—

(A) the claimant’s eligibility for payment of the claim under subsection (a) shall be determined, and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) Submission and determination of claims.—The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this section. Such regulations shall be issued within 18 months of the date of enactment of the regulations implementing this section.

(2) Payment of claims.—The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under subsection (a), $20,000,000 is available for expenses incurred under this section. Notwithstanding section 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) NO RIGHT TO JUDICIAL REVIEW.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this section, more than ten percent of a payment made under this section on such claim.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—General

SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR UNIFORM COMPOSITE HEALTH INSURANCE PLAN.

(a) IMPLEMENTATION BY CONTRACT.—Section 1076(b) of title 10, United States Code, is amended—(1) by inserting "(10)" after "(9) Authority to Establish Plan.—";

(b) SCHEDULE FOR IMPLEMENTATION.—Section 705(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 373; 10 U.S.C. 1076b note) is amended—(1) by striking out "Beginning not later than October 1, 1996 in the first sentence and inserting in lieu thereof "During fiscal year 1997;"

(2) by striking out "fiscal year 1996" both places it appears and inserting in lieu thereof "fiscal years 1996 and 1997;"

(3) in the second sentence, by striking out "by that date" and inserting in lieu thereof "during fiscal year 1997;"

SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIREES AND CERTAIN DEPENDENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076b the following new section:

$1076c. Military retirees' dental insurance plan

(a) REQUIREMENT.—(1) The Secretary of Defense shall establish a dental insurance plan for—

(A) members and former members of the Armed Forces who are entitled to retired or retainer pay.

(2) members of the Retired Reserve who, except for not having attained 60 years of age, would be entitled to retired pay; and

(B) members of the Retired Reserve who, except for not having attained 60 years of age, would be entitled to retired pay; and

(3) The plan shall be administered under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Transportation.

(b) PREMIUMS.—(1) Subject to paragraph (2), a member or former member entitled to retired or retainer pay shall be deducted and withheld from the retired or retainer pay and shall be disbursed to pay the premiums.

(2) The regulations prescribed under subsection (a) shall specify the procedures for payment of the premiums by other enrolled members and former members.

(3) The Secretary of Defense may provide for premium-sharing between the Department of Defense and the members and former members enrolled in the plan.

(c) BENEFITS AVAILABLE UNDER PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services (including endodontics), surgical services, and emergency services.

SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM SOFTWARE.

(a) REQUIREMENT FOR USE OF UNIFORM COMPOSITE HEALTH CARE SYSTEM SOFTWARE.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall take such action as is necessary promptly—
SEC. 705. CODIFICATION OF AUTHORITY TO AUTHORIZE PROGRAM ACCOUNTS.

CREDIT CHAMPUS COLLECTIONS TO PROGRAM ACCOUNTS.

SEC. 706. COMPTROLLER GENERAL REVIEW OF ENROLLMENT AND SECONDARY PAYER AUTHORITIES UNDER CHAMPUS.

SEC. 707. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF MEDICARE BILLING TO DEFENSE MEDICAL FACILITIES.

SEC. 708. PLANS FOR MEDICARE SUBVENTION DELEGATION.

a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for the services to enrollees and eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301, $75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program in the Second Session of the One Hundred Fourth Congress.
SEC. 709. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.

(a) RESEARCH.—(1) The Secretary of Defense, acting on a grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposure of members of the Armed Forces to chemical or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Secretary of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) BENEFITS FOR AFFlicted CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under title 10, United States Code, or excluded under section 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, if the child—

(A) in subsection (a),

(1) by inserting before "before" the term "and catastrophic illness;" and

(2) 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 title 74 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:

"(5) The heading of such section is amended to read as follows:

§1074d. Primary and preventive health care services.

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. Preventive health care screening for colon or prostate cancer, at the intervals and using the 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".

Subtitle B—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term "administrating Secretaries" means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

(2) The term "agreement" means the agreement required under section 722(b) between the designated provider and a beneficiary under section 1074a(a) of such title.

(3) The term "call-in fee" means the fee, deductible, or copayment that is in effect for a non-enrollee that is derived from the call-in arrangement made by the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

(4) The term "capitation payment" means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(5) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, that is enrolled in the TRICARE program.

(6) The term "designated provider" means a public or nonprofit private entity that is responsible for providing health care services to beneficiaries under chapter 55 of title 10, United States Code.

(7) The term "enrollee" means a covered beneficiary who enrolls with a designated provider.

(8) The term "health care services" means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(9) The term "Secretary" means the Secretary of Defense.

(10) The term "TRICARE program" means the health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally by section 1074 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.
enrollees entitled to health care under section
commodate covered beneficiaries who are de-
for a designated provider is required to ac-
mines that additional enrollment authority
as of October 1, 1995.

(1) The date on which health care services
within the health care delivery system of the uni-
formed services are rendered through the
TRICARE program in the region in which the
designated provider operates.
(2) October 1, 1996.
(c) ADJUSTMENTS.—The Secretary may es-
ablish a later date under subsection (b)(2) or pre-
scribe reduced cost-sharing requirements for
enrollees.

SEC. 724. ENROLLMENT OF COVERED BENE-
FICIARIES.
(a) FISCAL YEAR 1997 LIMITATION.—(1) Dur-
ing fiscal year 1997, the number of covered
beneficiaries who are enrolled in managed care
plans offered by designated providers may not
exceed the number of such enrollees as of
October 1, 1995.
(2) The Secretary may waive the limitation
under paragraph (1) if the Secretary deter-
nines that enrollment authority for a designated provider is required to ac-
commodate covered beneficiaries who are de-
pendants of members of the uniformed
services entitled to health care under section 1074(a) of title 10, United States Code.
(b) PERMANENT LIMITATION.—For each fis-
cal year after fiscal year 1997, the number of
enrollees in managed care plans offered by
designated providers may not exceed 110 per-
cent of the number of such enrollees as of
the first day of the immediately preceding
fiscal year. The Secretary may waive this
limitation as provided in subsection (a)(2).
(c) RETENTION OF CURRENT ENROLLEES.—An
enrollee in the managed care program of a
designated provider pursuant to the agree-
ment entered into under section 722 unless
the enrollee disenrolls from the designated
provider.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT
RULES.
(a) APPLICATION OF PAYMENT RULES.—Sub-
ject to subsection (b), the Secretary shall re-
quire a private facility or health care pro-
vider that is a health care provider under the
Civilian Health and Medical Program of the
Uniformed Services to apply the payment rules
described in section 1074c of title 10, United States Code, in imposing charges for
health care that the private facility or pro-
vider provides to enrollees of a designated
provider.
(b) AUTHORIZED ADJUSTMENTS.—The pay-
ment rules imposed under subsection (a) shall be subject to such modifications as
the Secretary considers appropriate. The Sec-
retary may impose charge rates that would otherwise apply under subsection (a) if
the lower rate is agreed to by the designated provider and the private facility or health care provider.
(c) REGULATIONS.—The Secretary shall pre-
scribe regulations to implement this section
after consultation with the other admin-
istering Secretaries.
(d) CONFORMING AMENDMENT.—Section 1074
of title 10, United States Code, is amended by
striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.
(a) FORM OF PAYMENT.—Unless otherwise
agreed to by the Secretary and a designated
provider, the form of payment for services
provided by a designated provider shall be
full risk capitation. The capitation pay-
ment shall be negotiated and agreed upon
by the Secretary and a designated pro-
vider. In addition to such other factors as
the parties may agree to apply, the capita-
tion payments shall be based on the utiliza-
tion experience of the comparable popul-
market rates for equivalent health care serv-
ices for a comparable population to such en-
rollees in the area in which the designated
provider is located.
(b) LIMITATION ON TOTAL PAYMENTS.—Total
capitation payments to a designated pro-
vider shall not exceed an amount equal to
the lower of the rate that would otherwise be
incurred by the Government if the enrollees had received their care through a military treatment fa-
cility, the TRICARE program, or the medi-
care program, or the rate that would be
agreed to by the Secretary and a designated
provider.
(c) ESTABLISHMENT OF PAYMENT RATES ON
ANNUAL BASIS.—The Secretary and a des-
ignated provider shall establish capitation
payments on an annual basis, subject to peri-
odic review for actuarial soundness and to
adjustment for any adverse or favorable se-
lection reasonably anticipated to result from
the design of the program.
(d) ALTERNATIVE BASIS FOR CALCULATING
PAYMENTS.—After September 30, 1999, the
Secretary and a designated provider may
mutually agree upon a new basis for cal-
culating capitation payments.
SEC. 727. REPEAL OF SUPERSEDED AUTHOR-
ITIES.
(a) REPEALS.—The following provisions of
law are repealed:

(1) Section 911 of the Military Construction
(2) Section 1252 of the Department of De-
(3) Section 1252 of the National Defense
Authorization Act for Fiscal year 1991 (Pub-
(4) Section 726 of the National Defense Au-
thorization Act for Fiscal year 1996 (Public
(b) EFFECTIVE DATE.—The amendments
made by this section shall take effect on Oc-
tober 1, 1997.

SEC. 801. PROCUREMENT TECHNICAL ASSIST-
ANCE PROGRAM.
(a) FUNDING.—Of the amount authorized to be
appropriated under section 301(c), $32,000,000 shall be available for carrying out the
provisions of chapter 142 of title 10, United
States Code.
(b) SPECIFIC PROGRAMS.—Of the amounts
made available pursuant to subsection (a),
$600,000 shall be available for fiscal year 1997
for the purpose of carrying out programs
sponsored by eligible entities in subparagraph (D) of section 2411 of title 10, United States Code, to procure
ment technical assistance in distressed areas
referred to in subparagraph (B) of section 2411 of such title. If there is an insufficient number of satisfactory proposals for coopera-
tive agreements in such distressed areas to allow effective use of the funds made avail-
able in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration
Services regions in accordance with section 2415 of such title.

SEC. 802. EXTENSION OF PILOT MENTOR-PRO-
TEGE PROGRAM.
Section 831(j) of the National Defense Au-
thorization Act for Fiscal Year 1991 (10
U.S.C. 2302 note) is amended—
(1) in paragraph (1), by striking out “1996” and
inserting in lieu thereof “1998”;
(2) in paragraph (2), by striking out “1996” and
inserting in lieu thereof “1998”.

SEC. 803. MODIFICATION OF AUTHORITY TO
CARRY OUT CERTAIN PROTOTYPE
PROJECTS.
(a) AUTHORIZED OFFICIALS.—(1) Subsection
section 845 of the National Defense Au-
1547; 10 U.S.C. 2571 note) is amended by
inserting “Secretary of the Army” for “Secretary of
Defense” and “Army” for “Department of Defense”.
(c) S UBSIDIARY PROJECTS.—Of the amounts
authorized by this section—
(1) in subsection (a) and section 846 of such title,
(2) in paragraph (1), by striking out “1996” and
inserting in lieu thereof “1999”.

SEC. 804. REVISIONS TO THE PROGRAM FOR
THE ACQUISITION AND USE OF THE
DEFENSE TECHNOLOGY AND INDUS-
trial Base.
(a) NATIONAL DEFENSE PROGRAM FOR
ANALYSIS OF TECHNOLOGY AND
BUSINESS BASE. Section 2503 of title 10, United
States Code, is amended—
(1) in subsection (a)—
(A) by striking out “(1) The Secretary of
Defense, in consultation with the National
Defense Technology and Industrial Base
Council” in paragraph (1) and inserting in
lieu thereof “(1) The Secretary of Defense, in
consultation with the Secretary of Com-
merce”;
and
§ 2506. Department of Defense technology and industrial base policy guidance

(a) DEPARTMENTAL GUIDANCE.—The Secretary of Defense shall prescribe departmental guidance for the attainment of each of the national security objectives set forth in section 250(a) of this title. Such guidance shall include technological and industrial capability considerations to be integrated into the budget allocation, weapons acquisition, and logistics support decision processes.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall report on the implementation of the departmental guidance in the annual report required under section 2506 of this title.

(e) ANNUAL REPORT TO CONGRESS.—Such subsection is amended by inserting after section 2506 of this title.

§ 2508. Annual report to Congress

The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives by March 1 of each year a report which shall include the following information:

(1) A description of the departmental guidance prepared pursuant to section 2506 of this title.

(2) A description of the methods and analyses used by the Department of Defense alone or in cooperation with other Federal agencies, to identify and address concerns regarding technological and industrial capability of the national technology and industrial base.

(3) A description of the assessments prepared pursuant to section 2505 of this title and of the submission of the departmental budget to Congress as required in section 2506 of this title.

(4) Identification of each program designed to sustain specific essential technological and industrial capabilities and processes of the national technology and industrial base.

(f) REPEAL OF REQUIREMENT TO COORDINATE THE ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH THE COUNCIL.—Section 2514(c) of title 10, United States Code, is amended by striking out the words,"the responsibility to ensure effective cooperation" and inserting in lieu thereof the words,"the responsibility to ensure effective cooperation".

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter II of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2506 and inserting in lieu thereof the following:

"§ 2506. Department of Defense technology and industrial base policy guidance.

and

(2) by adding at the end the following:

"§ 2508. Annual report to Congress.

(h) REPEAL OF SUPERSEDED AND EXECUTED LAW.—Sections 4218, 4219, and 4220 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, 10 U.S.C. 2505 note and 2506 note) are repealed.

§ 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS INDUSTRIAL BASE FIRMS

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§ 2473. Procurements from the small arms industrial base.

(a) AUTHORITY TO DESIGNATE EXCLUSIVE SOURCES.—To the extent that the Secretary of Defense determines necessary to preserve the national technology and industrial base, the Secretary may designate one or more firms listed in the plan entitled "Preservation of Critical Elements of the Small Arms Industrial Base", dated January 8, 1994, that was prepared by an independent assessment panel of the Army Science Board.

(b) COVERED ITEMS.—The authority provided in subsection (a) applies to the following property and services:

(1) Repair parts for small arms.

(2) Modifications of parts to improve small arms.

(3) Overhaul of unserviceable small arms of the armed forces.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§ 2473. Procurements from the small arms industrial base.

SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT OF FOREIGN GOODS

Section 2534(d) of title 10, United States Code, is amended by inserting "or would impair the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into under section 692(a) of this title," after "a foreign country.

SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

(a) TREATMENT AS CONTRACT FOR TELECOMMUNICATIONS SERVICES.—Subject to subsection (b), a cable television franchise agreement for the Department of Defense shall be considered a contract for telecommunications services for purposes of part 49 of the Federal Acquisition Regulation.

(b) LIMITATION.—The treatment of a cable television franchise agreement as a contract for telecommunications services shall be subject to such terms, conditions, limitations, restrictions, and requirements relating to the power of the executive branch to treat such an agreement as such a contract as are identified in the advisory opinion required under section 823 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399).

SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRACTOR EMPLOYEE WHISTLEBLOWERS.

Section 2403(c) of title 10, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) Order the contractor either—

(i) to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken; or

(ii) without reinstating the person, to pay the person an amount equal to the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken, or

(C) Plans of the Department of Defense for establishing an independent system of management of information resources within the department.

July 10, 1996

CONGRESSIONAL RECORD—SENATE
(A) by striking out ""; and at the end of the following:

(2) the core logistics requirements in section 2371 of title 10, United States Code, is amended—
(A) by inserting before the last subsection of section 2588 of title 10, United States Code, a new subsection providing that any information which—
(a) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and
(b) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.
(3) the total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in 18 subsection (d) that was included in the cooperative agreements and transactions, and the amount of payments, if any, that would have been credited to each account established under that section.
(1) PROGRAM REQUIRED.—The Secretary of Defense shall enter into an agreement with the Federal Government and non-Federal sources.
(2) TECHNICAL INFORMATION SUBMITTED ON A COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(A) Under the pilot program, the Secretary of Defense shall maintain a computerized data base of defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.
(3) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(A) The Secretary shall submit to the Congress a detailed plan for the Department of Defense that is based on the strategy of the Secretary of Defense for supporting the Department's overall strategic goals by the core and supporting programs of the Department of Defense.
(2) THE REPORT SHALL INCLUDE, WITH RESPECT TO THE COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS COVERED BY THE REPORT, THE FOLLOWING:
(A) The technology areas in which research projects were conducted under such agreements or other transactions.
(B) The extent of the cost-sharing among Federal Government and non-Federal sources.
(C) The extent to which the use of the cooperative agreements and other transactions—
"(i) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and
"(ii) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.
"The amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in subsection (d) that was included in the cooperative agreements and transactions, and the amount of payments, if any, that would have been credited to each account established under that section.
SEC. 811. REPORTING REQUIREMENT UNDER NATIONAL SECURITY ACT FOR FISCAL YEAR 1998.
Section 509(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-337; 105 Stat. 382) is amended by striking out "1998" and inserting in lieu thereof "1996".
SEC. 812. TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.
Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—
(1) the competition requirements in section 2306 of title 10;
(2) the core logistics requirements in section 2642 of title 10;
(3) the public-private competition requirements in section 2469 of title 10; and
(4) requirements relating to contract bundling and spare parts breakout in sections 15a and 15I of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.
(C) Direct modem hookup.
(c) Partnership Network.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several educational institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—
(1) to assist in making interactive computer links with the data base developed and maintained under subsection (b); and
(2) to assist the Secretary in making interactive computer links with the data base developed and maintained under subsection (b); and
(a) to provide information on educational institutions available online to the broadest practicable number, types, and sizes of businesses.
(d) Education Institutions.—For the purposes of this section, an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.
(e) Defense Technologies Covered.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines
(2) are useful in meeting Department of Defense needs; and
(b) should be made available under the pilot program to facilitate the satisfaction of such needs as the sector source desires.
(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for non-defense purposes (without or without modification).
(f) Definitions.—In this section:
(2) The term "defense technology" means a technology designated by the Secretary of Defense under subsection (d).
(3) The term "partnership" means an agreement entered into under subsection (c).
(g) Termination of Pilot Program.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).
(h) Authorization of Appropriations.—Of the amount authorized to be appropriated under section 201(4) for university research initial expenses, $5,000,000 is available for the pilot program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. REPEAL OF REORGANIZATION OF DEPARTMENT OF DEFENSE.
Sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 399 and 401) are repealed.

SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO CONTINUED OPERATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.
(a) Codification of Existing Law.—(1) Chapter 104 of title 10, United States Code, is amended by inserting after section 2642 the following:

"§ 2642a. Continued operation of University.".


SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED STATES ARMY RESERVE COMMAND.
(a) Requirement for Army Reserve Command.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3074 the following:

"§ 3074a. United States Army Reserve Command."

(b) Command.—The United States Army Reserve Command is a separate command of the Army commanded by the Chief of Army Reserve.
(2) Except as otherwise prescribed by the Secretary of the Army, the Secretary shall prescribe the chain of command for the unified combatant command for the Army Reserve to the commander of the United States Army Reserve Command.

(c) Assignment of Forces.—The Secretary of the Army—

(1) shall assign to the United States Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command that perform operations out of established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense, in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces of the Army Reserve to the United States Atlantic Command.

SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANSPORTATION SYSTEMS IN TIME OF WAR.
(a) Authority of Secretary of Defense.—Section 4742 of title 10, United States Code, is repealed. By striking out "Secretary of the Army" and inserting in lieu thereof "Secretary of Defense".
(b) Transfer of Section.—Such section, as amended by subsection (a), is transferred to the end of chapter 157 of such title and is redesignated as section 2644.
(c) Conforming Amendment.—Section 9742 of such title is redesignated as section 2644.
(d) Clerical Amendments.—(1) The table of sections at the beginning of chapter 157 of such title is redesignated as section 2644.

SEC. 905. REDESIGNATION OF OFFICE OF NAVAL RECORDS AND HISTORY FUND AND CORRECTION OF RELATED REFERENCES.
(a) Name of Fund.—Subsection (a) of section 7222 of title 10, United States Code, is amended by striking out "Office of Naval Records and History Fund" and inserting in lieu thereof "Naval Historical Center Fund".
(b) Clerical Amendment.—Subsection (a) of section 7222 of title 10, United States Code, is amended by striking out "Office of Naval Records and History Fund" and inserting in lieu thereof "Naval Historical Center Fund".
(c) Clerical Amendment.—The table of sections at the beginning of chapter 104 of title 10, United States Code, is amended by inserting after section 1047 the following:

"§ 7222. Naval Historical Center Fund."
(2) The item relating to such section in the table of sections at the beginning of chapter 103 of title 10, United States Code, is amended by inserting before such item the words "as amended by section 905 of the National Defense Authorization Act for Fiscal Year 1996.".

SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT AND EVALUATION OF CERTAIN INTELLIGENCE OFFICIALS.
(a) In General.—Section 201 of title 10, United States Code, is amended to read as follows:

"§ 201. Certain intelligence officials: consultation and concurrence regarding appointment; evaluation of performance.
(a) Consultation Regarding Appointment.—Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.
(2) Paragraph (1) applies to the following positions:
(A) The Director of the National Security Agency.
(B) The Director of the National Reconnaissance Office.
(C) The Director of the National Imagery and Mapping Agency.
(d) Performance Evaluations.—(1) The Director of Central Intelligence shall provide annually to the Secretary of Defense, for the Secretary's consideration, an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.
(2) The positions referred to in paragraph (1) are the following:
(A) The Director of the National Security Agency.
(B) The Director of the National Reconnaissance Office.
(C) The Director of the National Imagery and Mapping Agency.
(d) Clerical Amendment.—The table of sections at the beginning of chapter 104 of title 10, United States Code, is amended by striking out "Office of Naval Records and History Fund" and inserting in lieu thereof the following new item:
The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

1. Whether any one Area of Responsibility encompasses a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

2. Whether any one Area of Responsibility encompasses a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

3. The other factors used to establish the current Areas of Responsibility.

4. Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

5. Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including:

   A. a total of five or fewer commands, all of which are regional;
   B. an eastward-oriented command, a westward-oriented command, and a central command; or
   C. a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistic command, a special contingencies command, and a strategic command.

6. Whether any missions, staffs, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

7. Whether warfighting requirements are adequate to justify the current functional commands.

8. Whether the exclusion of Russia from a specific Area of Responsibility presents any difficulties for the unified combatant commands with respect to contingency planning for that area and its periphery.

9. Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

SEC. 908. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE J OINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment of the office does not make it necessary for a Federal Government contractor to reduce the number of persons employed by the contractor for supporting the national missile defense program at any location outside the National Capital Region (as defined in section 2574(f)(2) of title 10, United States Code).

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "National Imagery and Mapping Agency Act of 1996."
and Mapping Agency for a purpose for which Congress had previously denied funds.

“(3) Proceeds from the sale of imagery intelligence or geospatial information items may be used for the purposes of acquiring replacement items similar to the items that are sold.

“(4) Funds other than appropriated funds may be expended to acquire items or services for the principal benefit of the United States.

“(5) The authority to use funds other than appropriated funds under this section may be exercised notwithstanding provisions of law relating to the expenditure of funds of the United States.

§441. Accommodation Procurements—The authority under this section may be exercised notwithstanding provisions of law relating to the expenditure of funds of the United States.

§442. Pilot charts—The Director of the National Imagery and Mapping Agency may provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency provided security police services of a foreign country.

§443. Prices of maps, charts, and navigational publications—The prices of maps, charts, and navigational publications provided under this section shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of the National Imagery and Mapping Agency.

§444. Support from Central Intelligence Agency—The Director of the National Imagery and Mapping Agency may transfer funds available for the agency to the Director of the National Imagery and Mapping Agency.

The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in title 5. The rates of basic pay established under this part of title 5 shall be subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5336 of title 5.

The Secretary of Defense may provide employees in positions of the National Imagery and Mapping Agency compensation (including basic pay, overtime, and other allowances) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

§452. National Imagery and Mapping Senior Executive Service—The National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5336 of title 5.

The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the National Imagery and Mapping Agency may employ individuals described in section 5342(a) of such title.

§453. Pilot charts—The Director of the National Imagery and Mapping Agency may provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency.

§454. Exchange of mapping, charting, and geodetic data with foreign organizations—The Secretary of Defense and the Director of the National Imagery and Mapping Agency may exchange such information with the National Imagery and Mapping Agency.

§455. Maps, charts, and geodetic data—The National Imagery and Mapping Agency may provide to the National Imagery and Mapping Agency.

§456. Civilian personnel management generally—The Secretary of Defense shall, subject to that title which have corresponding levels of duties and responsibilities.

(A) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of Federal employees—

(1) establish such excepted service positions for employees in the National Imagery and Mapping Agency as the Secretary considers necessary to carry out the functions of those agencies, including positions designated under subsection (f) as National Imagery and Mapping Agency Senior Level positions;

(2) appoint individuals to those positions; and

(3) fix the compensation for service in those positions.

(B) AUTHORITY TO FIX RATES OF BASIC PAY AND OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense may, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in title 5. The rates of basic pay established under this part of title 5 shall be subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5336 of title 5.

(2) The Secretary of Defense may provide employees in positions of the National Imagery and Mapping Agency compensation (including basic pay, overtime, and other allowances) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

(3) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the National Imagery and Mapping Agency may employ individuals described in section 5342(a) of such title.

(4) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under this section, the Director of the National Imagery and Mapping Agency described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5341(a) of title 5 for employees whose rates of basic pay are fixed by statute.

(2) Such allowance shall be based on—

(A) living costs substantially higher than in the District of Columbia;

(B) conditions of environment which—

(i) differ substantially from conditions of environment in the continental United States; and

(ii) warrant an allowance as a recruitment incentive; or

(C) both of those factors.

(5) This subsection applies to employees who—

(A) are citizens or nationals of the United States; and

(B) are stationed outside the continental United States or in Alaska.

(6) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the National Imagery and Mapping Agency if the Secretary determines that such action is in the interests of the United States; and

(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

(3) The Secretary of Defense shall provide notice to the Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

(4) Any termination of employment under this subsection shall not affect the right of
the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

(5) The authority of the Secretary of Defense under this subsection may be delegated only by the Deputy Secretary of Defense, the Under Secretary of Defense, or the Director of the National Imagery and Mapping Agency. An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

(f) NATIONAL IMAGERY AND MAPPING SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(3) as National Imagery and Mapping Senior Level positions.

(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

(3) Positions that may be designated as National Imagery and Mapping Senior Level positions are positions in the National Imagery and Mapping Senior Executive Service that conform to the provisions of subchapter II of chapter 43 of title 5.

(4) Positions referred to in paragraph (3) include—

(A) the positions described in paragraph (3) as National Imagery and Mapping Senior Executive Service.

(5) In carrying out section 5382 of title 5, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the National Imagery and Mapping Senior Executive Service is entitled shall be held or decided pursuant to procedures established by the Secretary of Defense).

(6) Permit the payment of performance awards to members of the National Imagery and Mapping Senior Executive Service consistent with the provisions of section 5384 of title 5.

(7) Provide for adjusting the rates of pay of positions described in paragraph (3) as National Imagery and Mapping Senior Executive Service are adjusted.

SEC. 463. Management rights.

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on the reason that matter being covered by a provision of law or Governmentwide regulation, the Director of the National Imagery and Mapping Agency, or another Government agency, shall determine the status associated with membership in the National Imagery and Mapping Senior Executive Service.

(b) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on the reason that matter being covered by a provision of law or Governmentwide regulation, the Director of the National Imagery and Mapping Agency, or another Government agency, shall determine the status associated with membership in the National Imagery and Mapping Senior Executive Service.

(c) MANAGEMENT RIGHTS.—(1) In carrying out section 455(c) of this title.

(d) MANAGEMENT RIGHTS.—The National Imagery and Mapping Agency shall carry out the purposes of section 455(c) of this title.
as added by subsection (a), are inserted in that sequence in such subchapter following the table of sections, and are redesignated in accordance with the following table:

Section transferred

2792

2793

2794

2795

2796

2798

2799

(c) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

1) in subsection (d)—

(A) by striking out the caption and inserting in lieu thereof "REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY."; and

(B) by striking out "the Agency" and inserting in lieu thereof "the National Imagery and Mapping Agency".

2) in subsection (e)—

(A) by striking out "DIA AND NSA" in the caption and inserting in lieu thereof the following: "DIA, NSA, AND NIMA."; and

(B) by striking out "and the National Security Agency" and inserting in lieu thereof "the National Imagery and Mapping Agency".

3) in subsection (f), by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) The National Imagery and Mapping Agency.".

(d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102-392; 44 U.S.C. 501 note) is amended by inserting "National Imagery and Mapping Agency," after "Defense Intelligence Agency.",


SEC. 302. TRANSFERS.

(a) DEPARTMENT OF DEFENSE.—The missions and functions of the following elements of the Department of Defense are transferred to the National Imagery and Mappng Agency:

(A) The Defense Mapping Agency.

(B) The Central Imagery Office.

(C) for the National Imagery and Mapping Agency as provided in the classified annex to this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—The missions and functions of the following elements of the Central Intelligence Agency are transferred to the National Imagery and Mapping Agency:

(A) National Imagery and Intelligence Agency.

(B) Other elements of the Central Intelligence Agency as provided in the classified annex to this Act.

(c) PERSONNEL AND ASSETS.—(1) Subject to paragraphs (2) and (3), the personnel, assets, unobligated balances of appropriations and authorizations, and the member’s expertise and experience of the Department of Defense are transferred redesignated after "the National Security Agency"; and

(A) by striking out "Defense Intelligence Agency, the National Imagery and Mapping Agency," after "the National Security Agency"; and

(B) by adding at the end the following:

"the National Imagery and Mapping Agency under subsection (a)."

(C) CORRECTION OF DEFICIENCIES.—The Director of Central Intelligence shall develop and implement such programs and policies as the Director and the Secretary jointly determine necessary to review and correct deficiencies identified in the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.

(d) TAKING OF IMAGERY ASSETS.—Title I of such Act is further amended by adding at the end the following:

"COLLECTION TASKING AUTHORITY

SEC. 121. The Director of Central Intelligence shall have authority to remove collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collections, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.

SEC. 122. RECOMMENDATION.—The table of contents in the first section of such Act is amended by inserting after section 109 the following new items:


"SEC. 121. Collection tasking authority.

SEC. 122. Other personnel management authorities.

(a) COMPARABLE TREATMENT WITH OTHER INTELLIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United States Code, is amended as follows:

(1) In section 2108(b), by inserting "the National Imagery and Mapping Senior Executive Service," after "the Senior Cryptologic Executive Service," in the matter following subparagraph (F)(iii).

(2) In section 6301(h)(1), by—

(C) by striking out "or" at the end of subparagraph (D); and

(D) by striking out the period at the end of subparagraph (D).

(3) In section 8336(h)(2) and 8414(a)(2), by striking out "or" at the end of subparagraph (D).

(b) CENTRAL IMAGERY OFFICE PERSONNEL MANAGEMENT AUTHORITIES.—(1) DUPLICATE COVERAGE BY DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Section 1601 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "and the Central Imagery Office";

(b) in subsection (d), by striking out "or the Central Imagery Office in which the chief intelligence officer's expertise in the capabilities may be of benefit to the Defense Intelligence Agency, the Central Imagery Office," in the first sentence and inserting in lieu thereof "in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency"; and

(c) REMOVAL OF DEFICIENCIES.—The Director of Central Intelligence shall establish requirements and priorities governing the operations of national imagery by the National Imagery and Mapping Agency under subsection (a)."
(C) in subsection (e), by striking out "and the Central Imagery Office" in the first sentence;
(2) MENTIONS.—Title 5, United States Code is amended by striking out "and Central Imagery Office".
(3) MISCELLANEOUS AUTHORITIES.—Subsection 1604 of such title is amended—
(A) in subsection (a)—
(i) by striking out "and the Central Imagery Office"; and
(ii) by striking out "and Office";
(B) in paragraph (1), by striking out "the Central Imagery Office" in the second sentence; and
(ii) in paragraph (2), by striking out "and the Central Imagery Office";
(C) in subsection (c), by striking out "the Central Imagery Office";
(D) in subsection (d)(1), by striking out "and the Central Imagery Office";
(E) in subsection (e)—
(i) in paragraph (1), by striking out "the Central Imagery Office"; and
(ii) in paragraph (5) by striking out ", the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office)" and inserting in lieu thereof "and the Director of the Defense Intelligence Agency, and the Director of the Central Imagery Office";
(F) in subsection (f)(3), by striking out "and Central Imagery Office"; and
(G) in subsection (g)—
(i) by striking out "or the Central Imagery Office"; and
(ii) by striking out "or Office".

(D) by inserting in lieu thereof "Applicability of Federal Labor-Management Relations System.—Section 7102(a)(3) of title 5, United States Code, is amended by striking out "and Central Imagery Office"; and inserting in lieu thereof "Applicability of Federal Labor-Management Relations System.—Section 7102(a)(3) of title 5, United States Code, is amended by striking out "the Central Imagery Office" and inserting in lieu thereof the following:"

SEC. 925. CREDIBLE CIVILIAN SERVICE FOR CAREER CONDITIONAL EMPLOYEES OF THE DEFENSE MAPPING AGENCY.
In the case of an employee of the National Imagery and Mapping Agency who, on the day before the effective date of this subtitle, was an employee of the Defense Mapping Agency in a career-conditional status, the continuous service of that employee as an employee of the National Imagery and Mapping Agency on and after such date shall be considered service for the purposes of any determination of the career status of the employee.
SEC. 926. SAVING PROVISIONS.
(a) CONTINUING EFFECT ON LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, international agreements, grants, contracts, leases, certificates, licenses, registrations, privileges, and other administrative actions—
(1) which have been issued, made, granted, or allowed to become effective by the President, the Defense Intelligence Agency, or official thereof, or by a court of competent jurisdiction, in connection with any of the functions which are transferred under this subtitle or any function that the National Imagery and Mapping Agency is authorized to perform by law, and
(2) which are in effect at the time this title takes effect, or were final before the effective date of this subtitle and are to become effective on or after the effective date of this subtitle, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Defense, the Director of the National Imagery and Mapping Agency or other authorized official, a court of competent jurisdiction, or by operation of law.
(b) PROCEEDINGS NOT AFFECTED.—This subtitle and the amendments made by this subtitle shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an element of the Department of Defense or Central Intelligence Agency at the time this subtitle takes effect, with respect to the function of that element transferred by section 922, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not taken effect. Any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions as to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.
(c) SEVERABILITY. — If any provision of this subtitle (or any amendment made by this subtitle), or the application of such provision (or amendment) to any person or circumstance is held invalid, the remainder of this subtitle (or of the amendments made by this subtitle) shall not be affected by that holding.
SEC. 927. DEFINITIONS.
In this part, the term "function", "imagery", "imagery intelligence", and "geospatial information" have the meanings given to those terms in section 925 of title 50, United States Code.
SEC. 928. AUTHORIZATION OF APPOINTMENTS.
Funds are authorized to be appropriated for the National Imagery and Mapping Agency for fiscal year 1997 in amounts and for purposes, and subject to the terms, conditions, limitations, restrictions, and requirements, that are set forth in the Classified Annex to this Act.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATES
SEC. 931. REDesignation and Repeals.
(a) REDesignation.—Chapter 23 of title 10, United States Code (as redesignated by section 921(a)(1)) is redesignated in this Act redesignating the section in that chapter as section 481.
(b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of such title, as amended by section 921(b), is repealed.
SEC. 932. REFERENCES.
(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:
(2) DIRECTOR, CENTRAL IMAGERY OFFICE.—In section 6339(a)(2)(E), by striking out "Central Imagery Office, the Director of Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency";

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:
(1) CENTRAL IMAGERY OFFICE.—In section 1590(f)(4), by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".
(2) DEFENSE MAPPING AGENCY.—In sections 4501(b), 4502, 4503, 4504, and 4505 (in subsections (a) and (b)(1)(C), and 456, as redesignated by section 921(b), by striking out "Defense Mapping Agency" each place it appears and inserting in lieu thereof "National Imagery and Mapping Agency".

(c) OTHER LAWS.—
(1) NATIONAL SECURITY ACT OF 1947.—Section 341(E) of the National Security Act of 1947 (50 U.S.C. 403a(E)) is amended by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".
(2) ETHICS IN GOVERNMENT ACT OF 1978.—Section 102(a) of the Ethics in Government Act of 1978 (Public Law 95-521; 5 U.S.C. App. 4) is amended by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(d) CROSS REFERENCE.—Section 82 of title 14, United States Code, is amended by striking out "chapter 167" and inserting in lieu thereof "subchapter II of chapter 22".

SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.
(a) TITLE 10, UNITED STATES CODE.—
(1) HEADING.—The heading of chapter 83 of title 10, United States Code, is amended to read as follows: "CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL".
(2) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:
"22. National Imagery and Mapping Agency ........................................ 441"
"23. Miscellaneous Studies and Reports ........................................... 471";

(B) The table of chapters at the beginning of part I of such subtitle is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:
"22. National Imagery and Mapping Agency ........................................ 441"
"23. Miscellaneous Studies and Reports ........................................... 471";

(C) The item relating to chapter 167 of such chapter at the beginning of part II of such subtitle is amended to read as follows:
"23. Defense Intelligence Agency Civilian Personnel .......................... 1601";

(D) The table of chapters at the beginning of part IV of such subtitle is amended by striking out the item relating to chapter 167.
SEC. 1002. AUTHORITY FOR OBLIGATION OF CER-
TAIN UNAUTHORIZED FISCAL YEAR 1996 DEFENSE APPROPRIA-
TIONS.

(a) AUTHORITY. Sections 2221 and 2221a of title 10, United States Code, are amended by inserting after the following:

"(3) The President should direct the Admin-
istrator of the Agency for International De-
velopment to reimburse the Department of
Defense for the cost to the Department of
Defense of the assistance provided; and"

and by inserting for purposes of the preceding new paragraph (3):

"(3) Amounts in the Fisher House Trust
Fund, Department of the Navy, that are attrib-
utable to earnings or gains realized from
investments shall be available for the oper-
ation and maintenance of Fisher facilities
that are located in proximity to medical treat-
ment facilities of the Navy;" and

in subsection (d) after "Air Force" and inserting in lieu thereof the following:

", the Air Force, or the Navy;"

(b) CORPUS OF TRUST FUNDS. The Secretary of the Navy shall transfer to the Fisher House Trust Fund, Department of the Navy, established by section 2221(a)(3) of title 10, United States Code, (as added by section (a)(1)), all amounts in the accounts for the Secretary of the Navy, and other facilities that, as of the date of the enactment of this Act, are available for operation and mainte-
nance of Fisher houses that are tributary to earnings or gains realized from investments that are located in proximity to medical treatment facilities of the Navy; and in subsection (d)(1), by striking out "the Air Force" and inserting in lieu thereof "the Air Force, or the Navy;"

SEC. 1007. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR COSTS OF DISAS-
TER ASSISTANCE PROVIDED OUT-
SIDE THE UNITED STATES.

(a) DISBURSING OFFICIALS. The Secretary of the Navy directs the Secretary of Defense to provide disaster assistance outside the United States under subsection (a) as follows:

"(1) the President should direct the Admin-
istrator of the Agency for International De-
velopment to reimburse the Department of
Defense for the cost to the Department of
Defense of the assistance provided; and"

"(2) a reimbursement of the Administrator
should be paid out of funds available under
chapter 9 part I of the Foreign Assistance
Act of 1961 for international disaster assist-
ance for the fiscal year in which the cost is
incurred;"

(b) CONFORMING AMENDMENTS. Section 1321 of title 31, United States Code, is amended by adding after the following:

"(1) The Fisher House Trust Fund, Department of the Navy, that are attrib-
utable to earnings or gains realized from
investments shall be available for the oper-
ation and maintenance of Fisher facilities
that are located in proximity to medical treat-
ment facilities of the Navy;" and

in subsection (d) after "Air Force" and inserting in lieu thereof the following:

", the Air Force, or the Navy;"

SEC. 1008. FISHER HOUSE TRUST FUND FOR THE NAVY.

(a) AUTHORITY. Section 2221 of title 10, United States Code, is amended—

"(1) in subsection (a), by adding at the end of the follow-
ing:

"(3) The Fisher House Trust Fund, Department of the Navy;"

"(2) in subsection (c)—

(A) by redesignating paragraph (3) as para-
graph (4); and

(B) by inserting after paragraph (2) the fol-
lowing new paragraph (3):

"(3) Amounts in the Fisher House Trust
Fund, Department of the Navy, that are attrib-
utable to earnings or gains realized from
investments shall be available for the oper-
ation and maintenance of Fisher facilities
that are located in proximity to medical treat-
ment facilities of the Navy;" and

in subsection (d)(1), by striking out "the Air Force" and inserting in lieu thereof the following:

", the Air Force, or the Navy;"

(b) CORPUS OF TRUST FUNDS. The Secretary of the Navy shall transfer to the Fisher House Trust Fund, Department of the Navy, established by section 2221(a)(3) of title 10, United States Code, (as added by subsection (a)(1)), all amounts in the accounts for the Secretary of the Navy, and other facilities that, as of the date of the enactment of this Act, are available for operation and mainte-
nance of Fisher houses, as defined in section 2221, of such title.

(c) CONFORMING AMENDMENTS. Section 1321 of title 31, United States Code, is amended—

"(1) in subsection (a), by adding at the end of the follow-
ing:

"(94) Fisher House Trust Fund, Depart-
ment of the Navy;" and

"(2) in subsection (b) by adding at the end of the follow-
ing:

"(D) Fisher House Trust Fund, Department of the Navy;"

SEC. 1009. DESIGNATION AND LIABILITY OF DIS-
BURSING AND CERTIFYING OFFI-
CIALS FOR THE COAST GUARD.

(a) DISBURSING OFFICIALS. Section 3212(c) of title 31, United States Code, is amended by adding at the end of the follow-

"(9) Fisher House Trust Fund, Department of the Navy;"
(3) The Department of Transportation (with respect to public money available for expenditure by the Coast Guard when it is not operating as a service in the Navy).

(2)(A) Chapter 27 of title 14, United States Code, is amended by adding at the end the following:"

Section 2773. Coast Guard: release of vessels

(1) The Secretary of the Navy may transfer to the Government of Egypt the "OLIVER HAZARD PERRY" frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) Section 3527(b)(1) of title 31, United States Code, is amended—

(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

(A) to make payments as the agent of the disbursing official;

(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

(C) to carry out other duties required under law.

(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Transportation (when the Coast Guard is not operating as a service in the Navy).

(b)(1) If a disbursing official of the Coast Guard is disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the accounts and the disbursing official under this subsection.

(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

(2) A designation of a deputy disbursing official under subsection (a) is made while the Coast Guard is not operating as a service in the Navy continues in effect for 12 months after the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or by a deputy disbursing official authorized to approve such a designation under subsection (a)(3) of such section.

(b) The table of sections at the beginning of this chapter is amended by adding at the end the following:

"673. Designation, powers, and accountability of deputy disbursing official—"

(designation of members of the armed forces to have authority to certify vouchers.—Section 3325(b) of title 31, United States Code, is amended by striking out "members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so" and inserting in lieu thereof "members of the Coast Guard may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation."

(c) Conforming amendments.—(1) Section 1007(a) of title 37, United States Code, is amended—

"(f) The Secretary of the Navy shall transfer to the Government of Egypt the "OLIVER HAZARD PERRY" frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) The "NEWPORT" class landing ship dock (LSD 41) will be transferred to the Government of Taiwan (LST 1179) on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(f) Costs of transfer.—Any expense of the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(h) Repair and refurbishment of vessels.—The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this section that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country.

(i) Expiration of authority.—Any authorization to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.
SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress reaffirms the findings contained in 103(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 422), and makes the following modifications and supplantings thereof:

(1) Since the findings set forth in section 103(a) of such Act were originally formulated, the Secretary of the Navy has exercised authority to place orders for one vessel to be constructed as a LMSR vessel, all of which would be new construction vessels.

(b) Therefore, under those contracts, the Secretary has placed orders for the acquisition of 13 LMSR vessels and has remaining construction options for the acquisition of four more LMSR vessels, all of which would be new construction vessels.

(3) The remaining options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1996, and December 31, 1997, respectively.

(b) SENSE OF CONGRESS.—Congress also reaffirms its declaration of the sense of Congress contained in section 103(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the report entitled “Mobility Requirements Study Bottom-Up Requirement Update”, submitted by the Secretary of Defense to Congress in April 1995), rather than only 17 such vessels (which is the number of vessels under contract at April 1996).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy shall negotiate with each of the two shipyards having construction contracts referred to in subsection (a)(1) (Department of the Navy contracts numbered N00024-93-C-2203 and N00024-93-C-2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise not earlier than fiscal year 1998, subject to the availability of funds authorized and appropriated for such purpose.

Nothing in this subsection shall be construed to preclude the Secretary of the Navy from competing the award of the two options between the two shipyards holding new construction contracts referred to in subsection (a)(1).

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1997, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

(e) REPEAL OF SUPERSEDED PROVISION.—Section 1013 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat 422) is amended by striking out subsection (c).

SEC. 1025. SENSE OF THE SENATE CONCERNING UNRECEIVED MILITARY EQUIPMENT;

It is the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expedited return of the equipment of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States.

Subtitle C—Counter-Drug Activities

SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsections (e) and (f), the Secretary of Defense may, during fiscal year 1997, provide the Government of Mexico the support described in subsection (b) for the counter-drug activities of the Government of Mexico in addition to support provided the Government of Mexico under any other provision of law.

(b) SUPPORT TO BE PROVIDED.—The Secretary may provide the following support under subsection (a):

(1) The transfer of spare parts and non-lethal equipment, including radios, night vision goggles, global positioning systems, uniforms, command, control, communications, and intelligence (C4I) integration equipment, monitoring equipment.

(2) The maintenance and repair of equipment of the Government of Mexico that is used for counter-drug activities.

(c) APPLICABILITY OF OTHER SUPPORT AUTHORITY.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 374 note) shall apply to the provision of support under this section.

(d) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1997 for the Department of Defense for drug interdiction and counter-drug activities, not more than $10,000,000 shall be available in that fiscal year for the provision of support under this section.

(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 that government.

(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 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 material provided as support.

(E) That the agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access to any of the equipment and material provided as support, or to any of the records relating to such equipment or material, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the Government of Mexico will permit continuous observation and review by the Secretary of Defense of the equipment and material provided as support that is equivalent to the security that the United States Government would provide with respect to such equipment and material.

(G) That the Government of Mexico will permit continuous observation and review by United States Government personnel of the use of the equipment and material provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(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.

(F) PROHIBITION ON PROVISION OF CERTAIN MILITARY EQUIPMENT.—The Secretary may not provide as support under this section—

(1) any article of military equipment for which special export controls are warranted because of the substantial military utility or capability of such equipment;

(2) any military equipment identified on the United States Munitions List; or

(3) any of the following military equipment (whether or not the equipment has been equipped, re-equipped, or modified for military operations):

(A) Cargo aircraft bearing “C” designations.

(B) Utility aircraft bearing “U” designations, including OH-58 aircraft and aircraft bearing “U” designations that use reciprocating engines.

(D) Liaison aircraft bearing “L” designations.

(E) Observation aircraft bearing “O” designations, including OH-58 aircraft and aircraft bearing such designations that use reciprocating engines.

(F) Truck, tractors, trailers, and vans, including all vehicles bearing “M” designations.

SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense to provide to this or any other Act may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the effective date of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense, the Inspector General of the Department of Justice, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the United States shall—

(1) jointly investigate the operations of the National Drug Intelligence Center, Johnstown, Pennsylvania;

(2) not later than March 31, 1997, jointly submit to the President pro tempore of the
Senate and the Speaker of the House of Representatives a report on the results of the investigation.

(b) **CONTENT OF REPORT.—**The joint report shall include a determination regarding whether there is a significant likelihood that the funding of the operation of the National Drug Intelligence Center, a domestic law enforcement center managed through an agreement under the control of the Director of Central Intelligence will result in a violation of the National Security Act of 1947 or Executive Order 12333.

**Subtitle D—Matters Relating to Foreign Countries**

**SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.**

(a) **EXCHANGE AUTHORITY.—**Subchapter II of chapter 330 of title 10, United States Code, is amended by adding at the end the following new section:

```
§ 2350l. Exchange of defense personnel between the United States and foreign countries.

(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—The Secretary of Defense is authorized to enter into agreements with the governments of the United States and other friendly foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries of such foreign governments.

(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to an agreement entered into under subsection (a), personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in the defense ministry of that foreign government. Positions to which exchanged personnel are assigned may include positions of instructors.

(2) An agreement for the exchange of personnel engaged in research and development activities may provide for assignment of Department of Defense personnel to positions in private industry that support the defense ministry of the host foreign government.

(3) A person and the individual to be assigned to that position shall be acceptable to both governments.

(c) PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

(d) PAYMENT OF PERSONNEL COSTS.—(1) Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.

(2) The requirement in paragraph (1) does not apply to the following costs:

(A) Cost of temporary duty directed by the host government.

(B) Costs of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the exchanged personnel’s assignments.

(C) Costs incident to the use of host government facilities in the performance of assigned duties.

(e) **PROHIBITED CONDITIONS.—**No personnel exchanged pursuant to an agreement under this section may take or be required to take an oath of allegiance to the host country or to hold an official capacity in the government of such country.

```

(b) **SECTION 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES FOR FLIGHT TRAINING.**

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 5874) is amended by adding at the end the following new section:

```
§ 2350l(a). Exchange of defense personnel between the United States and foreign countries.

```

(c) **SECTION 1043. EXTENSION OF COMPETE PROLIFERATION AUTHORITY.**


(1) in subsection (d)(3)—

(A) by striking out "fiscal year 1995, or" and inserting in lieu thereof "fiscal year 1996,

(B) by inserting before the period at the end the following: "$15,000,000 for fiscal year 1997, and $15,000,000 for fiscal year 1998";

and

(2) in subsection (f), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1998".

```

**SEC. 1044. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY FOR ISRAEL AND OTHER COUNTRIES AND AREAS.**

(a) **COLLECTION AND DISSEMINATION.—**No department or agency of the Federal Government may collect or disseminate any imagery from satellite or other space-based collection systems which are acquired by the Federal Government other than systems which are the property of a country or governmental entity.

(b) **CLASSIFICATION AND RELEASE.—**No department or agency of the Federal Government shall classify or restrict the release of any imagery that is the property of a foreign country or governmental entity.

(c) **CONSIDERATION.—**Any imagery obtained from another country or governmental entity shall be considered in a manner consistent with the principles set forth in the National Security Act of 1947 or Executive Order 12333.

**SEC. 1045. DEFENSE BURDENSHARING.**

In any financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel stationed in that nation.
conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1996, and (c) the stationing costs associated with the forward deployment of elements of the United States Armed Forces to the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(5) The President shall submit to Congress a report on the review under paragraph (1). The report will be due not later than March 1, 1997, and the report may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent forward deployments.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States provides for the NATO "10 Percent Exception Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral financial assistance agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) United States financial assistance agreed to in good faith for the defense of the United States and other countries.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationed elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to contribute to defense efforts (to promote democratization, economic stabilization, transparency, and defensive economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to contribute to the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report is due not later than March 1, 1997, in classified and unclassified form.

SEC. 1046. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technologies may adversely affect the national security policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile defense systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and new users that do not have export policies that run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile defense systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and new users of items that contribute to military capabilities and proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States;

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) report the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

(c) REPORT ON EXPORT CONTROLS.—(a) REPORT.—Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with—

(A) enlargement of NATO;

(B) the United States' role in promoting transparency and responsible actions described in detail.

(C) a failure to enlarge NATO.

(2) Additional NATO and United States military strategy and force structure requirements required by the inclusion of new members and additional security costs or benefits that may accrue to the United States from NATO enlargement.

(3) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight.

(4) The relationship between NATO enlargement and transatlantic stability and security.

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement.

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight.

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reform political institutions and the peaceful resolution of border disputes.

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area.

(9) The effect of NATO enlargement on the political, economic, and security conditions of European Partnership for Peace nations not among the first new NATO members.

(10) The relationship between NATO enlargement and European security, and the costs and benefits of both.

(11) The relationship between NATO enlargement and treaties relevant to United States and European security, such as the Conventional Armed Forces in Europe Treaty.

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian defense policies and the costs and benefits of a security relationship between NATO and Russia.
SEC. 1052. ANNUAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.
(a) ANNUAL PLAN REQUIRED.—On March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for ensuring that the science and technology programs of the Department of Defense support the development of the future joint warfighting capabilities identified as priority requirements for the Armed Forces.
(b) FIRST PLAN.—The first plan shall be submitted not later than March 1, 1997.

SEC. 1053. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.
(a) REQUIREMENT.—Not later than January 31, 1997, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b).
(b) OFFICERS.—The report required by subsection (a) shall be prepared jointly by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Commander of the Special Operations Command.
(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario based on the following assumptions:
(1) The conflict is in a generic theater of operations located anywhere in the world and does not exceed the notional limits for a major regional contingency.
(2) The forces available for deployment include the forces described in the Bottom Up Review force structure, including all planned force enhancements.
(3) Assistance is not available from allies.
(d) ASSESSMENT ELEMENTS.—The report shall identity by unit type, and assess the readiness requirements of, all active and reserve component units. Each such unit shall be categorized within one of the following classifications:
(1) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited inter-theater lift and do not require immediate access to regional air bases or ports or overflight rights, including the following:
   (A) Force units that are routinely deployed forward at sea or on land outside the United States.
   (B) Combat-ready crisis response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.
(2) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.
(3) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.
(4) All other active and reserve component forces under the direction of the joint force command within a classification described in paragraph (1), (2), or (3).

SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY PROGRAMS.
(a) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.
(b) OFFERED FOR REVIEW.—Notwithstanding subsection (a), no report is required under this section.
TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (ALSO KNOWN AS THE "START II TREATY").

The Treaty is divided into sections, paragraphs, and subparagraphs. The text includes references to other treaties and agreements, such as the "START II Treaty." It mentions the roles of the Secretary of Defense, the Department of Defense, and the courts in the implementation and enforcement of the treaty.

The treaty discusses the limitation of strategic offensive arms, including nuclear delivery systems. It outlines the procedures for compliance and inspection, as well as the responsibilities of the United States and Russia in implementing the treaty.

The text also references the Department of Defense and the courts in the United States, particularly in the context of federal employees and their duties. It mentions the importance of maintaining active status for certain members of the armed forces and the role of the Secretary of Defense in waiving certain provisions of the treaty.

The treaty is concluded with the purpose of reducing nuclear arsenals and maintaining stable nuclear deterrence between the United States and Russia.
deemed to have been incurred by the member;

"(b) the cost to the United States of the pay of the member as described in subsection (b) shall have been incurred by the member as a result of the injury or disease; and

"(c) the United States shall be subrogated to any right under subsection (b) arising out of the injury or disease; and

SEC. 1067. DISPLAY OF STATE FLAGS AT INSTALLATIONS AND FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, the display of an official flag of any State, territory, or possession of the United States is subject to the following:

"(1) the Secretary of Defense may at any installation or office of the Department of Defense at which the official flags of the other States, territories, or possessions of the United States are displayed.

"(2) the provisions of section 3 of the Joint Resolution of July 3, 1872 (36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 176)."

SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FUNDS, MATERIALS, AND SERVICES.—(1) The Secretary of Defense may, on behalf of the George C. Marshall European Center for Strategic Security Studies, accept gifts or donations of funds, materials (including research materials), property, and services (including lecture services and faculty services) from foreign governments, foundations and other charitable organizations in foreign countries, and individuals in foreign countries in order to defray the costs of the operation of the Center.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the fiscal year in which the funds are received and shall be subject to the same purposes and conditions as the appropriations with which the funds were credited.

(b) PARTICIPATION OF FOREIGN NATIONS OTHERWISE PROHIBITED.—(1) The Secretary may permit representatives of a foreign government to participate in a program of the George C. Marshall European Center for Strategic Security Studies, notwithstanding any other provision of law that would otherwise prevent representatives of that foreign government from participating in the program. Before granting such permission, the Secretary shall determine, in consultation with the Secretary of State, that the participation of representatives of that foreign government in the program is in the national interest of the United States.

"(2) Not later than January 31 of each year, the Secretary shall report to the Speaker of the House of Representatives and the President pro tempore of the Senate on the activities and accomplishments of the George C. Marshall European Center for Strategic Security Studies."

SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN Participants in the Defense of Pearl Harbor the National Defense Authorization Act for Fiscal Year 1991. (a) AUTHORITY.—The Speaker of the House of Representatives, the President pro tempore of the Senate, or any other person to whom authority under the preceding section applies only in the case of a foreign member who serves on the Board without compensation, shall, in the case of a member of the Board of Visitors who may not be required to register as an agent of a foreign government solely by reason of serving as a member of the Board, strike such additional medals as may be necessary for presentation under the authority of subsection (a).
(8) It is appropriate to name the Nellis Federal Hospital, Las Vegas, Nevada, a hospital operated jointly by the Department of Defense, through Nellis Air Force Base, and the Uniformed Services University of the Health Sciences as the "Michael O'Callaghan Federal Hospital".

(9) It is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996.

(10) The economic interests of both the United States and Japan are best served by continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy and military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement’s expiration date.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in the semiconductor sector.

(14) It is the sense of the Senate that—

(a) the United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Nakasone in Tokyo;

(b) the Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second-largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(c) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(d) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(e) The United States-Japan semiconductor trade agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(f) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(g) It is appropriate to name the Nellis Federal Hospital, Las Vegas, Nevada, a hospital operated jointly by the Department of Defense, through Nellis Air Force Base, and the Uniformed Services University of the Health Sciences as the "Michael O'Callaghan Federal Hospital".

(h) It is the sense of the Senate that—

(i) It is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996;

(j) The President should take all necessary and appropriate steps to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(k) Definition.—As used in this section, the term "United States-Japan Semiconductor Trade Agreement" refers to the agreement between the United States and Japan that—

(l) It is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996;

(m) The President should take all necessary and appropriate steps to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(n) The term "Secretary concerned" means the following:

(1) The Secretary of the Army, with respect to the United States Military Academy.

(2) The Secretary of the Navy, with respect to the United States Naval Academy.

(3) The Secretary of the Air Force, with respect to the United States Air Force Academy.

(4) The Secretary of Transportation, with respect to the United States Coast Guard Academy.

(5) The terms "apparently fit grocery product", "apparently wholesome food", "donate", "food", and "grocery product" have the meanings given in section 402(b) of the National and Community Service Act of 1990 (42 U.S.C. 12672(b)).

SEC. 1074. DESIGNATION OF MEMORIAL AS NATIONAL D-DAY MEMORIAL.

(a) Designation.—The memorial to be constructed shall be known as the "National D-Day Memorial".

(b) Public Proclamation.—The President is requested and urged to issue a public proclamation acknowledging the designation of the memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, as the National D-Day Memorial.

(c) Maintenance of Memorial.—All expenses for the maintenance and care of the memorial shall be paid for with non-Federal funds, including funds provided by the National D-Day Memorial Foundation. The United States shall not be liable for any expense incurred for the maintenance and care of the memorial.
The text is a legislative document discussing amendments to federal laws related to national security, scholarships, and education programs. It includes sections about the National Security Education Program, language requirements for employment, and provisions for selecting recipients of scholarships and fellowships.
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 comply with the guidelines of the Department carried out at its facilities; and

(b) improving youth programs that enable adolescents to relate to new peer groups when their 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 child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers and communities in the vicinity of military installations.

SEC. 1079. INCREASE IN PENALTIES FOR CERTAIN VIOLATIONS OF MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 313c) is amended to read as follows:

"(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 any State or political subdivision where the installation is located, or imprisoned for not more than thirty days, or both."

SEC. 1080. PHARMACEUTICAL INDUSTRY SPECIAL EQUITY.

(a) Short Title.—This section may be cited as the "Pharmaceutical Industry Special Equity Act of 1996."" Data and report by the Food and Drug Administration make the approval of an application under sections 505 or 512 of the Federal Food, Drug, and Cosmetic Act, which is subject to the provisions of this section, effective prior to the entry of the order described in paragraph (1)(C).

(b) Application.—The provisions of this subsection shall not apply to any patent the term of which, inclusive of any restoration period provided under section 156 of title 35, United States Code, would have expired on or before June 8, 1996, unless such patent has been extended in effect on the date before December 8, 1994.

(c) Application of Certain Benefits and Terms Extensions to All Patents in Force on Certain Date.—In no event shall the Food and Drug Administration extend a patent under section 156 of title 35, United States Code, or extend the term of any patent which encompasses within its scope of composition of matter known as a nonsteroidal anti-inflammatory drug if—

(A) during the regulatory review of the drug by the Food and Drug Administration the patentee—

(i) filed a new drug application in 1982 under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) section 156 of title 35, United States Code, is amended to read as follows:

"(b) Whoever shall violate any rule or regulation promulgated 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 any State or political subdivision where the installation is located, or imprisoned for not more than thirty days, or both."

SEC. 1078. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) Findings.—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 communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information, and resources relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities in which they operate;

(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 such 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 development centers 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) 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 and communities in the vicinity of military installations.

(3) PROCEDURES IN DISTRICT COURT.—No later than 60 days after the date of the enactment of this Act, each district court of the United States shall adopt procedures to—
(A) provide for priority in consideration of civil action no later than 60 days after the date on which the court enters the order; and
(B) provide for priority in consideration of discovery motions shall be completed no later than 60 days after the date on which the court enters the order; and
(C) require any dispositive motion in a civil action to be filed no later than 30 days after the date of the enactment of this Act, the court shall order that all discovery (including any discovery related to discovery motions) shall be completed no later than 60 days after the date on which the court enters the order; and
(D) require that if a person does not hold the patent which is the subject of a civil action no later than 60 days after the later of—
(i) the date on which discovery is completed in accordance with subparagraph (B); or
(ii) the last day of the 30-day period referred to under clause (i), if a dispositive motion is filed
(E) require that if a person does not hold the patent which is the subject of a civil action no later than 60 days after the date on which the motion is filed,
(F) the damages payable to such persons shall include—
(i) the costs resulting from the delay caused by the civil action; and
(ii) lost profits from such delay; and
(G) provide for the prevailing party in a civil action shall be entitled to recover reasonable attorney’s fees and court costs.

(4) FEDERAL CIRCUIT COURT.—No later than 60 days after the date of the enactment of this Act, the United States Court of Appeals for the Federal Circuit shall adopt procedures to provide for expedited consideration of civil actions brought under this Act.

SEC. 1081. CLARIFICATION OF NATIONAL SECURITY SYSTEMS TO WHICH THE INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1996 APPLIES.

Section 5342(b) of the Information Technology Management Reform Act of 1996 (division E of Public Law 104-106; 110 Stat. 869; 40 U.S.C. 5342(b)) is amended—
(1) by striking out ‘‘(b) LIMITATION.’’ and inserting in lieu thereof ‘‘(b) LIMITATIONS.’’; and
(2) by adding at the end the following:
‘‘(2) Notwithstanding any other provision of this section or any other provision of law, for the purpose of achieving a system that, in function, operation, or use, involves the storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information shall be considered as a national security system under the definition in subsection (a) only if the function, operation, or use of such system involves the use of the system in a manner that precludes the nonprosecution party to pay damages to the prevailing party;’’.

‘‘(A) involves activities described in paragraph (1), (2), or (3) of subsection (a);’’.

(‘‘B) involves equipment described in paragraph (4) of subsection (a); or
(‘‘C) is critical to an objective described in paragraph (5) of subsection (a) and is not exported, except that the sentence in paragraph (5) of subsection (a) shall not apply to the country or person as the case may be, if the President determines and certifies in writing to the Congress that—
(i) reliable information indicates that the country or person with respect to which the determination is made has funded, aided, or abetted any non-nuclear-weapons state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material.

‘‘(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapons state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

‘‘(C) For purposes of subparagraphs (A) and (B)—
‘‘(i) the term ‘country’ has the meaning given to foreign state in section 1803(a) of title 26, United States Code;
‘‘(ii) the term ‘knowingly’ is used within the meaning of the term ‘knowing’ in section 104 of the Foreign Corrupt Practices Act; and
‘‘(iii) the term ‘person’ means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or institution engaged in operating as a business enterprise, and any successor of any such entity.’’;

‘‘(b) EFFECTIVE DATE.ÐThe amendments made by paragraph (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear-weapons states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken by the United States in guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

SEC. 1086. TECHNICAL AMENDMENT.

Paragraph (3) of section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 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 (A) 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.

SEC. 1087. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children’s Association for Maximum Potential (CAMP) for use by the Secretary of the Air Force to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may enter into a lease of the facility described in subsection (a) until the Secretary and the associate enter into an agreement under which
the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) For the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1088. PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(l) It shall be unlawful for any person to teach, or attempt to teach, or to demonstrate, or to permit another to teach, or attempt to teach, how to make, or to distribute, or to permit another to make, or to distribute, explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.

"(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined..."

(b) PENALTY.—Section 94(a) of title 18, United States Code, is amended by—

(1) by striking "(a) Any person" and inserting "(a)(1) Any person"; and

(2) by adding at the end the following:

"(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both."
on the report.

The Panel shall submit to the Secretary an independent assessment of a variety of force structures for the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The Panel shall develop proposals for an ‘‘above the line’’ force structure of the Armed Forces and to provide the Secretary and Congress with recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Secretary.

For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces for the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

As part of the assessment, the Panel shall also:

(A) Develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide a deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) To the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) Comment on each of the matters also to be included by the Secretary in the report required under subsection (d).

REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under this subsection, including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of the report under paragraph (1), together with the Secretary’s comments on the report.

INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department and agency shall ensure that information requested by the Panel under this subsection is promptly provided.

PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of the United States under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

The Panel may accept, use, and dispose of gifts or donations of services or property.

PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

SEC. 1095. POSTPONEMENT OF DEADLINES.

In the event that the election of President of the United States results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

SEC. 1096. DEFINITIONS.

In this title:

(1) The term ‘‘above the line’’ force structure of the Armed Forces means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.


(3) The term ‘‘military operation other than war’’ means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations and humanitarian assistance operations and activities, counterterrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term ‘‘peace operations’’ means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Personnel Management, Pay, and Allowances

Section 1010. Scope of requirement for conversion of military positions to civilian positions.

Section 102. Retention of civilian employee positions at military training bases transferred to national guard.

(a) MILITARY TRAINING INSTALLATIONS AFFECTED.—This section applies with respect to each military training installation that—

(1) was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 103–113; 107 Stat. 510; 10 U.S.C. 2677 note);

(2) is scheduled for transfer to the National Guard by virtue of the transfer authority established by subsection (a) of section 1010(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–306; 112 Stat. 2857 note);

(3) will continue to be used, after such transfer, to provide training support to active and reserve components of the Armed Forces.
(b) RETENTION OF EMPLOYEE POSITIONS.—In the case of a military training installation described in subsection (a), the Secretary of Defense may retain civilian employee positions at an installation after transfer to the National Guard of a State in order to facilitate active and reserve component training at the installation, in consultation with the Adjutant General of the National Guard of that State, shall determine the extent to which positions at that installation are to be retained as positions in the Department of Defense.

(c) MAXIMUM NUMBER OF POSITIONS RETAINED.—The maximum number of civilian employee positions retained at an installation under this section shall not exceed 20 percent of the Federal civilian workforce employed at the installation as of September 30, 1995.

(d) REMOVAL OF POSITION.—The decision to retain civilian employee positions at an installation under this section shall cease to apply to a position so retained on the date on which the Secretary certifies to Congress that it is no longer necessary to retain the position to ensure that defense support is provided at the installation for active and reserve component training.

SEC. 1103. CLARIFICATION OF LIMITATION ON FUNDING FOR UNIFORM ALLOWANCE TO ENLISTED NATIONAL GUARD TECHNICIANS.

Section 418(c) of title 37, United States Code, is amended by striking out "for which uniform allowance is paid under section 415 of this title" and inserting in lieu thereof "for which clothing is furnished or a uniform allowance is paid under this section".

SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ABROAD.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599b. Employees abroad; travel expenses; health care

"(a) IN GENERAL.—The Secretary of Defense may provide civilian employees, and members of their families, abroad with benefits that are comparable to certain benefits that are provided by the Secretary of State to members of the Foreign Service and their families abroad as described in subsections (b) and (c). The Secretary may designate the employment of civilian employees who are eligible to receive the benefits.

"(b) TRAVEL AND RELATED EXPENSES.—The Secretary of Defense may pay travel expenses and related expenses for purposes and in amounts that are comparable to the purposes for which, and the amounts in which, travel and related expenses are paid by the Secretary of State under section 903 of the Foreign Service Act of 1960 (22 U.S.C. 4081).

"(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of that Act (22 U.S.C. 4082).

"(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Federal Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

"(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1599a the following new item:

"§ 1599b. Employees abroad; travel expenses; health care.

"SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION ALLOWANCES FOR CERTAIN FORMER NONAPPROPRIATED FUND EMPLOYEES.

"(a) IN GENERAL.—(1) Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.

"An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, respectively, may be authorized to travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subsection for transferred employees.

"(2) The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 5735 the following new item:

"§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.

"(b) APPLICABILITY.—Section 7706 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.

"SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLICABLE TO DEPARTMENT OF DEFENSE OVERSEAS TEACHERS.

(a) EXPANSION OF SCOPE OF EDUCATORS COVERED.—Section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901) is amended—

"(1) in subparagraph (A) of paragraph (1), by inserting "", or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense" after "Defense,"; and

"(2) by striking out subparagraph (C) of paragraph (2) and inserting in lieu thereof the following:

"(C) who is employed in a teaching position described in subsection (a);

"(b) TRANSFER OF RESPONSIBILITY FOR EMPLOYMENT AND SALARY PRACTICES.—Section 5 of such Act (20 U.S.C. 903) is amended—

"(1) in subsection (A), by striking out "secretary of each military department" and inserting in lieu thereof "Secretary of Defense"; and

"(2) by striking out "his military department" and inserting in lieu thereof "the Department of Defense".

"SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.

(a) FACULTIES.—Section 1590(c) of title 10, United States Code, is amended by inserting after paragraph (3) the following new paragraph:

"(4) The English Language Center of the Defense Language Institute.


(b) CERTAIN ADMINISTRATORS.—Such section 1595 is amended by adding at the end the following:

"(f) APPLICABILITY TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—This subsection also applies with respect to the Director and the Deputy Director.

"SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOL BOARD MEMBERS FOR CERTAIN EXPENSES.

Section 2104(d) of title 10, United States Code, is amended by adding at the end the following:

"(6) The Secretary may provide for reimbursement of a school board member for expenses incurred by the member for travel, transportation, program fees, and activity fees that the Secretary determines are reasonable and necessary for the performance of school board duties by the member.

"SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYMENT AND REMUNERATION OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.


"SEC. 1110. COMPENSATORY TIME OFF FOR OVER-TIME WORK PERFORMED BY WAGE-BASED EMPLOYEES.

Section 5545 of title 5, United States Code, is amended by adding at the end the following:

"(7) The head of an agency may, on request of an employee, grant the employee compensatory time off from the employee's scheduled tour of duty instead of payment under section 5544 of this title or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.

"SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE THAT REMAINS UNUSED UPON TRANSFER OF EMPLOYEE FROM INSTALLATION BEING CLOSED OR REALIGNMENT.

(a) LUMP-SUM PAYMENT REQUIRED.—Section 5551 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c) Annual leave that is restored to an employee of the Department of Defense under section 6304(d) of this title by reason of the operation of paragraph (3) of such section and remains unused upon the transfer of the employee to a position described in paragraph (2) shall be liquidated by payment of a lump-sum for such leave to the employee upon the transfer.

"(2) A position referred to in paragraph (1) is a position in a department or agency of the Federal Government outside the Department of Defense or a Department of Defense position that is not located at a Department of Defense installation being closed or realigned as described in section 6304(d)(3) of this title.

"(b) APPLICABILITY.—Subsection (c) of section 5551 of title 5, United States Code (as added by subsection (a)), shall apply with respect to transfers described in subsection (a) and subsection (c) that take effect on or after the date of the enactment of this Act.

S7580

CONGRESSIONAL RECORD — SENATE

July 10, 1996
SEC. 1122. WAIVER OF REQUIREMENT FOR REPAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAY BY FORMER DEFENSE EMPLOYEES REEMPLOYED BY THE GOVERNMENT WITHOUT PAY.

Section 504(a) of title 5, United States Code, is amended by adding at the end the following new paragraph: "'(5) If the employment is without compensation, the appointing official may waive the repayment.'

SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR DEPARTMENT OF DEFENSE EMPLOYEES.

(a) HOLIDAYS OCCURRING ON NONWORKDAYS.—Section 6103(b) of title 5, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

"'(3) In the case of a full-time employee of the Department of Defense, the following rules apply:

'(A) When a legal public holiday occurs on a Sunday that is not a regular weekly workday for an employee, the employee's next workday is the legal public holiday for the employee.

'(B) When a legal public holiday occurs on a regular weekly nonworkday that is administratively scheduled for an employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

'(C) When a legal public holiday occurs on an employee's regular weekly nonworkday immediately following a regular weekly nonworkday that is administratively scheduled for the employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

'(D) When a legal public holiday occurs on an employee's regular weekly nonworkday that is not a nonworkday referred to in subparagraph (A), (B), or (C), the employee's preceding workday is the legal public holiday for the employee.

'(E) The Secretary concerned (as defined in section 101(a) of title 10) may reschedule a legal public holiday for an employee to be on a different day than the one that would otherwise apply for the employee under subparagraph (A), (B), (C), or (D).

'(F) If a legal public holiday for an employee's regular weekly nonworkday referred to in paragraph (1) or (2) than the day determined under this paragraph, the legal public holiday for the employee shall be the day that is determined under this paragraph.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6103(b) of such title, as amended by section 2(a), is further amended—

'(1) in paragraph (1), by striking out "legal public holiday for—" and all that follows through the period and inserting in lieu thereof "legal public holiday for employees whose basic workweek is Monday through Friday;" and

'(2) in the matter following paragraph (3), by striking out subsection (d), except subparagraph (B) of paragraph (1)," and inserting in lieu thereof "Paragraphs (1) and (2)."

SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT AUTHORITY.

(a) REPEAL OF REQUIREMENTS RELATING TO FIRE-SAFE ACCOMMODATIONS.—(1) Section 5707 of title 5, United States Code, is amended by striking out subsection (d).

(2) Subsection (b) of section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-303; 104 Stat. 751; 5 U.S.C. 5707 note) is repealed.

(b) REPEAL OF PROHIBITION ON PAYMENT OF LOGGING EXPENSES OF DEPARTMENT OF DEFENSE EMPLOYEES AND OTHER CIVILIANS WHEN OUT OF REIMBURSEMENT QUARTERS AVAILABLE.—(1) Section 1589 of title 10, United States Code, is repealed.
the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in average pay under subsection (d) becomes effective.

(f) CONTRACTOR SERVICE NOT CREDITABLE.—Servicemembers transferred to employment with a defense contractor after the employee’s covered separation from Federal service is not creditable service for purposes of subparagraphs (A) and (B) of section 8336 of title 5, United States Code.

(g) RECEIPT OF BENEFITS WHILE EMPLOYED BY A DEFENSE CONTRACTOR.—A transferred employee may continue to receive any deferred annuity in accordance with this section while continuing to work for a defense contractor.

(h) LUMP-SUM CREDIT PAYMENT.—If a transferred employee dies before attaining early deferred retirement age, such employee shall be treated as a former employee who died not retired for purposes of payment of the lump-sum credit under section 8342(d) of title 5, United States Code.

(i) CONTINUED FEDERAL HEALTH BENEFITS COVERAGE.—Notwithstanding section 5905a(e)(1)(A) of title 5, United States Code, the continued coverage of a transferred employee for a covered separation from Federal service that terminates 90 days after the date of the employee’s separation from Federal employment. For the purposes of the preceding sentence, a person who, except for subsection (b)(2), would be a transferred employee shall be considered a transferred employee.

(j) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of the Secretary’s program, if any, established under this section and submit a report on the pilot program to Congress not later than two years after the date on which the program is established. The report shall contain the following:

(1) A review and evaluation of the program, including—

(A) an evaluation of the success of the privatization outcomes of the program;

(B) a comparison and evaluation of such privatization outcomes with the privatization outcomes with respect to facilities at other military installations closed or realigned under the base closure laws;

(C) an evaluation of the impact of the program on the workforce and any evidence the program results in the maintenance of a skilled workforce for defense contractors at an acceptable cost to the military department concerned; and

(D) an assessment of the extent to which the pilot program is a cost-effective means of facilitating privatization of the performance of Federal activities.

(k) IMPLEMENTING REGULATIONS.—Not later than 30 days after the Secretary of Defense notifies the Director of the Office of Personnel Management of a decision to establish a pilot program under this section, the Director shall issue regulations to carry out the provisions of this section with respect to that pilot program. Before prescribing the regulations, the Director shall consult with the Service.

(1) DEFINITIONS.—In this section:

(1) The term “transferred employee” means a person who, pursuant to subsection (b), is separated under circumstances necessary to carry out the provisions of the transfer to Federal service of the defense intelligence components.

(2) The term “covered separation from Federal service” means a separation from Federal service as described under subsection (b)(1)(A).

(3) The term “Civil Service Retirement System” means the retirement system under subchapter III of chapter 83 of title 5, United States Code.

(4) The term “defense contractor” means any entity that—

(A) contracts with the Department of Defense to perform a function previously performed by Department of Defense employees; and

(B) performs that function at the same installation at which such function was previously performed by Department of Defense employees or in the vicinity of that installation; and

(C) is the employer of one or more transferred employees.

(5) The term “early deferred retirement age” means the first age at which a transferred employee would have been eligible for immediate retirement under subsection (a) or (b) of section 8336 of title 5, United States Code.

(6) The term “severance pay” means severance pay payable under section 5595 of title 5, United States Code.

(7) The term “separation pay” means separation pay payable under section 5597 of title 5, United States Code.

(m) EFFECTIVE DATE.—This section shall take effect on August 1, 1996, and shall apply to covered separations from Federal service on or after that date.

SEC. 1122. TOOPS-TO-TEACHERS IMPROVEMENTS APPLIED TO CIVILIAN PERSONNEL.

(a) SEPARATED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—(1) Subsection (a) of section 1598 of title 10, United States Code, is amended by striking out “may establish” and inserting in lieu thereof “shall establish”.

(2) Subsection (d)(2) of such section is amended by striking out “five school years” in subparagraphs (A) and (B) and inserting in lieu thereof “two school years”.

(b) DISPLACED DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES.—Subsection 2413(f)(2) of title 5, United States Code, is amended by striking out “five school years” in subparagraphs (A) and (B) and inserting in lieu thereof “two school years”.

(c) SAVINGS PROVISION.—The amendments made by this section shall not affect obligations under agreements entered into in accordance with section 1598 or 2413 of title 10, United States Code, before the date of the enactment of this Act.

Title C—Defense Intelligence Personnel

SEC. 1311. SHORT TITLE.

This subtitle may be cited as the “Department of Defense Civilian Intelligence Personnel Reform Act of 1996”.

SEC. 1312. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.

Section 3131 of title 5, United States Code, is amended to read as follows:

§1500. Management of civilian intelligence personnel of the Department of Defense

(1) General Personnel Management Authority.—The Secretary of Defense may, with the consent of the other party, prescribe regulations for the appointment, promotion, or removal of civilian intelligence personnel, in accordance with the provisions of chapter 53 of title 5, United States Code, so long as such regulations are consistent with the requirements that are equivalent to Senior Executive Service positions.

(2) Additional compensation under this subsection may be paid to civilian intelligence personnel who meet the requirements that are equivalent to Senior Executive Service positions.
The President, based on the recommendation of the Secretary of Defense, may award a rank referred to in section 1450 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of section 1301.

(f) Intelligence Senior Level Positions.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary of Defense as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

(1) is classifiable above grade GS–15 of the General Schedule;

(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

(3) has no more than minimal supervisory responsibilities.

(g) Time Limited Appointments.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments that are not eligible for defense intelligence component positions specified in the regulations.

(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretary.

(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

(h) Termination of Civilian Intelligence Component Position.—(1) The Secretary of Defense may terminate the employment of any employee in any intelligence component position if the Secretary—

(A) considers such action to be in the interests of the United States; and

(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

(2) A decision by the Secretary of Defense to terminate the employment of an employee in any intelligence component position shall be subject to the approval of the Secretary of Defense.

(i) Definitions.—In this section:

(1) The term ‘defense intelligence component’ means an organization of civilian employment as an intelligence oficial or employee of a defense intelligence component.

(2) The term ‘defense intelligence component’ means each of the following components of the Department of Defense:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The Central Intelligence Agency.

(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(f) Any successor to a component listed in, or designated pursuant to, this paragraph.

(j) Intelligence Senior Level Positions.—The Secretary of Defense shall review each time limited appointment in an Intelligence Senior Executive Service component position as the Department of Defense determines practicable to apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

(k) Definitions.—In this section:

(1) The term ‘defense intelligence component’ means an organization of civilian employment as an intelligence official or employee of a defense intelligence component.

(2) The term ‘defense intelligence component’ means each of the following components of the Department of Defense:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The Central Intelligence Agency.

(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(f) Any successor to a component listed in, or designated pursuant to, this paragraph.

(k) Intelligence Senior Level Positions.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary of Defense as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

(1) is classifiable above grade GS–15 of the General Schedule;

(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

(3) has no more than minimal supervisory responsibilities.

(l) Time Limited Appointments.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments that are not eligible for defense intelligence component positions specified in the regulations.

(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretar.

(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

(m) Definitions.—In this section:

(1) The term ‘defense intelligence component’ means an organization of civilian employment as an intelligence official or employee of a defense intelligence component.

(2) The term ‘defense intelligence component’ means each of the following components of the Department of Defense:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The Central Intelligence Agency.

(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(f) Any successor to a component listed in, or designated pursuant to, this paragraph.

(k) Intelligence Senior Level Positions.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary of Defense as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

(1) is classifiable above grade GS–15 of the General Schedule;

(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

(3) has no more than minimal supervisory responsibilities.

(l) Time Limited Appointments.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments that are not eligible for defense intelligence component positions specified in the regulations.

(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretar.

(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

(m) Definitions.—In this section:

(1) The term ‘defense intelligence component’ means an organization of civilian employment as an intelligence official or employee of a defense intelligence component.

(2) The term ‘defense intelligence component’ means each of the following components of the Department of Defense:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The Central Intelligence Agency.

(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(f) Any successor to a component listed in, or designated pursuant to, this paragraph.
(1) Upholding and defending the Constitution of the United States.
(2) Aiding and maintaining an adequate naval defense for the United States.
(3) Providing for the entertainment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard.
(4) Promoting the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard.
(5) Preserving the spirit of shipmanship by providing assistance to shipmates and their families.
(6) Instilling love of the United States and the flag and promoting soundness of mind and body in the youth of the United States.

SEC. 1204. SERVICE OF PROCESS.
With respect to service of process, the association shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.
Except as provided in section 1208(g), eligibility in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.
Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association in conformity with the laws of the State in which it is incorporated.

SEC. 1207. OFFICERS.
Except as provided in section 1208(g), the positions of officers of the association and the election of members to such offices shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1208. RESTRICTIONS.
(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this title.
(b) Loans.—The association may not make any loan to any member, officer, director, or employee of the association.
(c) Issuance of Stock and Payment of Dividends.—The association may not issue any shares of stock or declare or pay any dividends.
(d) Federal Approval.—The association may not obtain the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.
(e) Corporate Status.—The association shall maintain its status as a corporation organized and existing under the laws of the State of Delaware.
(f) Corporate Function.—The association shall function as an educational, patriotic, historical, and research organization under the laws of the State in which it is incorporated.
(g) Nondiscrimination.—In establishing the control of responsible membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.
The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.
(a) Books and Records of Account.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.
(b) Names and Addresses of Members.—The association shall keep at its principal office a record of the names and addresses of its members having the right to vote in any proceeding of the association.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.
The first section of the Act entitled ‘‘An Act to provide for audit of records of private corporations established under Federal law’’ (36 U.S.C. 1101), is amended by adding at the end the following:

(‘‘77) Fleet Reserve Association.’’

SEC. 1212. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.
The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted to Congress not later than April 1, 1997 (36 U.S.C. 1101), and is amended by adding at the end the following:

(‘‘77) Fleet Reserve Association.’’

SEC. 1213. TERMINATION.
The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1214. TAX-EXEMPT STATUS.
For purposes of this title, the term ‘‘organization’’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States Of Micronesia, the Republic of Palau, and any other territory or possession of the United States.

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 commercial and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border security among the member 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 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, Libya, and Iran as countries which already possess some weapons of mass destruction and are developing other weapons of mass destruction.
(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, which already possess some weapons of mass destruction.
(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 weapons, 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 to cause large numbers of fatalities much harder to detect than long-range ballistic missiles.
(16) Such delivery systems have no assignment of responsibility or jurisdiction, and no mis-
SEC. 1311. EMERGENCY RESPONSE ASSISTANCE

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies and control or coordinate assistance, training, and control advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President shall appoint 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 shall assign responsibility for 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.

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under this 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 or 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, controlling, or neutralizing biological or chemical 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 telephone number or Internet site to which emergency responders may refer for assistance in identifying, neutralizing, and disposing of biological or chemical agents or nuclear radiation.

(3) Sharing of the expertise and capabilities of other Federal, State, and local agencies and control or coordinate assistance, training, and control advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(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 for the coordination of the provisions of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301 for that purpose, $5,000,000 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 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 materials or technologies and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy for the program of assistance described in 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 biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical materials or technologies and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense for the program of assistance described in subsection (a).

(c) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(3) The amount available under paragraph (1) 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 AGENCIES IN EMERGENCIES 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 chemical or biological weapons 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 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.

(d) 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) which—

(A) civilian expertise and capabilities are not readily available to provide the required assistance to the threat; or

(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.

(e) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operational equipment and personnel of the armed forces of the United States that were in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section is intended 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.

§2332d. Requests for military assistance to enforce prohibition in certain emergencies

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 potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) coordination with 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.

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 chemical or biological weapons and related materials and emergencies involving chemical weapons and related materials.

(b) CONFORMING AMENDMENTS 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:

"§382. Emergency situations involving chemical or biological weapons of mass destruction."

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1) 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 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."

(d) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal, State, and local government agencies to counter the threat posed by the 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.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section is intended 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.

The measures shall include—

(1) coordination with 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.

(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section is intended 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.

The measures shall include—

(1) coordination with 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.
States. of mass destruction into the United
materials and technologies, available to the
make equipment of the Department of De-
ized under chapter 18 of title 10, United
poses.
-pons of Customs. To the extent author-
amounts authorized to be appropriated under
paragraph (B).
(2) The amount available under subpara-
graph (B) is in addition to any other amount
authorized to be appropriated under title
such research and development.
SEC. 1323. INTERNATIONAL EMERGENCY ECO-
Section 203 of the International Emergency
Economics Powers Act (50 U.S.C. 1702) is
amed—
(1) with subsection (a)(1)(B), by striking out
“importation or exportation of,” and inser-
ning in lieu thereof “importation, exporta-
tion, or attempted importation or expor-
tation”;
(2) in subsection (b)(3), by striking out
“importation from any country, or the ex-
portation and inserting in lieu thereof “im-
portation, attempted importation from any
country, or the exportation or at-
tempted 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 ex-
portation of nuclear, biological, or chemi-
ical weapons materials constitute inadequate
punishment for such offenses; and
(2) Congress urges the United States Sen-
tencing Commission to revise the relevant
sentencing guidelines to provide for in-
creased penalties for offenses relating to im-
portation, attempted importation, expor-
tation, and attempted exportation of nu-
clear, biological, or chemical weapons or re-
lated materials or technologies under—
(A) section 11 of the Export Administra-
tion Act of 1979 (50 U.S.C. 4801);
(B) sections 38 and 40 the Arms Export Con-
trol Act (22 U.S.C. 2778 and 2780);
(C) the International Emergency Eco-
nomics 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. 2155a(c).
SEC. 1325. INTERNATIONAL BORDER SECURITY. (a) SECRETARY OF DEFENSE RESPONSIB-
—The Secretary of Defense, in consulta-
tion and cooperation with the Commissioner of
Customs, shall carry out programs for as-
sembling facilities and equipment used to search
officials in the independent states of the
former Soviet Union, the Baltic states, and
other countries of Eastern Europe in pre-
venting unauthorized transfer and transpor-
tation of nuclear, biological, and chemical
weapons and related materials. Training, ex-
pert 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 au-
thorized to be appropriated by section 301,
$15,000,000 is available for the Cooperative
Threat Reduction Programs of the Department of
Defense for providing materials protection,
control, and accounting assistance under sub-
section (b).
(2) The amount available under subpara-
graph (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 CONSTITUTING A THREAT TO
NATIONAL SECURITY. (a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for the Cooperative Threat Reduc-
tion Programs of the Department of Defense 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 are better suited for long-term storage than are the forms from which converted;
(3) suitable verification; and
(4) other programs for preventing, containing and eliminating weapons-usable fissile materials, including at tritium/iso-
topes, production in civil 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 TRANSFORMATION OF NUCLEAR WEAPONS.—
The Department of Defense may provide 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, biologi-
cal, or chemical weapons (or related mate-
rials) 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.
(b) 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.
(2) The amount available under para-
graph (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.
(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—
   (1) a plan for the program under subsection (a);
   (2) an estimate of the United States funding that will be 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 for Cooperative Threat Reduction programs under section 301, $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(2).

SEC. 1334. INDUSTRIAL PARTNERSHIP 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.

(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 nondefensive 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. 5963)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $5,000,000 is available for the program under subsection (b).

(2) 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.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation programs of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium programs in Russia.

(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 XXXII for fiscal year 1997 that remain available for obligation on or before September 30, 1998, $5,000,000 is available for materials protection and control, and accounting program of the Department of Energy; and shall be available for the programs for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection and control, and accounting program of the Department of Energy under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.—(a) FUNDING.—Of the total amount authorized to be appropriated under title XXXII for fiscal year 1997, $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) FUNDING.—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.—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 activities referred to in this section to appropriate programs authorized for fiscal year 1998.

(b) THE SECRETARY OF DEFENSE.—The Secretary of Defense shall transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and activities referred to in this section to appropriate programs authorized for fiscal year 1998.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this Act 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:

(1) The Secretary of State.

(2) The Secretary of Defense.
C. The Director of Central Intelligence.

D. The Attorney General.

E. The Secretary of Energy.


G. The Secretary of the Treasury.

H. The Secretary of Commerce.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for managing the consequences of the use of such weapons, including the development of the necessary policies and procedures.

SEC. 1345. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS FROM RUSSIAN NUCLEAR FACILITIES.

(a) SENSE OF CONGRESS.—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 work together to ensure that the United States takes all possible steps to secure the stockpiles of weapons-grade enriched uranium and other fissile materials in Russia and other countries.

(2) it is necessary to authorize transfers of fissile materials for the purpose of providing the United States with fissile materials for nuclear weapons.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) may be transferred to any other nonproliferation-related efforts of the United States.

(c) REPORT.—The Secretary of State shall submit a report to Congress not later than 180 days after the date of the enactment of this Act, which shall describe the steps taken by the United States to secure the fissile materials.

SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.

(a) NAVY RDT&E.—The amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.
SEC. 1414. AUTHORITY TO PAY FOR PROPERTY MANAGEMENT SERVICES.

Section 5724a of title 5, United States Code, is further amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, including expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence;"; and

(2) by adding at the end the following new subsection:

"(e) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, including expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence;".

SEC. 1415. AUTHORITY TO TRANSPORT A PRIVATELY OWNED MOTOR VEHICLE WITHIN THE CONTINENTAL UNITED STATES.

(a) In General.—Section 5727 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) Under regulations prescribed under section 5737, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723, may be transported at Government expense to a new official station when the employee was transferred when the old and new official stations are located within the United States; and

(3) in subsection (e) (as so redesignated), by striking "subsection (b) of this section" and by inserting "subsection (b) or (c) of this section".

(b) Availability of Appropriations.—(1) Section 5722(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1); and

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c)."

(2) Section 5723(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1); and

(B) by inserting "and" after the semicolon at the end of paragraph (2); and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c)."

SEC. 1416. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) In General.—Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:
§5736. Relocation expenses of an employee who is performing an extended assignment

(a) Under regulations prescribed under section 5723 of this chapter, an agency may pay to or on behalf of an employee, who is performing an extended assignment, expenses incurred by the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses: authorized under subchapter I of this chapter:

"(1) Travel expenses to and from the assignment location in accordance with section 5724.

"(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

"(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

"(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

"(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters, upon commencement and termination of the assignment in accordance with section 5724.

"(6) An amount, in accordance with section 5724a, as determined by the employee for miscellaneous expenses.

"(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

"(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

"(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724a. The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724a, may not exceed the total maximum weight which could be transported in accordance with section 5724.

"(10) Expenses of property management services.

(b) An agency shall not make payment under this section or on behalf of the employee for expenses incurred after termination of an extended assignment.

(c) C LERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting the following new subsections:

"(1) Subject to paragraph (2), an employee who is reimbursed under subsections (a) through (f) of this section or section 5724a of this title is entitled to an amount for miscellaneous expenses—

"(A) not to exceed 2 weeks' basic pay, if such employee has an immediate family; or

"(B) not to exceed 1 week's basic pay, if such employee does not have an immediate family.

"(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS-13 of the General Schedule.

"(3) A former employee separated by reason of reduction in force or transfer of function, or reemployed by a nontemporary appointment under this subsection, together with the weight of property transported under section 5724a, may not exceed the total maximum weight which could be transported in accordance with section 5724.

"(4) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section shall not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

SEC. 1417. AUTHORITY TO PAY A HOME MARKETING INCENTIVE.

(a) In GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

§5736. Home marketing incentive payment

(a) Under such regulations as the Administrator shall prescribe, an agency may pay to an employee who transfers in the interest of the Government an amount, not to exceed a maximum payment amount established by the Administrator in consultation with the Director of the Office of Management and Budget, to encourage the employee to aggressively market the employee's residence at the old official station when—

"(1) the residence is entered into a program for a contract in accordance with section 5724c of this chapter, to arrange for the purchase of the residence;

"(2) the employee finds a buyer who completes the purchase of the residence through the program; and

"(3) the sale of the residence to the individual results in a reduced cost to the Government.

(b) For fiscal years 1997 and 1998, the Administrator shall establish a maximum payment amount of 5 percent of the sales price of the residence.

(c) C LERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting at the end the following:

"§576. Home marketing incentive payment.

SEC. 1418. CONFORMING AMENDMENTS.

(a) C ONFORMING AMENDMENTS.—(1) Section 5722 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

"(2) Section 5723 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

"(3) Section 5724 of title 5, United States Code, is amended by striking the last sentence of subsection (a) and inserting "Under regulations prescribed under section 5737 of this title".

"(4) Section 5724a of title 5, United States Code, is amended by striking "Under regulations prescribed under section 5737 of this title" and inserting "Under such regulations as the President may prescribe".

"(5) Section 5724b of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

"(6) Section 5725 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

"(7) Section 5726 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

"(8) Section 5727 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

SEC. 1419. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.

(a) In GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

§5737. Regulations.

(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations as may be necessary for the administration of this subchapter.

"(2) Notwithstanding any limitation of this section, the Administrator of General Services shall issue, amend, or rescind any regulations under paragraph (1) of this subsection, in promulgating regulations necessary for the administration of this subchapter in consultation with the Secretary of the Treasury.

(c) The Secretary of Defense shall prescribe regulations necessary for the administration of section 5724b of this subchapter.

(c) C LERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking "(a) in subsections (a) through (c), by striking "section 5724a(a)''; and inserting "Under regulations prescribed under section 5737 of this title" and inserting "Under regulations prescribed under section 5737 of this title".
(A) in subsection (a), by striking “as the President may by regulation authorize” and inserting “as authorized under regulations prescribed under section 5737 of this title”; and

(B) in subsections (b) and (c), by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”;

(6) Section 5727(b) of title 5, United States Code, is amended by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”;

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”;

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”;

(9) Section 5731 of title 5, United States Code, is amended by striking “in accordance with regulations prescribed by the President” and inserting “in accordance with regulations prescribed under section 5737 of this title”.

SEC. 1433. REPORT ON ASSESSMENT OF COST SAVINGS.

No later than 1 year after the effective date of the final regulations issued under section 1434(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

SEC. 1434. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 1997”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$3,250,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Roberts</td>
<td>$5,550,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Naval Weapons Station, Concord</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Fort Carson</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort McPherson</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Benning</td>
<td>$63,400,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort McPherson</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Stewart</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Schofield Barracks</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Fort Riley</td>
<td>$29,350,000</td>
</tr>
<tr>
<td>New York</td>
<td>White Sands Missile Range</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Sam Houston</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$54,000,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Locations</td>
<td>$4,600,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$373,250,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spinelli Barracks, Mannheim</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Taylor Barracks, Mannheim</td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Ederle</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Overseas Classified</td>
<td>Classified Locations</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>Worldwide</td>
<td>Host Nation Support</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$134,500,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Family Housing</th>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>34 Units</td>
<td></td>
<td>$10,200,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Benning</td>
<td>88 Units</td>
<td></td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>140 Units</td>
<td></td>
<td>$13,350,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td>$33,350,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $109,750,000.
SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,910,897,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $373,050,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $134,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,748,000.

(5) For military family housing functions:

(A) For construction, planning, and design, and improvement of military family housing and facilities, $312,133,000.

(B) For support of military family housing (including the functions described in section 2823 of title 10, United States Code), $1,212,466,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2823 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101(b) of this Act may not exceed the total amount authorized by paragraphs (1) and (2) of subsection (a).

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Navy Detachment, Camp Navajo</td>
<td>$3,620,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air-Ground Combat Center, Twentynine Palms</td>
<td>$4,020,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Station, Fallon</td>
<td>$20,600,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$1,630,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Station, Ingleside</td>
<td>$18,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Command Control &amp; Ocean Surveillance Center, San Diego</td>
<td>$1,960,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Air Station, Everett</td>
<td>$57,400,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$721,750,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>Administrative Support Unit, Bahrain</td>
<td>$5,380,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Naval Support Activity, Souda Bay</td>
<td>$7,050,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Station, Sigonella</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Naval Station, Roosevelt Roads</td>
<td>$23,600,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Joint Maritime Communications Center, St. Nazian</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$65,450,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>Community Center</td>
<td>$79,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air-Ground Combat Center, Twentynine Palms</td>
<td>Community Center</td>
<td>$1,282,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Armed Forces Staff College, Norfolk</td>
<td>Naval Support Activity, Naples</td>
<td>$9,620,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Station, Everett</td>
<td>Housing Office</td>
<td>$956,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>Community Center</td>
<td>$14,893,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Station, Lemon Grove</td>
<td>Housing Office</td>
<td>$19,837,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td></td>
<td>$48,719,000</td>
</tr>
</tbody>
</table>
(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $23,142,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $189,393,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at various locations in the amount of $300,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,054,779,000 as follows:

1. For military construction projects inside the United States authorized by section 2201(a), $515,952,000.
2. For military construction projects outside the United States authorized by section 2201(b), $65,650,000.
3. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,115,000.
4. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,519,000.
5. For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (6) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,000,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2301(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>54 Units</td>
<td>$11,476,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>254 Units</td>
<td>$12,528,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>Community Center</td>
<td>$1,383,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>20 Units</td>
<td>$1,975,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>100 Units</td>
<td>$15,015,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>United States Air Force Academy</td>
<td>Community Center</td>
<td>$1,233,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>320 Units</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Community Center</td>
<td>$5,915,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>100 Units</td>
<td>$11,280,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Andrews Air Force Base</td>
<td>264 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Keesler Air Force Base</td>
<td>100 Units</td>
<td>$15,015,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Minot Air Force Base</td>
<td>200 Units</td>
<td>$19,840,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Indian Springs Air Force Auxiliary Field</td>
<td>Community Center</td>
<td>$4,690,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>320 Units</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Cannon Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>264 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>Community Center</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>320 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>State</td>
<td>Installation or location</td>
<td>Purpose</td>
<td>Amount</td>
</tr>
<tr>
<td>Nevada</td>
<td>Indian Springs Air Force Auxiliary Field</td>
<td>Community Center</td>
<td>$4,690,000</td>
</tr>
</tbody>
</table>

(b) Title XXII—AIR FORCE

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>54 Units</td>
<td>$11,476,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>254 Units</td>
<td>$12,528,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>Community Center</td>
<td>$1,383,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>20 Units</td>
<td>$1,975,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>100 Units</td>
<td>$15,015,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>United States Air Force Academy</td>
<td>Community Center</td>
<td>$1,233,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>320 Units</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Community Center</td>
<td>$5,915,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>100 Units</td>
<td>$11,280,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Andrews Air Force Base</td>
<td>264 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Keesler Air Force Base</td>
<td>100 Units</td>
<td>$15,015,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Minot Air Force Base</td>
<td>200 Units</td>
<td>$19,840,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Indian Springs Air Force Auxiliary Field</td>
<td>Community Center</td>
<td>$4,690,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>320 Units</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Cannon Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>264 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>Community Center</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>320 Units</td>
<td>$12,470,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>264 Units</td>
<td>$12,980,000</td>
</tr>
</tbody>
</table>

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,000,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.
SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,844,786,000 as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Engineering Development Center</td>
<td>$6,781,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>$5,895,000</td>
</tr>
<tr>
<td></td>
<td>Kelly Air Force Base</td>
<td>$1,250,000</td>
</tr>
<tr>
<td></td>
<td>Lackland Air Force Base</td>
<td>$9,413,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$9,400,000</td>
</tr>
<tr>
<td></td>
<td>Hill Air Force Base</td>
<td>$1,890,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base</td>
<td>$8,005,000</td>
</tr>
<tr>
<td></td>
<td>Fairchild Air Force Base</td>
<td>$18,155,000</td>
</tr>
<tr>
<td></td>
<td>McCord Air Force Base</td>
<td>$57,065,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$607,334,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Force Base</td>
<td>$5,370,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$8,066,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$9,780,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$7,160,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Croughton Royal Air Force Base</td>
<td>$1,740,000</td>
</tr>
<tr>
<td></td>
<td>Lakenheath Royal Air Force Base</td>
<td>$17,525,000</td>
</tr>
<tr>
<td></td>
<td>Mildenhall Royal Air Force Base</td>
<td>$6,195,000</td>
</tr>
<tr>
<td>Overseas Classified</td>
<td>Classified Locations</td>
<td>$18,395,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$78,115,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>72 units</td>
<td>$21,127,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>56 units</td>
<td>$8,839,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>70 units</td>
<td>$8,831,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Vandenberg Air Force Base</td>
<td>112 units</td>
<td>$10,891,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Auxiliary Field 9</td>
<td>11 units</td>
<td>$2,786,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base</td>
<td>56 units</td>
<td>$8,822,000</td>
</tr>
<tr>
<td></td>
<td>Patrick Air Force Base</td>
<td>11 units</td>
<td>$2,786,000</td>
</tr>
<tr>
<td></td>
<td>Housing Maintenance Facility</td>
<td></td>
<td>$853,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>86 units</td>
<td>$9,570,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>72 units</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>44 units</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>20 units</td>
<td>$5,242,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>31 units</td>
<td>$8,750,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>66 units</td>
<td>$7,784,000</td>
</tr>
<tr>
<td></td>
<td>Malmstrom Air Force Base</td>
<td>66 units</td>
<td>$7,784,000</td>
</tr>
<tr>
<td></td>
<td>Lackland Air Force Base</td>
<td>59 units</td>
<td>$6,500,000</td>
</tr>
<tr>
<td></td>
<td>Housing Office</td>
<td></td>
<td>$450,000</td>
</tr>
<tr>
<td></td>
<td>Housing Maintenance Facility</td>
<td></td>
<td>$350,000</td>
</tr>
<tr>
<td></td>
<td>Family Housing, Phase I</td>
<td></td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Washington</td>
<td>McChord Air Force Base</td>
<td>40 units</td>
<td>$5,659,000</td>
</tr>
<tr>
<td></td>
<td>Lakenheath Royal Air Force Base</td>
<td></td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$158,138,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,350,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,550,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,844,786,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $607,334,000.
(2) For military construction projects outside the United States authorized by section 2301(b), $78,115,000.
(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $31,328,000.
(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $53,497,000.
(5) For military housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $265,038,000.
(B) For support of military family housing (including the functions described in section 2803 of title 10, United States Code), $829,474,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).
SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Agents and Munitions Destruction.</td>
<td>Pueblo Army Depot, Colorado</td>
<td>$179,000,000</td>
</tr>
<tr>
<td>Defense Finance &amp; Accounting Service.</td>
<td>Norton Air Force Base, California</td>
<td>$13,800,000</td>
</tr>
<tr>
<td></td>
<td>Naval Training Center, Orlando, Florida</td>
<td>$2,600,000</td>
</tr>
<tr>
<td></td>
<td>Rock Island Arsenal, Illinois</td>
<td>$14,400,000</td>
</tr>
<tr>
<td></td>
<td>Loring Air Force Base, Maine</td>
<td>$6,300,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska</td>
<td>$7,300,000</td>
</tr>
<tr>
<td></td>
<td>Griffiss Air Force Base, New York</td>
<td>$10,200,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base McGuire-Dix-Lakehurst, New Jersey</td>
<td>$11,400,000</td>
</tr>
<tr>
<td></td>
<td>Charleston, South Carolina</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Defense Intelligence Agency.</td>
<td>Boiling Air Force Base, District of Columbia</td>
<td>$6,790,000</td>
</tr>
<tr>
<td></td>
<td>National Ground Intelligence Center, Charlottesville, Virginia</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>Defense Logistics Agency.</td>
<td>El Campo Air Force Base, Texas</td>
<td>$21,200,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution, San Diego, California</td>
<td>$15,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, El Centro, California</td>
<td>$5,700,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base, California</td>
<td>$12,200,000</td>
</tr>
<tr>
<td></td>
<td>McConnell Air Force Base, Kansas</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Barksdale Air Force Base, Louisiana</td>
<td>$4,300,000</td>
</tr>
<tr>
<td></td>
<td>Andrews Air Force Base, Maryland</td>
<td>$12,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Fallon, Nevada</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Defense Construction Supply Center, Columbus, Ohio</td>
<td>$600,000</td>
</tr>
<tr>
<td></td>
<td>Altus Air Force Base, Oklahoma</td>
<td>$3,200,000</td>
</tr>
<tr>
<td></td>
<td>Shaw Air Force Base, South Carolina</td>
<td>$2,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Oceana, Virginia</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>Defense Medical Facility Office.</td>
<td>Maxwell Air Force Base, Alabama</td>
<td>$25,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton, California</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore, California</td>
<td>$38,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Key West, Florida</td>
<td>$15,200,000</td>
</tr>
<tr>
<td></td>
<td>Andrews Air Force Base, Maryland</td>
<td>$15,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$11,400,000</td>
</tr>
<tr>
<td></td>
<td>Charleston Air Force Base, South Carolina</td>
<td>$1,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss, Texas</td>
<td>$6,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood, Texas</td>
<td>$1,350,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Norfolk, Virginia</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>Special Operations Command.</td>
<td>Naval Amphibious Base, Coronado, California</td>
<td>$7,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Ford Island, Pearl Harbor, Hawaii</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Total:</td>
<td>$23,658,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Logistics Agency.</td>
<td>Naval Air Station, Sigonella, Italy</td>
<td>$6,100,000</td>
</tr>
<tr>
<td></td>
<td>Monaco Air Base, Spain</td>
<td>$12,950,000</td>
</tr>
<tr>
<td>Defense Medical Facility Office.</td>
<td>Administrative Support Unit, Bahrain, Bahrain</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Total:</td>
<td>$17,650,000</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $500,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,871,000.

SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.

(a) AVAILABILITY OF FUNDS FOR CREDIT TO FAMILY HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(15)(C) shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR CREDIT TO UNACCOMPANIED HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(14) shall be available for crediting to the Department of Defense Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of title 10, United States Code.

(c) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by chapter 169 of title 10, with respect to military family housing and may use funds credited to the Department of Defense Military Unaccompanied Housing Improvement Fund under subsection (b) to carry out any activities authorized by that subchapter with respect to military unaccompanied housing.

SEC. 2405. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2965 of title 10, United States Code.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $3,399,166,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $340,287,000.
(2) For military construction projects outside the United States authorized by section 2401(b), $23,658,000.

(3) For military construction projects at Naval Station Norfolk, Virginia, for vessel replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), $24,000,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $92,000,000.

(5) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (106 Stat. 2599), $89,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3400), $54,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (108 Stat. 3040), $64,000,000.


(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,500,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $1,600,000.

(11) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $14,239,000.

(12) For energy conservation projects under section 2885 of title 10, United States Code, $47,765,000.


(14) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2404(b) of this Act, $5,000,000.

(15) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,371,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $30,963,000, of which not more than $25,637,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2404(a) of this Act, $20,000,000.

(D) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $36,181,000, to remain available until expended.

(16) In the case of the TOTAL COST OF CONSTRUCTION PROJECTS—Notwithstanding the cost variation authorized by section 2833 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2832 of this Act may not exceed—

(1) $165,503,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Pueblo Army Depot, Colorado);

(2) $1,600,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a replacement facility at the Naval Medical Research Institute, Key West Naval Air Station, Florida).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for the purpose of carrying out the North Atlantic Treaty Organization Security Investment program as authorized by section 2501, in the amount of $127,000,000.

SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE PROGRAM.

(a) REDESIGNATION.—Subsection (b) of section 2806 of title 10, United States Code, is amended by striking out "North Atlantic Treaty Organization Infrastructure program" and inserting in lieu thereof "North Atlantic Treaty Organization Security Investment program".

(b) REFERENCES.—Any reference to the North Atlantic Treaty Organization Infrastructure program in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the North Atlantic Treaty Organization Security Investment program.

(c) LEGISLATIVE AMENDMENTS.—(1) The section heading of such section is amended to read as follows:


(2) The table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended by striking out the item relating to section 2806 and inserting in lieu thereof the following:


(d) CONFORMING AMENDMENTS.—(1) Section 2861(b)(3) of title 10, United States Code, is amended by striking out "North Atlantic Treaty Organization Infrastructure program" and inserting in lieu thereof "North Atlantic Treaty Organization Security Investment program".


SEC. 2504. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

There are authorized to be appropriated for fiscal years beginning after September 30, 1996, for contributions by the Secretary of Defense under the heading "NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT" in the Department of the Army, in the amount of $62,000,000; in the amount of $172,000,000; and in the amount of $20,822,000.

(1) $62,000,000 shall be available for contributions for the construction of a replacement facility for the construction of a replacement facility at Pueblo Army Depot, Colorado.

(2) $172,000,000 shall be available for contributions for the construction of a replacement facility for the construction of a replacement facility at Pueblo Army Depot, Colorado.

(3) $20,822,000 shall be available for contributions for the construction of a replacement facility for the construction of a replacement facility at Pueblo Army Depot, Colorado.

(4) The Secretary of Defense shall ensure that contributions shall be made in accordance with a plan of contributions approved by the North Atlantic Treaty Organization Security Investment program.

SEC. 2505. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

There are authorized to be appropriated for contributions by the Secretary of Defense for the construction of facilities for the North Atlantic Treaty Organization, for and contributions therefor, under chapters 169 and 2804 of title 10, United States Code, in the amounts specified in the plan for contributions approved by the North Atlantic Treaty Organization Security Investment program.

There are authorized to be appropriated for fiscal years beginning after September 30, 1996, for contributions by the Secretary of Defense for the construction of facilities for the North Atlantic Treaty Organization, for and contributions therefor, under chapters 169 and 2804 of title 10, United States Code, in the amounts specified in the plan for contributions approved by the North Atlantic Treaty Organization Security Investment program.
SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 104–106; 110 Stat. 541), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

### Army: Extension of 1994 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jersey</td>
<td>Riccarton Arsenal</td>
<td>Advance Warhead Development Facility</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>Land Acquisition</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>Family Housing Construction (24 units)</td>
<td>$2,950,000</td>
</tr>
</tbody>
</table>

### Navy: Extension of 1994 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton Marine Corps Base</td>
<td>Sewage Facility</td>
<td>$7,930,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>New London Naval Submarine Base</td>
<td>Hazardous Waste Transfer Facility</td>
<td>$1,450,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Erie Naval Weapons Station</td>
<td>Explosives Holding Yard</td>
<td>$1,290,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Osan Naval Air Station</td>
<td>Engine Test Cell Re-placement</td>
<td>$5,300,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>Land Acquisition Inside the United States</td>
<td>$540,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>Land Acquisition Outside the United States</td>
<td>$800,000</td>
</tr>
</tbody>
</table>

### Air Force: Extension of 1994 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>Upgrade Water Treatment Plant</td>
<td>$3,750,000</td>
</tr>
<tr>
<td>California</td>
<td>Elmendorf Air Force Base</td>
<td>Corrosion Control Facility</td>
<td>$5,975,000</td>
</tr>
<tr>
<td>Florida</td>
<td>BAES Air Force Base</td>
<td>Educational Center</td>
<td>$3,150,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Tyndall Air Force Base</td>
<td>Base Supply Logistics Center</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>Misrouri</td>
<td>Keesler Air Force Base</td>
<td>Upgrade Student Dormitory</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base</td>
<td>Add To and After Dormitories</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>Fire Station</td>
<td>$3,850,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Extension of 1994 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Birmingham</td>
<td>Aviation Support Facility</td>
<td>$4,907,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Marana</td>
<td>Organization Maintenance Shop</td>
<td>$553,000</td>
</tr>
<tr>
<td>California</td>
<td>Marana</td>
<td>Dormitory/Daycare Facility</td>
<td>$2,019,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Fresno</td>
<td>Organization Maintenance Shop, Shop Modification, Amory Addition</td>
<td>$6,518,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Van Nus</td>
<td>Armory</td>
<td>$1,995,000</td>
</tr>
<tr>
<td>Florida</td>
<td>White Sands Missile Range</td>
<td>Organization Maintenance Shop</td>
<td>$2,940,000</td>
</tr>
<tr>
<td>Florida</td>
<td>White Sands Missile Range</td>
<td>Tactical Site</td>
<td>$3,370,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Indiantown Gap</td>
<td>State Military Building</td>
<td>$9,200,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Johnstown</td>
<td>Amory Addition/Flight Facility</td>
<td>$5,004,000</td>
</tr>
</tbody>
</table>

### Air Force: Extension of 1993 Project Authorizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>Lagos Field</td>
<td>Water Wells</td>
<td>$950,000</td>
</tr>
</tbody>
</table>
SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.


(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>Umatilla Army Depot</td>
<td>Ammunition Demilitarization Support Facility</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Umatilla Army Depot</td>
<td>Ammunition Utilities</td>
<td>$7,500,000</td>
</tr>
</tbody>
</table>

SEC. 2705. 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, Fort Campbell, Kentucky.

2. Phase III, Construction, Western Kentucky Training Site.

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) O&M Funds For Projects.—Section 2820(c)(1)(B) of title 10, United States Code, is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

(b) O&M Funding For Reserve Component Facilities.—Subsection (b) of section 1832(a) of such title is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

(c) Notification For Expenditures and Contributions For Reserve Component Facilities.—Subsection (a)(1) of such section 1832(a) is amended by striking out "$400,000" and inserting in lieu thereof "$1,500,000".

SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE MILITARY FAMILY HOUSING.

(a) Exclusion of Minor Maintenance and Repair.—Subsection (a)(2) of section 2825 of title 10, United States Code, is amended by inserting "(other than day-to-day maintenance or repair work)" after "work".

(b) Applicability of Limitation on Funds for Improvements.—Subsection (b)(2) of such section is amended—

(1) by striking out "the cost of repairs" and all that follows through "in connection with" and inserting in lieu thereof "of the unit or units concerned the cost of maintenance or repair undertaken in connection with the improvement of the unit or units and any cost (other than the cost of activities undertaken beyond a distance of five feet from the unit or units) in connection with"; and

(2) by inserting "drives," after "roads".

SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-OF-WAY.

(a) Easements For Electric Poles And Lines And For Communications Lines And Facilities.—Section 2696(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by redesigning paragraph (10) as paragraph (13); and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) poles and lines for the transmission or distribution of electric power;"

"(11) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals);"

"(12) structures and facilities for the transmission, reception, and relay of such signals; and"

(b) Conforming Amendments.—Such section is further amended—

(1) in paragraph (3), by striking out "telephones lines, and telegraph lines;" and

(2) in paragraph (13), as redesignated by subsection (a)(2), by striking out "or" by the Act of March 4, 1911 (41 U.S.C. 961)

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE CLOSURE LAW TO TRANSFER PROPERTY AND FACILITIES TO OTHER ENTITIES IN THE DEPARTMENT OF DEFENSE.

(a) Restoration Of Authority.—Section 204(b)(2) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) by redesigning subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The Secretary may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard;"

(b) Ratification Of Transfers.—Any transfer by the Secretary of Defense of real property or facilities at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) to a military department or other entity of the Department of Defense or the Coast Guard during the period beginning on November 30, 1983, and ending on the date of the enactment of this Act is hereby ratified.

SEC. 2812. AGREEMENTS FOR SERVICES AT INSTALLATIONS CLOSED AFTER CLOSURE.

(a) 1988 Law.—Section 204(b)(8)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by inserting "or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this title," after "under this title;"

(b) 1990 Law.—Section 205(b)(8)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting "or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this part," after "under this part;"

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) Requirements 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 Defense 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 90 days after submission of the report required by paragraph (1).
the Intergency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(a) REQUIREMENT AND LEGAL DESCRIPTION.—The Secretary shall determine the legal description and legal description of the lands to be transferred in accordance with the Intergency Agreement, Dated February 22, 1995.

(b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1) The Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 2.43 acres, located in the Memorial Drive entrance area to Arlington National Cemetery.

(2) The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 0.17 acres, located at Arlington National Cemetery, and known as the Old Administrative Building site.

The site is part of the original reservation of Arlington National Cemetery.

(b) In connection with the transfer under subparagraph (A), the Secretary of the Army shall transfer to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred under that subparagraph.

(c) The exact acreage and legal description of the parcel transferred pursuant to this subsection shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army. The costs of such surveys shall be borne by the Secretary of the Army.

SEC. 2823. LAND CONVEYANCE, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy shall transfer, without consideration other than the reimbursement provided for in subsection (d), to the United States Institute of Peace (in this section referred to as the “Institute”) administrative jurisdiction over a parcel of real property, including any improvements thereon, consisting of approximately 3 acres, at the northwest corner of Twenty-third Street and Constitution Avenue, Northwest, District of Columbia, the site of the Potomac Annex?

(b) CONDITION.—The Secretary may not make the transfer specified in subsection (a) unless the Institute agrees to provide the Navy such services at or near the site of the Potomac Annex, including services in selecting the person or entity to be responsible for development of the site.

(c) REQUIREMENT RELATING TO TRANSFER.—The transfer specified in subsection (a) may not occur until the Institute obtains all permits, approvals, and site plan reviews required by law with respect to the construction on the parcel of a headquarters for operations constituting a foreign policy command.

(d) COSTS.—The Institute shall reimburse the Secretary for the costs incurred by the Secretary in carrying out the transfer specified in subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Institute.

SEC. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE FACILITY, LEXINGTON, MASSACHUSETTS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the Civil Air Patrol (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 16.8 acres at the site of the former Naval Reserve Facility, Lexington, Massachusetts.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not convey the property under this section unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION.—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. The cost of the survey shall be borne by the Secretary.

(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. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require 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.

SEC. 2825. LAND CONVEYANCE, FORMER NAVAL RESERVE FACILITY, LEXINGTON, MASSACHUSETTS.
that are in effect at the time of the conveyance.

(e) Description of Complex.—The exact legal description of the primate research complex shall be determined by a survey or other means satisfactory to the Secretary. The cost of any survey or other services performed in the performance of the action under subsection (a) shall be borne by the recipient of the primate research complex.

(f) Reports.—Not later than February 1, 1997, and February 1 of each year following a year in which the Secretary carries out the demonstration project under this subsection, the Secretary shall submit to the congressional defense committees a report on the project. The report shall include the Secretary's assessment of the cost and the recommendations, if any, of the Secretary of extending the authority with respect to the project to other facilities and installations of the Department of Defense.

(g) Funding.—In order to pay the costs of the United States under the agreement authorized by subsection (a), the Secretary may use funds authorized to be appropriated by section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106) and $500 for the purpose of rebuilding the electric power distribution system at the Youngstown Air Reserve Station that were appropriated for the purpose of rebuilding the electric power distribution system at the Youngstown Air Reserve Station under the Military Construction Appropriations Act, 1996 (Public Law 104-32; 109 Stat. 283) and that remain available for obligation for that purpose as of the date of the enactment of this Act.

(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in the agreement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. DEMONSTRATION PROJECT FOR IN-PLACE USE OF ELECTRIC POWER DISTRIBUTION SYSTEM AT YOUNGSTOWN AIR RESERVE STATION, OHIO.

(a) Authority.—The Secretary of the Air Force may carry out a demonstration project to assess the feasibility and advisability of permitting private entities to install, operate, and maintain electric power distribution systems at military installations. The Secretary shall carry out the demonstration project through an agreement under subsection (b).

(b) Agreement.—(1) In order to carry out the demonstration project, the Secretary shall enter into an agreement with an electric utility or other company in the Youngstown, Ohio, area under which the utility or company, as the case may be, installs, operates, and maintains in a manner satisfactory to the Secretary and the utility or company an electric power distribution system at Youngstown Air Reserve Station, Ohio.

(2) The cost of such surveys shall be borne by the recipient of the conveyance of that plant under this section unless the Secretary determines that such surveys are appropriate to protect the interests of the United States.

(c) Requirements for Federal Screening.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines shall be appropriate to protect the interests of the United States.

SEC. 2831. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the J oint Service Training Center, Fort Sheridan, Illinois, the Job Development Centerarea in the State of Illinois, 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 for Federal Screening of Property.—The Secretary may not make the conveyance authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines shall be appropriate to protect the interests of the United States.
terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, 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 and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determines 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 this subsection, upon the written request of the owner of the land, for an additional period of time not exceeding by more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENTS.—(1) Subject to paragraph (2), the Secretary of Agriculture shall enter into the agreement referred to in paragraph (1) of subsection (b) only within the time period provided for in subsection (a) of this section, 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 12,500 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) TIMELINE FOR ACQUISITION 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 weapon systems and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of locally provided 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) publish and make available the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and theCommittee 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 legal effect as if included in this section, 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 (b), 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) The Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for 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 interests of the 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 the non-public uses of non-Federal lands within the property.

(iii) 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 adoption of a 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 Agriculture designates for use for non-military purposes.

(iii) 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 used for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall dispose of the property, or such portion thereof, of, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—If the Secretary of Defense determines that no Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Secretary of Agriculture may jointly extend the deadline for entering into the agreement referred to in paragraph (a) only within the time period provided for in subsection (a) of this section, upon the written request of the owner of the land, for an additional period of time not exceeding by more than six months.

(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.

SEC. 2834. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Administrator of General Services the parcel of real property described in subsection (b) for the purpose of authorizing the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority in this section referred to as the ‘‘Airport’’, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, located in the Township of Washington, Range 13 North, Section 21, in terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary of the Air Force shall Checklist the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration activities required under law applicable regarding the conveyance of property authorized under subsection (a) until—

(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.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary of the Air Force shall be determined by a survey satisfactory to the Federal officials making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may convey the parcel of property described in subsection (a) only with the written consent of the Administrator of General Services, subject to the Economic Development Alliance of Jefferson County, Arkansas, present for a period of 300 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary of the Air Force shall Checklist the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration activities that are necessary to correct the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.
(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry on any operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in paragraph (1) the property conveyed under this section, all rights, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(2) That the property be used during the 25-year period referred to in subsection (c) conveyance only as the site of the facility known as the “Bioplex”, and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the property associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and any cost of protection services required by the Secretary in order to secure the safety and protection of a demilitarization facility from activities on the property after the conveyance.

(e) REMEDIES.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with the terms and conditions in connection with conveyance, the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) SALE OF PROPERTY BY ALLIANCE.—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a part of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined, and a survey of the property conveyed, by a duly authorized representative of the Secretary. The cost of the survey shall be borne by the Alliance.

(h) ENFORCEMENT OF TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2383. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) The term “missile range” means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) The term “monument” means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled “White Sands National Monument, Boundary Proposal”, numbered 142/80,061 and dated January 1994, comprising approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior; (2) approximately 4,277 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Army; and (3) approximately 2,524 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to national monuments.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of title 43, section 303(b)(2) of title 43, and section 303(b)(3) of title 43, for the purposes of carrying out this Act, section 303(b)(1) of title 43, section 303(b)(2) of title 43, and section 303(b)(3) of title 43, are hereby deemed to be inapplicable to the monuments referred to in this Act.

(h) ENFORCEMENT OF TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2387. BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) for operation and maintenance, $1,234,567,000; to be allocated as follows:

(i) For the following plant project (including acquisition, modification of facilities, and land acquisition related thereto), $131,900,000.

(ii) For technology transfer and education, $234,560,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $1,636,767,000, to be allocated as follows:

(i) To facilitate management of the White Sands Missile Range.

(ii) For facility revitalization, Phase VI, various locations, $50,000,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $132,500,000.

(B) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $30,000,000.

(ii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(iii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $2,000,000,000.

(2) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,100,000,000.

(B) For technology transfer and education, $100,000,000.

(C) For technology transfer and education, $200,000,000.

(D) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $200,000,000.

(E) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $300,000,000.

(ii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(3) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,100,000,000.

(B) For technology transfer and education, $100,000,000.

(C) For technology transfer and education, $200,000,000.

(D) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $200,000,000.

(E) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $300,000,000.

(F) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(3) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,100,000,000.

(B) For technology transfer and education, $100,000,000.

(C) For technology transfer and education, $200,000,000.

(D) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $200,000,000.

(E) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $300,000,000.

(F) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(ii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(4) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,100,000,000.

(B) For technology transfer and education, $100,000,000.

(C) For technology transfer and education, $200,000,000.

(D) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $200,000,000.

(E) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $300,000,000.

(F) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(ii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(5) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,100,000,000.

(B) For technology transfer and education, $100,000,000.

(C) For technology transfer and education, $200,000,000.

(D) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $200,000,000.

(E) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $300,000,000.

(F) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.

(ii) For plant projects (including acquisition, modification of facilities, and land acquisition related thereto), $1,500,000,000.
the continuation of projects authorized in prior years, and land acquisition related thereto), $94,361,000, to be allocated as follows:

Project 97-D-121, consolidated pit packaging system, Pantex Plant, Amarillo, Texas, $870,000.

Project 97-D-122, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $1,400,000.

Project 97-D-124, steam plant waste water treatment facility upgrade, Y-12 plant, Oak Ridge, Tennessee, $14,487,000.

Project 96-D-125, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $1,000,000.

Project 96-D-126, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 plant, Oak Ridge, Tennessee, $7,000,000.


Project 95-D-122, sanitary sewer upgrade, Y-12 plant, Oak Ridge, Tennessee, $10,500,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 plant, Oak Ridge, Tennessee, $4,137,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,200,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,200,000.

Project 93-D-122, life safety upgrades, Y-12 plant, Oak Ridge, Tennessee, $7,200,000.

Project 92-D-122, non-nuclear reconfiguration, complex-21, various locations, $14,487,000.

Project 98-D-122, facilities capability assurance program, various locations, $21,940,000.

Project 98-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $9,799,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out programs necessary for national security programs in the amount of $323,404,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,777,194,000.

(b) WASTE MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,601,653,000, to be allocated as follows:

(1) For operation and maintenance, $1,535,000,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,327,000, to be allocated as follows:

Project 97-D-402, tank restoration and safe operations, Richland, Washington, $7,584,000.

Project 96-D-406, waste management upgrades, various locations, $11,246,000.

Project 95-D-407, temporary permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $752,000.

Project 95-D-401, industrial landfill V and construction/demolition landfill VII, Phase III, Y-12 Plant, Oak Ridge, Tennessee, $200,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $6,345,000.

Project 94-D-407, initial tank retrieval systems, $2,000,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $81,100,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $20,000,000.

Project 89-D-174, replacement high-level waste removal, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $10,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $238,771,000.

(d) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for nuclear materials and facilities stabilization activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $994,821,000, to be allocated as follows:

(1) For operation and maintenance, $909,664,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $85,157,000, to be allocated as follows:

Project 97-D-450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $7,900,000.

Project 97-D-451, B-plant safety class ventilation upgrades, Richland, Washington, $1,500,000.

Project 96-D-450, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $60,672,000.

Project 95-D-457, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $30,440,000.

Project 95-D-456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,645,000.

(e) PROGRAM DIRECTION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $328,771,000.

(f) POLICY AND MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 in carrying out programs necessary for national security programs in the amount of $26,155,000.

(g) ENFORCEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy in carrying out enforcement activities necessary for national security programs in the amount of $486,311,000.

(h) ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $195,000,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (h), reduced by the sum of:

(1) $150,400,000, for use of prior year balances; and

(2) $8,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for other defense activities in carrying out programs necessary for national security in the amount of $3,560,700,000, to be allocated as follows:

(1) For verification and control technology, $456,348,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $204,919,000.

(B) For arms control, $216,244,000.

(C) For intelligence, $35,185,000.

(D) For nuclear safeguards and security, $47,208,000.

(E) For security investigations, $22,000,000.

(F) For environment, safety, and health, $53,185,000.

(G) For worker and community transition assistance, $51,200,000.

(H) For program direction, worker and community transition assistance, $4,341,000.

(I) For fissile materials, $93,796,000, to be allocated as follows:
Congress has specifically denied funds to be appropriated by this title. The total amount of funds obligated pursuant to any construction project authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(2) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of increased or decreased costs, and the increased cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

(3) Study on permanent authorization for general plant projects.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, and make recommendations on how to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide cost control of general plant projects, taking into account the size and nature of such projects.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In general.—Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3011, 3012, or 3013, or which is in support of national security programs of the Department of Energy, exceeds $600,000.

(b) Limitation.—The Secretary may not carry out any construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph. If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(a) Authority for construction design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a report to Congressional authorization for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph.

(b) Study on permanent authorization for construction design.—(1) Not more than five percent of any such transfer of funds to or from authorizations under this title may be used for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred, and (B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to other federal agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same project as if the funds had been authorized by the Federal agency to which the amounts are transferred.

(b) Transfer within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to any other Department of Energy program.
in the case of any construction project until the Secretary has submitted to the Congressional defense committees a report on the activities that the Secretary intends to carry out under section 3101, and the circumstances making such activities necessary.

(c) Specific Authority.—The requirement of section 3122(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, by all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriations Act, amounts appropriated for operation and maintenance, and general plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TRITIUM PRODUCTION.

(a) Authorization of Trinitium Production.—(1) The Secretary of Energy shall, during fiscal year 1997, make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements of the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the new tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department relating to the evaluation and demonstration of technologies under the accelerator reactor program and the commercial light water reactor program.

(b) Report.—(1) Not later than April 15, 1997, the Secretary shall submit to Congress a report that sets forth the final decision of the Secretary under subsection (a)(1). The report shall set forth in detail:

(A) The technologies decided on under that subsection; and

(B) The accelerated schedule for the production of tritium decided on under that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1), the Secretary shall submit to Congress on that date a report that explains in detail why the final decision cannot be made by that date.

(c) Production Facility.—The Secretary shall commence planning and design activities for a new tritium production facility.

(d) In- Reactor Tests.—The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(e) Funding.—Of the funds authorized to be appropriated pursuant to section 3101(b), (1) not more than $30,000,000 shall be available for research, development, and technology demonstration activities and other activities relating to the production of tritium in accelerators;

(2) not more than $15,000,000 shall be available for the commercial light water reactor project, including activities relating to target development, extraction capability, and reactor acquisition or initial tritium operations; and

(3) not more than $100,000,000 shall be available for other tritium production research activities.

SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.

(a) In General.—The Secretary of Energy shall carry out activities to modernize and consolidate the facilities for recycling tritium for weapons at the Savannah River Site, South Carolina, so as to ensure that such facilities have a capacity to recycle tritium recovered from wastes and meet the tritium requirements for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(b) Funding.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3011, not more than $6,000,000 shall be available for activities under subsection (a).

SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANUFACTURING INFRASTRUCTURE AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) General Provisions.—Subsection (a) of section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-104; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

(1) by inserting "(I) before "The Secretary of Energy;"

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; and

(3) by adding at the end the following:

"(2) The purpose of the program carried out under paragraph (1) shall also be to develop manufacturing capabilities and capacities necessary to meet the requirements specified in the annual Nuclear Weapons Stockpile Review.";

(b) Required Capabilities.—Subsection (3) of such section is amended to read as follows:

"(3) The capabilities of the Savannah River Site relating to tritium recycling and fissile materials components processing and fabrication."

SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

(a) Limitation.—No funds appropriated or otherwise made available for the Department of Energy for fiscal year 1997 under section 3101 may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program, or under any Department of Energy, Energy Technology transfer program, or any cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(b) Annual Report.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the funds expended during the preceding fiscal year on activities under the Department of Energy Laboratory Directed Research and Development Program. The purpose of the report is to permit an assessment of the extent to which such activities support the national security mission of the Department of Energy.

(2) Each report shall be prepared by the officials responsible for Federal oversight of the funds expended on activities under the program.

(c) Reauthorization.—(1) The requirement of section 3134 shall be reauthorized by Congress not more than once every five years, except that if Congress does not reauthorize the requirement of such section it shall be repealed on October 1, 1999.

(2) The Secretary shall submit to the congressional defense committees a report on the reauthorization of the requirement of such section.

SEC. 3135. ACCUMULATED SCHEDULE FOR ISOLATION OF HIGH-LEVEL NUCLEAR WASTE AT THE DEFENSE WASTE PROCESSING FACILITY, SAVANNAH RIVER SITE.

The Secretary of Energy shall accelerate the schedule for the isolation of high-level nuclear waste in glass canisters at the Defense Waste Processing Facility at the Savannah River Site in South Carolina, in order to—

(1) achieve long-term cost savings to the Federal Government; and

(2) increase safety and reliability of the Savannah River Site in determining whether or not such activities support the national security mission of the Department.

SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) In General.—In order to provide for an effective response to requirements for managing spent nuclear fuel that is sent to Department of Energy consolidation sites pursuant to the Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement, dated April 1995, there shall be available to the Secretary of Energy, from amounts authorized to be appropriated pursuant to section 3102(b), the following amounts for the purposes stated:

(1) Not more than $65,700,000 for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste associated with Department of Energy non-aluminum clad spent nuclear fuel rods (including naval spent nuclear fuel) for interim storage and final disposition.

(b) Update of Implementation Plan.—Not later than April 30, 1997, the Secretary shall submit to Congress a report that updates the five-year plan required by section 3142(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-104; 110 Stat. 622). The updated plan shall include—

(1) the matters required by paragraphs (1) through (4) of such section, current as of the date of updating; and

(2) the assessment of the Secretary of the progress made in implementing the program covered by the plans.

SEC. 3137. FUNDING PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) Funding.—(1) Of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 may be...
used for conducting the fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex required by section 1105 of title 31, United States Code, is amended—

(a) R EPORTS BY HEADS OF LABORATORIES AND PLANTS.—In the event of a difficulty at a nuclear weapons laboratory or a nuclear weapons production plant that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or plant, as the case may be, shall submit to the Assistant Secretary of Energy for Defense Programs a report on the difficulty. The head of the laboratory or plant shall submit the report as practicable after discovery of the difficulty.

(b) TRANSMITTAL BY ASSISTANT SECRETARY.—As soon as practicable after receipt of a report under subsection (a), the Assistant Secretary shall transmit the report (together with the comments of the Assistant Secretary) to the congressional defense committees and to the Secretary of Energy and the Secretary of Defense.

SEC. 3157. EXTENSION OF APPLICABILITY OF NO-TICE-TO-COUNT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.

Section 3157(b) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is amended by striking out “October 1, 1996” and inserting in lieu thereof “February 1, 1997”.

SEC. 3158. SENSE OF CONGRESS RELATING TO REDISTRIBUTION 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 for the Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, be redesignated as the “Defense Environmental Restoration and Waste Management Program”.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have a significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.

SEC. 3159. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET FOR THE NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

(a) REQUIREMENT.—The Secretary of Energy shall prepare each year a budget for the national security programs of the Department of Energy for the five-year period beginning in the year the budget is prepared. Each budget shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs during the five-year period covered by the budget and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMITAL.—The Secretary shall submit each year to the congressional defense committees a report required under subsection (a) in that year at the same time as the President submits to Congress the budget for the coming fiscal year pursuant to such section.
and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The reorganization of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on Maintaining United States Nuclear Weapons Expertise” (in this section referred to as the “Commission”).

(b) ORGANIZATIONAL MATTERS.—(1) A Commission shall be composed of nine members appointed from individuals in the positions of officers or employees under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an officer or employee of the United States who is or is anticipated to be necessary to enable the Commission to perform its duties. The Commission may fix the compensation of the personnel of the Commission with the exception of the members of the Commission who are officers or employees of the United States.

(c) APPLICATION OF FACA.—The proviso of section 5(f) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(d) FUNDING.—The amounts authorized to be appropriated under this section shall remain available until expended.

(e) C OMMISSION PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the federal government shall be compensated at a rate equal to the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an officer or employee of the United States who is or is anticipated to be necessary to enable the Commission to perform its duties. The Commission may fix the compensation of the personnel of the Commission who are officers or employees of the United States.

(3) The United States reserves the right, to invoke the supreme national interest of the United States and withdraw from any future arms control agreement to limit underground nuclear testing.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) T ERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY AND SAFETY OF REMAINING NUCLEAR FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is committed to proceeding with a robust science-based stockpile stewardship program with respect to production of nuclear weapons, and to maintaining nuclear weapon capabilities and capacities, that are adequate—

(A) to ensure the safety, reliability, and performance of the United States nuclear arsenal; and

(B) to meet such changing national security requirements as may result from international developments or technical problems with nuclear weapons.

(2) The United States is committed to reestablishing and maintaining production of nuclear weapons at levels that are sufficient—

(A) to ensure the safety, reliability, and performance of the United States nuclear arsenal; and

(B) to meet such changing national security requirements as may result from international developments or technical problems with nuclear weapons.

(3) The United States is committed to maintaining the nuclear weapons laboratories and protecting core nuclear weapons capabilities and capacities.

(4) The United States is committed to ensuring the rapid access to a new production source of tritium within the next decade, as it currently has no meaningful capability to produce tritium, a component that is essential to the performance of modern nuclear weapons.

(b) SENSE OF SENATE.—The Senate—

(1) is immediately notified Congress of the problem; and

(2) submits to Congress in a timely manner a plan for corrective action with respect to the problem, including—

(A) a technical description of the activities required under the plan; and

(B) if underground testing of nuclear weapons would assist in such corrective action, an assessment of advisability of withdrawing from any treaty that prohibits underground testing of nuclear weapons.

SEC. 3161. REPORT OF 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, Compensation, and Liability Act of 1980 (42 U.S.C. 9607). The study under this subsection shall be carried out under section 3102.

(b) 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 on Appropriations of the Senate.

(2) The Committees on Environment and Public Works and the House of Representatives.

SEC. 3162. FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall make available to a project 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) In the case of 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).

SEC. 3163. 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 comment upon any information the Site Manager provides to the State of Washington under the Hanford Tri-Party Agreement if that 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 sensitive information on enforcement of the Tri-Party Agreement, the Site Manager shall provide such information to the State of Oregon under paragraph (1), the Site Manager shall provide in-confidence or information referred to in that paragraph to the State of Oregon under paragraph (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2646(c)).

(b) The Secretary of Energy shall notify the appropriated committees of Congress of any decision to grant a waiver under paragraph (1)(b). The contract may be executed only after the 45-day period beginning on the date the notification is received by the committees.

SEC. 3166. STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of programs and projects to improve worker safety and health at the Mound Facility in Miami, Washington, Ohio.

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996;

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

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) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

Subtitle F—Environmental Restoration at the Mound Facility

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of actions completed in fiscal year 1996; and

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996; and

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998; and

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.
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 safety or to the conduct of critical administrative functions; and
(2) will not interfere with bringing the facility into compliance with environmental laws, including 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, 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 management 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 agree that the program entered 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) A no contract between the Department and the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) Accountability.—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 any other 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 expectations of the site manager in the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify issues consisting of a document to be submitted 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. 2286);
(3) the term “Hanford” means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation.

SEC. 3180. SHORT TITLE AND REFERENCES.

(a) Short Title.—This subtitle may be cited as the “Waste Isolation Pilot Plant Land Withdrawal Amendment Act”.

(b) Reference.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or section of this Act, the reference shall be considered to be made to a section or other provision of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579).

SEC. 3181. Definitions.

(a) In General.—The definitions in section 3175 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g) and the Atomic Energy Defense Waste Isolation Pilot Plant Land Withdrawal Act Amendments of 1996 (Public Law 104-201) are repealed.

(b) Section 8(d)(2) and (3).—Section 8(d)(2) is amended by redesignating subparagraphs (A), (B), (C), and (D) of paragraph (1) as paragraphs (1), (2), (3), and (4), respectively.

(c) Section 8(g).—Section 8(g) is amended to read as follows:

“(g) Engineered and Natural Barriers, Etc.—The Secretary shall use both engineered and natural barriers and any other measures (including waste form modifications) in the extent necessary at WIPP to comply with the final disposal regulations.”

SEC. 3182. Definitions.

(a) In General.—The definitions in section 3175 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g) and the Atomic Energy Defense Waste Isolation Pilot Plant Land Withdrawal Act Amendments of 1996 (Public Law 104-201) are repealed.

(b) Section 8(d)(1).—Section 8(d)(1) is amended by striking “E NGINEERED AND NATURAL BARRIERS, ETC.” and inserting “S TUDY.”

(c) Section 9(a)(3) and (4).—Section 9(a)(3) and (4) is amended by striking “the conduct of operations of WIPP” and inserting “the final disposal regulations of WIPP”.

(d) Section 9(b)(2).—Section 9(b)(2) is amended by striking “as determined” and inserting “as necessary”.

(e) Section 9(c)(2) and (3).—Section 9(c)(2) and (3) is amended by striking “E NGINEERED AND NATURAL BARRIERS, ETC.” and inserting “S TUDY.”

(f) Section 9(d)(3).—Section 9(d)(3) is amended by striking “as described” and inserting “as necessary”.

(g) Section 9(e)(1).—Section 9(e)(1) is amended by striking “the conduct of operations of WIPP” and inserting “the final disposal regulations of WIPP”.

(h) Section 9(e)(2).—Section 9(e)(2) is amended by striking “as described” and inserting “as necessary”.

SEC. 3183. Test Phase and Retrieval Plans.

(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.


(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.

SEC. 3185. Test Phase Activities.

(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.

SEC. 3186. Disposal Operations.

(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.

SEC. 3187. Disposability.

(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.

SEC. 3188. Compliance with Environmental Laws and Regulations.

(a) Study.—Within 180 days after the date of the enactment of this Act, the Administrator shall provide Congress with a report describing the matter immediately following the subsection heading and inserting “S TUDY.”

(b) Appointments.—The Administrator shall appoint a site manager under section 3174(a), the site manager shall submit to the Secretary a plan for the retrieval and disposal of any defense nuclear waste at the facility. In establishing such a plan, the site manager may—
(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and
(2) solicit and accept applications to test environmental technology suitable for environmental management and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination.

(c) Consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and
(d) Pay the costs of the demonstration of such technologies.
under section 7(b) to commence placement of transuranic waste underground for disposal at WIPP no later than November 30, 1993.

(b) CONFORMING AMENDMENT.—The item relating to section 10 in the contents is amended to read as follows: “Sec. 10. Transuranic waste.”

**SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amounts specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL REQUIRED.—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) $338,000,000 during the five-fiscal year period ending on September 30, 2001; and

(2) $640,000,000 during the seven-fiscal year period ending on September 30, 2003.

(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

<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>62,881 short tons</td>
</tr>
<tr>
<td>Cobalt</td>
<td>30,000,000 pounds contained</td>
</tr>
<tr>
<td>Columbium Ferro</td>
<td>49,000 kilograms</td>
</tr>
<tr>
<td>Germanium</td>
<td>35,000 Troy ounces</td>
</tr>
<tr>
<td>Palladium</td>
<td>35,000 Troy ounces</td>
</tr>
<tr>
<td>Platinum</td>
<td>30,000 Troy ounces</td>
</tr>
<tr>
<td>Rubber, Natural</td>
<td>125,138 long tons</td>
</tr>
<tr>
<td>Tantalum, Carbide Powder</td>
<td>6,000 pounds contained</td>
</tr>
<tr>
<td>Tantalum, Oxide</td>
<td>750,000 pounds contained</td>
</tr>
<tr>
<td>Tantalum, Minerals</td>
<td>40,000 pounds contained</td>
</tr>
<tr>
<td>Cobalt, Electrolytic</td>
<td>8,474 short tons</td>
</tr>
<tr>
<td>Cobalt</td>
<td>9,902,774 pounds</td>
</tr>
<tr>
<td>Columbium Carbide</td>
<td>21,372 pounds</td>
</tr>
<tr>
<td>Columbium Ferro</td>
<td>249,395 pounds</td>
</tr>
<tr>
<td>Diamond, Bert</td>
<td>91,342 carats</td>
</tr>
<tr>
<td>Diamond, Stone</td>
<td>1,024,413 carats</td>
</tr>
<tr>
<td>Germanium</td>
<td>28,207 kilograms</td>
</tr>
<tr>
<td>Indium</td>
<td>35,205 Troy ounces</td>
</tr>
<tr>
<td>Palladium</td>
<td>1,249,601 Troy ounces</td>
</tr>
<tr>
<td>Platinum</td>
<td>442,641 Troy ounces</td>
</tr>
<tr>
<td>Rubber</td>
<td>567 long tons</td>
</tr>
<tr>
<td>Tantalum, Carbide Powder</td>
<td>22,688 pounds contained</td>
</tr>
<tr>
<td>Tantalum, Minerals</td>
<td>1,748,947 pounds contained</td>
</tr>
<tr>
<td>Tantalum, Oxide</td>
<td>323,892 pounds contained</td>
</tr>
<tr>
<td>Tungsten</td>
<td>36,830 short tons</td>
</tr>
<tr>
<td>Tungsten, Carbide</td>
<td>76,398,235 pounds</td>
</tr>
<tr>
<td>Tungsten, Metal Powder</td>
<td>2,032,942 pounds</td>
</tr>
<tr>
<td>Tungsten, Ferro</td>
<td>2,014,923 pounds</td>
</tr>
<tr>
<td>Tungsten, Powder</td>
<td>2,024,126 pounds</td>
</tr>
<tr>
<td>Tungsten, Carbide</td>
<td>2,044,134 pounds</td>
</tr>
<tr>
<td>Tungsten, Metal Powder</td>
<td>2,043,124 pounds</td>
</tr>
<tr>
<td>Tungsten, Carbide</td>
<td>2,044,123 pounds</td>
</tr>
<tr>
<td>Tungsten, Powder</td>
<td>2,013,124 pounds</td>
</tr>
<tr>
<td>Tungsten, Ferro</td>
<td>2,024,134 pounds</td>
</tr>
</tbody>
</table>

(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) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or
SEC. 3503. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $149,900,000 for fiscal year 1997 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3504. AUTHORIZATION OF APPROPRIATIONS.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $149,900,000 for fiscal year 1997 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3505. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1997".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) In general.—Subject to subsection (b), the Panama Canal Commission is authorized to make expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, to be debited to the Panama Canal Commission Revolving Fund, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1997.

(b) Limitations.—For fiscal year 1997, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $73,000 for reception and representation expenses, of which—

(1) not more than $10,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any provision of law relating to purchase of vehicles by agencies of the Federal Government, funds available to the Panama Canal Commission shall be available for the purchase of, and for transportation to the Republic of Panama of, passenger motor vehicles, including large, heavily-built vehicles.
fair share. It ought to be called the national free loaders bill. We have no business telling the States that we know better than how they should manage their affairs. This is a direct attack on the ability of working people to protect their economic interests. I urge the Senate reject this legislation and protect the rights of working families in State after State, in order to protect their economic interests.

Mr. GRAMM. Mr. President, there is no issue that defines the differences that exist between the two parties than the issue that is now before the Senate. It is a simple, straightforward issue that many Members of the Senate hope the public does not understand. Should a man or a woman in the greatest and freest country in the history of the world be forced to join a union in order to have the right to work? That is the issue.

If, in order to exercise one of our basic rights—the right to contract for labor—we are forced to pay an institution that we do not wish to join, are we free, or is our freedom abridged? That is the question that is before the Senate, and I think the American people understand it.

Mr. BYRD. Mr. President, the Senate is set to vote on a motion to invoke cloture on the motion to proceed to S. 1788, the National Right to Work Act. This measure was introduced on May 21 of this year. It is my understanding that there have been no committee hearings or reports on the bill in the Senate. In addition, we are now preparing to vote to limit debate before having begun to debate this measure on the Senate floor. This does not convey a sense of responsible legislating.

Mr. President, I am opposed to federal right-to-work legislation. Let me first say that right-to-work is a concept that is often believed to mean "equitable," but never does not extend to anyone a "right" that he or she does not already have. The National Labor Relations Act of 1935 set forth a worker's right to belong to a union of his or her choice, as determined by democratic balloting. Under this arrangement, unions and management were free to negotiate collective bargaining agreements which included a security clause. Essentially, these clauses, which could not be approved without the consent of all employees of a unionized company to pay dues to cover the costs of their representation. However, in 1947, the Congress approved the Taft-Hartley Act, which gave each State the option to make its own determination of the so-called right-to-work issue. Currently, 21 States have approved right-to-work legislation, effectively outlawing union security clauses. Workers in these States are not required to pay dues toward the cost of their union's representation. However, 29 States continue to have free collective bargaining. If we approve this legislation, we will be imposing a Federal mandate on those States, including my home State of West Virginia, that have chosen not to restrict union security clauses.

Mr. President, the right-to-work issue has become an emotional debate, and this is the wrong debate. We should focus on the economics of the issue. There is no evidence that right-to-work will improve the wages, benefits, and working conditions of our Nation's workers. A report issued just last week by the Congressional Research Service concluded that秸t States have a mean manufacturing wage of $10.91, compared to $12.56 for non-right-to-work States. Approving this legislation now will not demonstrably improve the conditions of workers in those States that currently protect free collective bargaining, and it may in fact lower their wages. This will not help workers in my State of West Virginia. Right-to-work is not a panacea for declining real wages for workers. In fact, the evidence suggests that it may be a contributor to lower wages because it undermines organized labor's ability to bargain effectively on behalf of its workers. While organized labor has made mistakes, it has also accomplished a great deal for all working people, union and non-union. What my State needs is in order to create a favorable economic climate and higher wages is to foster positive labor-management relations—not to restrict labor and management from freely entering into collective bargaining contracts. As such, I cannot support the proposal before us today.

Mr. DORGAN. Mr. President, today the Senate will vote on legislation which undermines the basic principles of State rights and workplace democracy. S. 1788 would require all States to permit workers to receive the benefits of collective bargaining without sharing in the cost of union representation. Under current Federal law, States decide for themselves whether or not to require all workers in unionized work places to share in the costs of union representation. North Dakota is one of 21 States that have enacted so-called right-to-work statutes permitting workers to elect not to pay union dues.

In the remaining 29 States with no similar statutes, unions and employers have negotiated whether all workers will be required to share the costs of union representation. There is no general requirement, even in these States, that all workers must pay union dues.

I support the ability of States to determine whether or not to enact laws permitting workers to opt out of paying union dues, or whether to permit workers and employers to negotiate freely on this issue during the collective bargaining process. I do not support the legislation before us today, which undermines the State's role in this important policy decision.

For these reasons, I oppose the legislation before us today.
voted to unionize their workplace and I urge all my colleagues to reject this legislation and vote against cloture.

Mr. LOTT. Mr. President, before the Senate votes on cloture on my motion to proceed to S. 1788, the National Right to Work Act, I want to give credit where due.

This bill represents the determination of Senator LAUCH FAIRCLOTH to bring to the national agenda a critically important issue. That issue is the question of whether an American worker can be compelled to join a union and pay dues to it. The right to join a union is secured by law, as indeed it should be. The right not to join is another matter.

Language to that effect in the National Labor Relations Act of 1935 was vitiated in the same legislation by a provision permitting union officials to secure contracts requiring union membership as a condition of employment. The right not to join is another matter. The right to join a union is secured by law, as indeed it should be. The right not to join is another matter.

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 295, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 295) to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan modified amendment No. 4437, of a perfecting nature.

Kasabbaum amendment No. 4438, of a perfecting nature.

Mr. PELL. Mr. President, I have many times made statements about my long interest in developing improved avenues of communication between employees and their bosses, often referred to as codetermination. My statement therefore, will be brief today.

When employees and employers decide to enter into workplace committees to discuss workplace-related issues, both sides must place a great amount of trust and faith in the other. But society has instilled in workers the idea that employers are not allies but adversaries. Employers, who must be concerned about the health of the company, often view their employees in a similarly skeptical fashion.

For that reason, labor and management should be commended when they join together in sincere cooperation for the benefit of all concerned. It is, however, important that the two be really interested in cooperating with the other and that the cooperation be sincere. Both employees and employers must trust the other and be sure that their views matter to the other.

While I do not see the need to create a special framework for the representatives to take place, I do believe it is vital that employees feel confident they will not be punished for sharing their honest views with their employer. Workers must also feel that their views and thoughts are honestly being represented by those employee members of a workplace committee.

For that reason, I strongly oppose S. 295. Workers cannot be expected to take part in any committee under the threat of control of the competitive job market, what right-minded worker would take the risk of sharing unpopular views about his workplace when the boss has complete control of the work committee?

During the 103d Congress, I introduced legislation outlining my views on this issue. During Labor Committee consideration of S. 295, I worked to develop compromise legislation to allow employees to select the representatives for workplace committees, to ensure that committee agendas are open to amendment by both labor and management and to prohibit unilateral termination of a workplace committee.

Teamwork is important on the playing field or in the workplace. As a old Princeton rugby player, I know you don't win the scrum unless you and your teammates have confidence in each other and work for the benefit of all.

Mrs. MURRAY. Mr. President, I rise today in full support of teams and yet, must voice my concerns with the proposed TEAM Act. It is very difficult not to support the initial goals of S. 295.

Who doesn't want cooperation between employers and their managers? I have met with countless companies from across Washington State who have increased productivity and efficiency from these teams. Their results have been impressive and have encouraged initiative and employee participation.

However, these cooperative partnerships are currently in place and functioning without disruption. Teams today, throughout my State and across American are succeeding and thriving. In fact, 96 percent of large employers and 75 percent of all employers report using such teams and employee involvement programs. These facts lead to my confusion over the need for additional legislation.
Employee committees, work teams, and quality circles that discuss questions of efficiency, productivity, quality, and work practices are currently allowed. Nothing prevents these teams from existing today and their growing population in corporations everywhere is proof of their strong existence.

I am most concerned about the delicate balance between management and employees established by the National Labor Relations Act and enforced by the National Labor Relations Board. This Act charged the NLRB with investigating possible section 8(a)(2) violations which have averaged just three violations per year for the last 22 years. In fact 20 years ago, the NLRB ruled against 29 section 8(a)(2) violations. Last year, the NLRB ruled against just 24 violations. There is no growing trend to stop these partnerships. There are no attempts by the NLRB to seek out and prevent these law-abiding employee-employer teams. These cases can be compared to the 7,478 cases in 1995 which forced employers to hire back unlawfully discharged employees and the 8,997 cases last year in which employers had to provide employees back pay.

I wholeheartedly support the cooperation fostered through teams in companies both large and small. Washington State has witnessed enormous benefits from these employee committees that discuss issues from efficiency to quality of life. Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. HATFIELD. Mr. President, I rise to speak in support of the Teamwork for Employees and Management Act. Sec. 295, better known as the TEAM Act, has been written to correct the current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I rise to speak in support of the Teamwork for Employees and Management Act. Sec. 295, better known as the TEAM Act, has been written to correct the current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain intact. I continue to support the current labor-management model.

Let’s maintain this current system, which is working, without jeopardizing these critical relationships.
Union-Free Status Before Organizing Starts,'' the brochure tells participants they will learn—how your employee participation and empowerment programs can be successfully modified to avoid unfair labor practices and aid in union avoidance. The intent could not be made clearer, nor could a better argument be made against this legislation.

The legislation we are considering today was written based on the false premise that the protections provided to workers under section 8(a)(2) of the National Labor Relations Act are current hindrances to cooperation in the workplace. Proponents argue that the National Labor Relations Act does not allow modern management to work with employees in a cooperative manner or in teams within the workplace.

In fact, section 8(a)(2) does not need to be weakened in order for this cooperation or these teams to exist. Under the current protections provided for in the National Labor Relations Act, companies are flourishing throughout the country.

There are teams operating in companies across my State of Illinois. I have had the pleasure of talking with CEO’s of Illinois companies who highlighted the innovative results of having workers come together on teams to address production problems and quality problems.

Under current law, companies are allowed to delegate significant managerial responsibilities to employee work teams. Employers can put together employee committees to consider quality, efficiency, and productivity. Employers can use employee expertise to help them create better, higher quality products in less time and with less cost, so that American goods are better, cheaper, and more competitive in overseas markets.

Thirty thousand companies across the Nation have some form of employee teams operating in their factories and shops; 96 percent of large employers have employee involvement programs and 75 percent of all workplaces have such programs. The numbers speak for themselves.

This legislation goes far beyond allowing cooperative teams designed to increase quality, efficiency, and productivity. This bill would allow employer chosen teams to engage in give-and-take regarding wages, hours, and other working conditions of employee. Unelected employees would have the ability to make decisions about the basic working conditions of their fellow workers.

One of the key arguments many companies have made is that they are concerned that the teams operating in their shops may be found to violate section 8(a)(2) in some way. The Electromation case has been held up as an example of teams being ruled illegal by the National Labor Relations Board. The Electromation case is just one example, this case is obstructive. The employees at Electromation were unhappy over a series of changes the employer had made to compensation and work rules. The employer responded by implementing action committees. When the employees nonetheless turned to an outside union for representation, the employer suspended the committees and blamed the union for the suspension. The action committees, in order to prevent union representation. A Bush administration appointed NLRB found that, in the Electromation case, the company had violated the law.

The legislation currently being debated would reverse the reason section 8(a)(2) exists, to protect against abuse. Under current law, employee teams are legal and they exist. As long as employers do not control the proceedings, employers can talk with employees about any issue they choose. Cooperation between employers and employees is vital to any successful business and the law in no way prevents this cooperation. The law merely prevents abuse.

Let us support a strong partnership between employers and creative employees, and continue to let this section 8(a)(2) of the National Labor Relations Act protect the precious balance between the rights of employees and employers. I urge my colleagues to vote against the TEAM Act.

Mr. FEINGOLD. Mr. President, I rise today to speak in strong opposition of S. 295, the teamwork for employees and management bill. This bill, the so-called TEAM bill, is part of the continuing Republican assault on working families. It would virtually nullify section 8(a)(2) of the National Labor Relations Act, which forms the basis for collective bargaining procedures in the United States, and prohibits employers from dominating or interfering with the formation of labor organizations. Labor organizations, as defined by the NLRA, are composed of employee participants and exist for the purpose of dealing with employers regarding wages, hours, rates of pay, hours of employment, or working conditions.

The TEAM Act would gut section 8(a)(2). In the name of promoting collaboration and communication between workers and managers, this bill would allow companies to dictate the membership and agenda of workplace teams. These teams would make recommendations to management on issues of quality, efficiency, and productivity, but could also discuss broader issues relative to wages, hours, and working conditions.

Mr. President, I want to make it clear that I have no problem with the concept of employers and employees working together in crosscutting teams to develop innovative ways to improve quality or increase efficiency in the workplace. I have visited workplaces in my State that have implemented quality circles and labor-management committees, and have been impressed with the results.

An example is Master Lock, Inc., which I toured several summers ago. This leading Wisconsin company is a shining example of how employer-employee cooperation has led to improved working relationships and increased competitiveness. The company’s joint labor and management coalition, comprised of various committees which address issues such as health and safety, employee training, and job design, has resulted in improved employee morale and productivity.

Indeed, there has been a vast proliferation of such committees, or teams, in recent years. Labor organizations are useful, and legal, as long as they do not interfere with the collective bargaining process. Current law allows employee involvement, which I wholeheartedly support.

What I object to is the notion that companies should appoint all members of workplace teams, particularly in cases in which teams are given broad reign to discuss issues that have been the domain of collective bargaining for the last 60 years. Under this bill, employers would have the right not only to select who belongs to teams, but would also be able to remove those members at any time, for any reason. Management could set the agenda, including discussion of wages, hours, and other working conditions. The end employee members did not make official recommendations on behalf of their colleagues on these issues. This, I am convinced, would undermine the collective bargaining process.

Mr. Robert Wexler of Florida, the original sponsor of the NLRA, recognized that employees are empowered only when they select their own representatives in a democratic process. More than 60 years ago, he said, “[only] representatives who are not subservient to the employer with whom they deal can act freely in the interest of employees. Simple common sense tells us that a man does not possess this freedom when he bargains with those who control the source of his livelihood.” And yet, the TEAM Act threatens to take precisely that freedom away from America’s workers. Allowing companies to select all worker representatives and dominate team activities would be a significant step backward in workplace democracy. It would take us back to the days of company unions.

Supporters of the TEAM Act argue that the language of the bill specifically prohibits teams from engaging in collective bargaining with management. But in fact, employees who serve on management-selected teams will represent their coworkers. That is a labor organization, and that is precisely what Congress intended to prevent when it passed the NLRA. In fact, Congress has repeatedly rejected the notion of company-dominated labor organizations—in the 1930’s, and again in 1947 during debate on the Taft-Hartley Act.

This bill threatens real, democratically elected worker representation. Even though the bill says that management-dominated teams would not be allowed to negotiate with employers...
about wages, benefits, or working conditions, teams can still discuss all these issues, as long as they don’t make recommendations to management on behalf of workers. It is not difficult to imagine situations in which managers, other than those dealing with self-selected teams, would place more weight on the ideas of teams than on the proposals of unions. In this way, the bill threatens the viability of unions.

Labor experts agree. The bipartisan Dunlop Commission, made up of leading business, union, and academic representatives, conducted an in-depth analysis of labor-management relations in 1993 and 1994. One of their recommendations, upon completion of the study, was: “The law should continue to make it illegal to set up or operate company-dominated forms of employee representation.” Members of the Dunlop Commission, including four former Cabinet Secretaries, the CEO of Xerox, a representative from the business community, and several academicians, unanimously oppose the TEAM Act. I’m sure all of my colleagues have also read the letter signed by more than 400 of the Nation’s labor law and industrial relations professors opposing this bill. They say in their letter, “we are persuaded that passage of the TEAM Act would quickly lead to the return of the kind of employer-dominated employee organization and employee representation plans which existed in the 1920’s and 1930’s.”

And in fact, that is the real goal of the TEAM Act. Management-dominated teams are antidemocratic mechanisms for companies to fight real worker-selected representative labor organizations. They are anti-union tools. Research has shown that employers who establish teams, or employee involvement plans, after union organizing campaigns are more likely to defeat unions than those who do not. Without exception, managers surveyed in a 1989 Harvard Business School study agreed that employee representation plans were “a valuable and proven defense against unionization.”

Edward Miller, a former chairman of the NLRB and a current management-side labor lawyer, testified in 1993 before the Dunlop Commission, “While I represent management, I do not kid myself. If section 8(a)(2) were repealed, I have no doubt that in not too many months or years that company unions would again recur.”

There are many misconceptions among my colleagues about current labor law, and about what this bill would do. Fred Feinstein, the general counsel of the NLRB, investigates possible violations of the NLRA and prosecutes meritorious claims. Mr. Feinstein recently responded to a letter from the senior Senator from Massachusetts, Senator KENNEDY, to clarify what he thinks are some erroneous and inaccurate statements about the NLRA and the TEAM Act, made last week on the Senate floor. In his letter, Mr. Feinstein explained that, under current law, it is not illegal for employers to supply office supplies and meeting space to employee organizations, or to talk to employees or seek suggestions. It is not illegal for employers to discuss matters with employees, or to seek input from them about improving productivity, or to talk to them about tornado warning procedures. Despite assertions to the contrary made by my colleagues last week, none of these procedures is illegal.

The bottom line, according to the general counsel of the NLRB, is that “employees can provide information or ideas without engaging in dealings under the NLRA.” Further, employees can make proposals through an organization, to which the employer may respond, where the employees have control of the structure and function of the organization. If Congress really wanted to empower workers and encourage employee involvement and communication with management, it would allow workers to select their own representatives to teams, to be accountable only to their fellow employees. More important, it would empower the NLRB to impose more powerful sanctions on companies that unlawfully discharge employees involved in union organizing. According to the Dunlop Commission, union supporters are fired illegally in one out of four elections. This rate is five times higher than it was in the 1950’s, and remedies often take place several years after the event.

The real purpose of this bill is to undermine workplace democracy, and to bash on unions, not to empower employees. I am pleased that President Clinton has taken a stand on behalf of working men and women by pledging to veto this unwise and destructive bill. But I hope the bill never reaches his desk. I urge my colleagues to support representative democracy in the workplace, and the TEAM Act. Let’s respect the right of employees to select their own representation, just as we have insisted on the right of citizens to select their own representatives to this body for over 200 years.

Mr. CHAFFEE. Mr. President, I appreciate the opportunity to speak in favor of the TEAM Act, S. 295. I want to commend our able chairman of the Labor and Human Resources Committee, Senator KASSEBAUM, for her vision and tenacity in shepherding this bill to the floor.

I have closely examined the arguments made by both labor and management on the issue of teaming, and the state of current law.

In my view, Congress has a responsibility to provide an unambiguous safe harbor for employers to utilize employee participation groups, quality circles, and other team concepts to advance the competitiveness of U.S. industry. The health of our economy and the jobs on which we all depend are at stake in this struggle.

The National Labor Relations Board (NLRB) has been left with the difficult task of administering a 61-year-old statute which has changed little since its enactment in 1935. The state of labor-management relations was very different in those days, with unions struggling to secure their place in our industrial fabric.

The National Labor Relations Act (NLRA) was a logical response to this turbulent period in our labor-management history. The provision of the NLRA aimed at preventing employers from creating sham unions, section 8(a)(2), was a direct response to this challenging period.

It is this very provision and how it is being interpreted today by the NLRB that is the cause for this debate and the legislation now before the Senate.

Most labor management strife faded from the industrial landscape long ago. In contrast, today, American businesses and their employees are in the firing line of their collective competitiveness in this global marketplace. We have lost tens of thousands of high-paying manufacturing jobs over this past decade to foreign competition. Unfortunately, I can identify countless factories in my own State of Rhode Island.

This troubling circumstance has forced American industry to produce better products, to become more efficient and to increase productivity. This painful, but necessary reexamination has placed an absolute premium on labor-management cooperation.

Those firms that have been able to succeed and adapt to this new environment have increasingly relied upon employee participation groups, quality circles, and other team concepts to strengthen productivity, weed out inefficiency, and respond rapidly to changing consumer attitudes and demands.

Mr. President, enactment of the TEAM Act would be the equivalent of labor law with what is already occurring on shop floors throughout America. The fact is, employee involvement committees, quality circles and other team concepts exist in some 30,000 workplaces across the country. But a small percentage of our largest employers stake their very survival on the ability to form team mechanisms and employee participation groups.

Here is the problem in a nutshell. Section 8(a)(2) of the NLRA prohibits employers from interfering with the formation and/or organization of any “labor organization,” or from contributing financial support to such entities. On the surface that seems reasonable.

However, the definition of “labor organization” makes illegal most of the employee involvement committees in operation today, since it stipulates that any organization which deals with hours or employment or conditions of work is a “labor organization.”

The fact is that in today’s complex workplace conditions of employment can be very broadly construed to apply
to how an assembly line is configured, to the kind of protective gear employees must wear, or even to attendance policies.

Faced with this ambiguous situation, employers need to have a safe harbor within the TEAM Act, so employee involvement committees can operate without fear of NLRB intervention.

The Team Act is that safe harbor. It would authorize the use of employee participation teams to help strengthen the competitiveness of American firms, while making clear that such mechanisms cannot be used to subvert or replace the collective bargaining process, or an employee's right to union representation.

Employers and employees must be empowered with the necessary tools to compete in a global economy. S. 295 is a logical, balanced response, which contains the necessary safeguards to protect unions and workers, while at the same time strengthening needed employer-employee cooperation.

I am hopeful President Clinton will reconsider his staunch opposition to this critical legislation.

**AMENDMENT NO. 4437**

The PRESIDING OFFICER. The question occurs on amendment 4437 offered by the Senator from North Dakota [Mr. Dorgan]. There will be 1 minute of debate on the amendment equally divided in the usual form.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is not a disagreement in this Chamber about whether there ought to be teamwork in the workplace. We believe there ought to be opportunities for management and workers—those who own businesses and those who work in the businesses—to get together and establish conditions to work together to become more efficient and to find ways to do things in a better way.

There is a lack of clarity as a result of NLRB decisions. I have offered an amendment that tries to establish additional clarity that permits workplace cooperation. There is a right way to do this and a wrong way to do this.

The amendment that I have offered, I think, is the right way to enhance teamwork in the workplace to achieve those goals. I believe the underlying legislation that comes to the floor of the Senate does much more than that in a negative way.

So I ask the Chamber to support the amendment that I have offered and to oppose the proposal that is brought to the floor of the Senate in the underlying piece of legislation.

**The PRESIDING OFFICER.** The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, regarding the Dorgan amendment, I would just say that I think we are better off the way things are than to try to do anything that I think would occur in the amendment offered by the Senator from North Dakota. It requires a committee structure that is very rigid and lacks the flexibility that we were trying to address. I do not believe it in any way answers the concerns and the questions that have been raised by the actions of the NLRB regarding a lack of understanding of how employees get together under the National Labor Relations Act. That was the purpose of the legislation before in the TEAM Act, and I will address my amendment later.

Mr. DORGAN. Mr. President, 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 (Mr. Campbell). The question is on agreeing to amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLE. I announce that the Senator from Mississippi [Mr. Cochran] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 63, as follows:

[Call Vote No. 189 Leg.]

YEAS—36

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd

Dorgan
Feinste
Ford
Gann
Graham
Harkin
Ingram
Johnson
Kennedy
Kerry
Kohl

Levin
Mikulski
Pell
Pyor
Red
Robb
Rockefeller
Sanburn
Simon
Weld
Wyden

NAYS—63

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Campbell
Coats
Cohen
Covered
Craig
D'Amato
DeWine
Domenici
Faircloth
Feingold
Frist
Gorton

Garam
Grassley
Gregg
Hatch
Heflin
Hollings
Hutchison
Jeffords
Kassebaum
Kearney
Kihuen
Kerry

Levin
Mikulski
Mosby
Moseley-Braun
Murkowski
Murray
Nunn
Presidential
Roth
Sanburn
Simpson
Smith
Snowe
Specht
Stevens
Thomas
Thompson
Thurmond

NOT VOTING—1

Cochran

The amendment (No. 4437), as modified, was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote on the PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 4438**

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4438 offered by the Senator from Kansas [Mrs. Kassebaum]. There will be 1 minute of debate on the amendment equally divided and controlled in the usual form.

The Senator from Kansas [Mrs. KASSEBAUM]. Mrs. KASSEBAUM. Mr. President, my amendment is identical with the House-passed language. I want to make a couple of points about why I believe the TEAM Act is important. One, it applies only to nonunion settings.

The PRESIDING OFFICER. The Senator will withhold her comments until we can get order in the Chamber.

The Senator may proceed.

Mrs. KASSEBAUM. This applies only to nonunion settings.

It has been misrepresented by some as applying to union companies as well. Second, the purpose for this is in order to say to employers that they should be free to discuss with employees those issues of concern to both. It is to address an environment in the workplace that will help us meet the new reality of our competition and our productivity today that is important for good communication. It is a bill that only represents common sense. It is not in any way designed to be a destroyer of the unions, and I urge support for my amendment and the TEAM legislation.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

May we have order in the Senate, please.

The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, this is a cosmetic change to the underlying bad bill. Effectively, the TEAM Act would apply to 90 percent of American businesses. The fact is 30,000 companies now have these joint, cooperative programs in workplaces across the country. They cover 75 percent of all the employers, 96 percent of the Nation's biggest employers. There have been 224 cases that have been brought over the period of the last 4 years. There have only been 15 cases decided by the NLRB—only 15 cases; 30,000 incidents of cooperation and only 15 cases in the last 4 years.

This is a solution to a problem that does not exist. Basically, what you are doing with it is opening up the very real possibilities of companies being able to dictate who will speak for the employees on working conditions and all other matters that concern them in the workplace. It puts management in control of both sides of the bargaining table. It means management will be talking to itself instead of talking honestly with workers, and it does not deserve to pass. It deserves the veto that it will receive.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. COHEN. I ask for the yeas and nays.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. 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 amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:  

[Roll Call Vote No. 190 Leg.]

<table>
<thead>
<tr>
<th>Yeas</th>
<th>61</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abraham</td>
<td>Gorton</td>
</tr>
<tr>
<td>Ashcroft</td>
<td>McConnell</td>
</tr>
<tr>
<td>Bennett</td>
<td>Grams</td>
</tr>
<tr>
<td>Bond</td>
<td>Grassley</td>
</tr>
<tr>
<td>Breaux</td>
<td>Gregg</td>
</tr>
<tr>
<td>Brown</td>
<td>H aiding</td>
</tr>
<tr>
<td>Bryan</td>
<td>Hattfield</td>
</tr>
<tr>
<td>Bumpers</td>
<td>Heflin</td>
</tr>
<tr>
<td>Burns</td>
<td>Helms</td>
</tr>
<tr>
<td>Byrd</td>
<td>Hollings</td>
</tr>
<tr>
<td>Chafee</td>
<td>Huitchinson</td>
</tr>
<tr>
<td>Coats</td>
<td>Inhofe</td>
</tr>
<tr>
<td>Cohen</td>
<td>J effords</td>
</tr>
<tr>
<td>Coverdell</td>
<td>Kassebaum</td>
</tr>
<tr>
<td>Craig</td>
<td>Kemphorne</td>
</tr>
<tr>
<td>D’Amato</td>
<td>Kyi</td>
</tr>
<tr>
<td>DeWine</td>
<td>Lieberman</td>
</tr>
<tr>
<td>Domenici</td>
<td>Lott</td>
</tr>
<tr>
<td>Faircloth</td>
<td>Lugar</td>
</tr>
<tr>
<td>Franh</td>
<td>Mack</td>
</tr>
<tr>
<td>Frist</td>
<td>McCain</td>
</tr>
</tbody>
</table>

NAYS—38

Akaka | Feinstein |
Baucus | Ford |
Biden | Glenn |
Bingham | Graham |
Boxer | Harkin |
Bradley | Inouye |
Campbell | Johnson |
Conrad | Kennedy |
Daskie | Kerr |
Dodd | Kerry |
Dorgan | Kohl |
Exon | LaBarge |
Feingold | Leahy |

NOT VOTING—1

Cochran

The amendment (No. 4438) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate bill is considered read a third time, and the House bill, H.R. 743, is discharged from the Committee on Labor and Human Resources. The clerk will report the House bill.

The assistant legislative clerk read as follows:

A bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 743 is stricken, the text of the S. 296, as amended, is inserted in lieu thereof, and the bill is considered read a third time.

The question is, Shall the bill, H.R. 743, as amended, pass? A rollcall vote has not yet been requested.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is, Shall the bill as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:  

[Roll Call Vote No. 191 Leg.]

<table>
<thead>
<tr>
<th>Yeas</th>
<th>53</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abraham</td>
<td>Gramm</td>
</tr>
<tr>
<td>Ashcroft</td>
<td>Grams</td>
</tr>
<tr>
<td>Bennett</td>
<td>Grassley</td>
</tr>
<tr>
<td>Bond</td>
<td>Gregg</td>
</tr>
<tr>
<td>Breaux</td>
<td>H aiding</td>
</tr>
<tr>
<td>Brown</td>
<td>Hattfield</td>
</tr>
<tr>
<td>Bryan</td>
<td>Heflin</td>
</tr>
<tr>
<td>Bumpers</td>
<td>Helms</td>
</tr>
<tr>
<td>Burns</td>
<td>Hollings</td>
</tr>
<tr>
<td>Chafee</td>
<td>Huitchinson</td>
</tr>
<tr>
<td>Coats</td>
<td>Inhofe</td>
</tr>
<tr>
<td>Cohen</td>
<td>J effords</td>
</tr>
<tr>
<td>Coverdell</td>
<td>Kassebaum</td>
</tr>
<tr>
<td>Craig</td>
<td>Kemphorne</td>
</tr>
<tr>
<td>D’Amato</td>
<td>Kyi</td>
</tr>
<tr>
<td>DeWine</td>
<td>Lieberman</td>
</tr>
<tr>
<td>Domenici</td>
<td>Lott</td>
</tr>
<tr>
<td>Faircloth</td>
<td>Lugar</td>
</tr>
<tr>
<td>Franh</td>
<td>Mack</td>
</tr>
<tr>
<td>Frist</td>
<td>McCain</td>
</tr>
</tbody>
</table>

NAYS—46

Akaka | Feingold |
Baucus | Bingham |
Biden | Boxer |
Bradley | Byrd |
Conrad | Campbell |
Daskie | Dorgan |
Exon | Feingold |

NOT VOTING—1

Cochran

The bill (H.R. 743), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 743) entitled "An Act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE. This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the economic demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, because enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldridge National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham "company unions" to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against government interference;

(2) to preserve existing protections against coercive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: "Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees who participate to at least the same extent practicable as representatives of management participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply":.

SEC. 4. LIMITATION ON EFFECT OF ACT.

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that with respect to the previously ordered morning business period, that Senator DASCHLE
or his designee be in control of the first 40 minutes and that Senator Thomas or his designee be in control of the remaining 20 minutes.

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

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

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

THE DEMOCRATIC AGENDA

Mr. Dorgan. Mr. President, we had asked for some time today to discuss the agenda that we have developed over recent months, to talk about what we think we ought to be doing and where we think this country ought to be heading. I am going to speak for a few minutes. My colleagues, Senator Reid from Nevada, will address a number of the topics, and our colleague, Senator Boxer from California, will address a number of them. We will similarly have a discussion tomorrow about the same issues.

The reason we wanted to do this, it is easy to be against things. It does not take any great intelligence to be opposed to things. I think it was Mark Twain who once, when asked if he would participate in a debate, said, "Fine, provided that I can be on the opposing side." They said, "Why?" And he said, "That will take no preparation."

It takes no skill, time, or preparation to oppose. Those who oppose can do it immediately and quickly without much thought.

The question is not what we are opposed to. The question in Congress is, what do we stand for? Why are we here? What are we doing? What do we want for this country?

I begin by saying, in the end and in the final analysis, the question of whether we are on the right track in this country, whether we are headed in the right direction, is not measured by any of the myriad of statistics put out by the Federal Reserve Board or the Treasury Department or the Census Bureau or any other office in this town or elsewhere; it is, finally, measured when people sit down at the supper table at home at night and ask themselves, how are we doing? Is our standard of living improving? Are we moving ahead? Are we able to find good jobs? Are our children able to find good jobs? Are our families and children able to find good jobs? Are we secure? Is there crime in the street that threatens us? Do our kids have an opportunity to go to good schools? Are our roads in good shape?

A whole range of questions like that relate to the determination of whether individual families are doing better. In shorthand, the way of saying it is, if at the end of the day the standard of living in this country is not increasing, then we are not moving in the right direction. The question is, what kind of choices, what menu of opportunities exist for us to make decisions in this country in both the private sector and the public sector that increase the standard of living, keep us moving forward?

As a society, if you read the history of our country, you will discover that we have always had a circumstance in our society where we believed work would make it better for their children and they were willing to do things to make life better for their children—investing in schools, for example, so that we would have the best education in the world. Those are the kinds of things that created a circumstance where our economy has been a remarkable economy, producing jobs and opportunities, so that standards of living increased in our country routinely and regularly.

We have now reached a period where we are more challenged in those areas. We now have what is called a global economy in which 2 or 3 billion workers around the world now compete with about two-thirds of the American work force and others around the world. The product of that work shows up in Pittsburgh or Denver or New York or Fargo, to be sold on the shelf and purchased by the American consumer.

It all relates to this question: Are we doing the things necessary in the public sector and the private sector to improve life in America and to increase the standard of living in our country?

About a year ago, Senator Daschle, the majority leader, Senator Reid and myself to engage in an effort with other members of our caucus, a fairly substantial group of the Democratic caucus, to put together an analysis of what is it that represents our positive agenda, what kind of things do we want to see accomplished in Congress, what kind of ideas exist that we think will improve life in America. We held meetings after meeting and tried to get the best ideas that existed among those who work for their families and other taxpayers be stuck paying tens of billions of dollars that is owed especially in this proposal for welfare, what we stand for—work first. We say, that is what people who sit around the dinner table talk about. What kind of jobs do we have? What kind of opportunity do we have? What kind of security do we have? What about our kids; how are the schools? What about crime? What about values? What are the things going on through the whole series of issues surrounding families, American families.

We talk about it in the context of responsibility and security. First, we say we believe that we ought to have a balanced Federal budget. We believe it is possible, we believe it is achievable, and we believe it ought to be done. It ought to be done the right way.

There are some who would balance the budget with all the wrong priorities and last year I spoke about those who would say, "Let us cut the Star Schools Program by 40 percent and increase the star wars program by 100 percent."

Now, that is a wrongheaded approach, but we should balance the Federal budget. The era of big government is over. Our agenda does not suggest that Government can, should, or will solve all of the problems of this country. But we can contribute to the right way. More and more of us have come to conclude that we ought to balance the Federal budget. That is part of the democratic agenda.

We ought to help small businesses, medium-sized businesses, and others in this country thrive, survive, and create jobs and compete. There are a series of ways to do that, and we talk about that in the agenda.

We ought to also reinvigorate in our communities and infrastructure. We ought to make sure that the basic things that we take for granted, like our roads, rail systems, and others—are up to date and are not decaying.

Then we talk about individual responsibility and a welfare system that works. We call it work first. That is what we have to do—work first. We say, especially in this proposal for welfare, that we ought to get tough with deadbeat parents. Why on earth should other taxpayers be stuck paying tens of billions of dollars that is owed especially in this proposal for welfare, what we stand for—work first. We say, especially in this proposal for welfare, that we ought to get tough with deadbeat parents. Why on earth should other taxpayers be stuck paying tens of billions of dollars that is owed especially in this proposal for welfare, what we stand for—work first. We say, especially in this proposal for welfare, that we ought to get tough with deadbeat parents.

A national crusade to end this burgeoning teenage pregnancy in this country is part of our agenda. That of course starts at home, in the community. But we believe that is an important element of what we ought to be doing to try to improve life in this country.
On the issue of security and crime, we think the President's proposal to put more cops on the street, on the beat, to have more community policing, makes eminent good sense. We support that and would increase it. We believe that there are initiatives to keep kids off the street and out of gangs that ought to be employed. Communities know best how to do that, and we can help those communities with programs and resources.

We believe that we ought to make an even greater effort to clean the drugs out of our schools. We ought to say to everybody in this country who is on probation or on parole that you are going to be drug tested while you are on probation or parole.

Our agenda talks about retirement security. We say those who would dip into employee pension funds and leave the plan companies, that we want you to know that you are doing a disservice to the people who work in this country. Stiffer penalties for the abuse of pension funds and a crackdown on companies who have taken the money that you have earned and that you have saved in that pension fund is part of our agenda.

Making pensions portable, to move from one job to another, encouraging companies to make pensions available. Half of the American work force does not have a pension.

The issue of health care. We have already passed a health care bill that we have pushed hard for, which makes health care insurance portable and eliminates pre-existing condition instances, the pre-existing condition requirement.

Those are the kinds of things that are in our agenda. With respect to the issue of jobs, we believe that it is time to say to American corporations, and to all Americans, that we want you to create jobs in this country, not move jobs overseas. Our agenda says we are going to take the first baby step—and it is only a baby step, but we are going to force it to be taken—to shut down this reverse tax haven that says you can close your American plant, move your jobs overseas, and the taxpayers will give you a benefit.

There is $2.2 billion of reward in our Tax Code to go to companies who close American plants and shut off jobs here and move overseas. We say in this agenda that, if you cannot take that first baby step, we do not have a chance of solving the jobs problem in this country.

We believe the families first agenda is not a big government solution to what ails our country. This is a wonderful, remarkable country filled with strength, filled with, I think, hope and optimism, a country that needs to be led by people with a vision and agenda that says here are the practical steps that we can take to make this a better country, to provide for opportunity and to provide for hope for all Americans. That is why we constructed an agenda that moves us in the right direction. Yes. This is not about appealing to special interests. It is not, as so often happens in this town, responding to the needs of the powerful. It is about putting the families first, trying to understand that when all the dust settles and the day is ended, the standard by which we measure whether America has progressed is one in which we ask ourselves: Have we lived in this country for working families?

Mr. President, let me now turn to my colleague from Nevada, Senator Reid, who cochairs the effort with me in the Senate caucus, and Senator Reid will make a presentation to this agenda. He will be followed by Senator Boxer.

Mr. REID. Would the Chair advise the Senator how much time is left under the control?

The PRESIDING OFFICER. Senator Reid has 27 minutes and 35 seconds.

Mr. REID. Will the Chair advise the Senator when I have used 10 minutes?

The PRESIDING OFFICER. Senator Reid has used 10 minutes. 

Mr. REID. Thank you, Mr. President. Senator Dorgan indicated, we were asked by the minority leader to be cochairs of a Democratic task force to come up with an agenda for the Democrats. We were cochairs, and we had a number of people who worked on this. Senator from California, Senator Boxer, was one that attended, I think, every meeting that we held of the task force. I also think it is important, Mr. President, to note that we did not do this in a haphazard way. We had people come in and talk to us. We came up with an agenda not based on opinion polls, but based on our gut, what we felt was the right thing to do for this country.

After having made that decision, Mr. President, we presented our task force results to the Democratic minority, the leadership here, and they accepted, with some revisions, what we did. We then asked every member of the caucus to make some remarks, to give us what we had done, and to get back to us with the changes they thought should be made in our agenda. A significant number of Senators told us what they felt should be changed. Many of those we were able to incorporate in the final product.

After that, Mr. President, we went to the ranking members and made a presentation to them of what we had come up with. They approved of what we did. After that, we took it to the entire caucus. They accepted what we did. At that time, the minority leader, Senator Daschle, started a series of meetings with Representative Gephardt, the minority leader in the House of Representatives. After several weeks of consultations and meetings, there was an agreement on refining what we had done here in the Senate.

Following that, the presentation was made to the President, the executive branch of Government, and they approved of it. There was a final, it then was a roll-out of this product. We are very proud of what we have done. We believe that this agenda gives Democrats across the Nation a view of how we stand on issues.

The agenda is designed to do some good for American families, instead of what we believe is a misguided scheme to reshape America, which has been offered in the past years.

This new agenda features realistic, moderate, achievable ways to help every hard-working American family. It is the families first agenda, Mr. President. It is an important program because we first of all stand on security. There are all kinds of different securities that we must be concerned with. A healthy, safe family certainly is a start. Before you can discuss any of the security issues, you have to understand that we believe American families deserve economic and personal security, paycheck security, health care security, retirement security, and personal security.

Let us first talk about personal security. In this country have we had such difficult problems with security for kids. I am a father of five children, and it was a big occasion for us when our kids started school because the kids were getting into a new environment. It was a big occasion in our life when we were about to take our kids to school the first day. But basically after that the kids were safe. They either went on a bus or lived close enough that they walked. Kids did not have to worry about being beaten up or shot on the way to school. But in every corner, I can remember a real trauma in the life of one of my children. They had been sprayed with a water gun on the way home. Not anymore. Kids are sprayed with bullets from real guns. They are injured, maimed, and killed. These days we have to be concerned about a world where we have this violence. All across America violence from drugs and gangs is creeping into the halls of our schools and streets in neighborhoods across America.

The President's Office is from the beautiful State of Colorado. Mr. President, Colorado has gang problems. Colorado has drug problems. That would have been unheard of to talk about 10 or 15 years ago. But not anymore. It is the way that all across America. You cannot escape random violence and problems.

Parents across this Nation in cities, suburbs, and small towns alike are increasingly worried about their children. They do not want to come up with a single magic solution for the crime problem. But we can take a strong step to fight crime by giving our police and community leaders the tools they need to tackle violence and combat the influence of this pernicious drug problem.

We want to make sure we have enough police on our streets, and we will work to keep our promise of 100,000 new police officers for local communities. We are about 40 percent of the way there.

I can speak being a Senator from Nevada. These police officers have helped. Even in Nevada, the tourist mecca of
the world, violent crime by adults is going down. We have problems with violent crime by kids as we do all over America. But we are making progress all over America. We are making progress because we have come to the realization that it is a small number of criminals that commit the crimes—about 8 percent of the criminals—that contribute to over 70 percent of the violent crime in America, and we are taking steps to make sure that we do something with that 8 percent.

We have to be concerned—that we not only have to do something about crimes being committed, but law enforcement must be involved in programs to give them greater power to intervene with kids before they commit crimes. That is before it is too late.

We want to help local community groups offer supervised places where kids can go after school to stay out of trouble. We spend these huge amounts of money on capital construction for schools, and after 3 or 4 o'clock in the afternoon the fences are put up, the lights are turned off, and they are not used. We believe they should be used.

The families first agenda calls for putting the beat back on the streets. We talked about keeping kids out of gangs and off the streets.

But we also have to be concerned about paycheck security. Mr. President, paycheck security is something that we talk a lot about. But we do not do a lot about it sometimes. It used to be when people went to work they stayed on the job a lifetime. Now the average life of a job is a little over 6 years. People are continually afraid of losing their jobs. We are concerned about that also. We believe that if we are going to have paycheck security there are certain minimums we must have.

First, affordable child care—if we are going to get women off welfare because the vast majority of people who get aid to families with dependent children are women. If we are going to get women into the job market, we are going to have to do something about child care. There is no other way.

We do not want child labor. We want to have fair pay for women; that is, we do not shay away from it.

This is a specific plank of the Democrats' families-first agenda—fair pay for women. We just passed yesterday the minimum wage bill. Most people think the minimum wage bill is for teenagers at McDonald's flipping hamburgers—not true. Sixty percent of the people helped by the minimum wage bill are women. For 40 percent of the women it is the only money they get for themselves, and their families. We believe we have to have fair pay for women, and we did it a little bit yesterday—a small step by making sure that we increase the minimum wage.

We believe we have to have fair pay for women. It is the only money they get for women. For 40 percent of the teenagers at McDonald's flipping hamburgers—not true. Sixty percent of the people helped by the minimum wage bill are women. For 40 percent of the women it is the only money they get for themselves, and their families. We believe we have to have fair pay for women, and we did it a little bit yesterday—a small step by making sure that we increase the minimum wage.

Retirement security—many Americans cannot afford to worry about a secure retirement until it is far too late because they are preoccupied paying the bills, keeping their kids clothed, fed, and in school.

Many parents do not realize the limits of their pension plans until they are ready to retire, and there is nothing more they can do. Retirement security can also be easily thrown into jeopardy. For elderly couples, their fixed-income pensions are dramatically cut because of a company bankruptcy, or one of the mergers that is taking place in the last 10 years. Merger mania has run rampant in American business.

Middle-aged workers are forced to change jobs, and they lose years of equity in their pension plans, and sometimes totally lose their pension plans. Women learn after it is too late that their husband unwittingly signed away their survivor's benefits.

We want to make people's pensions more secure and more flexible. We want to give more people access to pensions. It is not just about big business. We want to let people take their pensions when they leave a job—portability.

We want to give families flexibility to use their IRA to buy a home for the first time, or maybe even pay for college tuition. We want to protect widows from unethical insurance companies who try to misunderstand them into signing away their survivor's benefits.

Most importantly, we want to stop companies from raiding employee pensions.

The PRESIDING OFFICER (Mrs. SNOWE). The Senator has used 10 minutes.

Mr. REID. We have 17 minutes remaining. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for 3 more minutes.

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

Mr. REID. The families first agenda calls for pension reform, making pensions portable, and protecting women's pension benefits.

Madam President, it is important, if we are going to have retirement, that there be decent pensions. Why we talk about protecting the pension savings to include Social Security and Medicare—better access and protection for women of the pension plans that they should be able to have at the right time.

We want an opportunity for a better future, to create jobs at home, boost small businesses, invest in our communities.

Education—we want educational opportunities for women. Many of our parents' proudest moments—and we have all been to them—is when they get a diploma. It does not have to be a diploma from Harvard or Yale or UCLA. It can be a diploma from a trade school. A parent is just as proud.

We have to make sure that a person's ability to go to college is not dependent on how much money their parents have.

That is what our families first agenda talks about.

For parents lucky enough to get children through school, the most common graduation present is thousands of dollars in student loans. And that applies whether the student goes to Harvard or Yale or a trade school. Parents have to borrow the same.

Education is the key to opportunity. We want to offer families a helping hand—a way to make sure their kids get to college or to a trade school without busting the family budget. We want to make sure that all children have the opportunity to advance educationally.

That is why we will offer some new scholarships to children who make good grades and stay away from drugs—a new tax deduction making college and vocational school tuition tax deductible to help families afford education and job training. Our families first agenda calls for a $5,000 tax deduction for college and job training—2 years of college for kids with good grades. And this includes trade schools.

We need affordable education. We have to make sure that our young people can advance to the best of their ability. This requires responsibility from all of us.

That is why we have supported a balanced budget without destroying Social Security and Medicare. We want to make sure that we do what we can to have corporations with a conscience.

We want to make sure that corporations have a conscience, and we feel that must be done legislatively. They have to have environmental responsibility. And certainly, can we not do something about companies that move overseas and take jobs away with giving tax breaks to companies that move overseas and take jobs away? The answer is yes. We need personal responsibility. That has to be part of the program, and that is why we have called for welfare reform that requires work. We want to crack down on deadbeat parents, and we want to do what we can to attack teenage pregnancy. It is not enough to say what we stand for. We have a responsibility to tell America what a Democratic Congress would stand for, and that is that the families first agenda does—tells the American public what we stand for.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I would appreciate it if you would inform me when I have used 10 minutes.

Madam President, I am very proud to be here today speaking on behalf of the women of California. And certainly, can you imagine that I thank my colleagues, BYRON DORGAN and HARRY REID, who preceded me today. We think it is important, as Senator Reid has said, the American
Mrs. BOXER. I thank the Chair.

Educational opportunity. I got a public education all the way from kindergarten through college. I serve in the U.S. Senate and I go toe to toe with some folks here who have gone to the best private colleges. That is America. We need to keep our young people the access to educational opportunity, regardless of their income. That is what separates us out from so many other countries. It is what makes us great. It is what has built the great middle class. We need to make sure that people have a chance to go to college, and we Democrats say that is what we will do. Everyone will have a chance to go to college under our opportunity agenda, which will provide tax deductions for college and job training. For children with good grades and no drug records we have proposed a $1,500 tax credit for the first 2 years of college in HOPE scholarships. The student has to maintain a B average and be drug free.

Economic opportunity. We are talking about making sure that if you have a family business, you do not get taxed to death when it is passed to the next generations. We are talking about a special program called State infrastructure banks, where States can leverage small amounts of taxpayer dollars to build the physical infrastructure to make sure that we have safe highways and transit, to make sure we have a safe water supply.

We must take care of our air and water. Here in Washington, a water crisis has just been issued. We ought to make sure around here that those who pollute our water are held responsible. We ought to make sure we invest in systems that work, that will provide that clean water. That is something else that we Democrats stand for.

We also stand for responsibility, not only on the part of the Government, but on the part of individuals. Yes, we call for a balanced budget. I voted for three different ones—every one of them I was proud to vote for, certified by the CBO to balance and did not hurt Medicare.

I was proud to vote for, certified by the CBO to balance and did not hurt Medicare. We also do not want to see pensions bankrupt they not only lost their jobs, they also lost their pensions.

That is wrong, and we Democrats are going to fight for pensions. That is just one example of it. There are many, many more.

We read also in the area of pensions where people with 401(k)'s, again employer-controlled plans, they buy antique cars and decorate their offices with paintings. This should not be allowed. We need more protection for those pensions. People count on those pensions, and, in many cases, women suffer the most when a working spouse dies and they are left fairly. I think we can really move forward on security—paycheck security, pension security, security from crime. These are the things that we are talking about.

We talk about providing kids, all of our kids, with health care. It is a travesty to see a situation where little kids cannot get health care, and then they wind up with serious problems, go to the emergency room, and it costs a fortune for society to pick up the tab.
Mrs. BOXER. So I think it is time to pass this Democratic agenda. I hope we will get that chance.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Madam President, I think we had some time allotted. I would like to take that time now, as much as I use.

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

MEASURE PERFORMANCE RATHER THAN RHETORIC

Mr. THOMAS. Madam President, we wanted to visit just a little bit about the program that has been set up by our friends on the other side of the aisle. I am delighted that there has been some kind of effort to put together an agenda. I think it goes to indicate a little bit about the differences that we have, in terms of solving problems for this country; differences that we have in terms of how we see the role of the Federal Government in our lives and, really, an issue about this whole matter of the end of big Government.

It is interesting. The Prime Minister this morning quoted the President and so on, saying "The era of big Government is over," yet our friends on the other side bring out an agenda that describes all the things that the Government is going to do. I have to tell you, I am a little impressed with the notion that it is a matter of some spinning for political purposes, rather than talking about what we really want to do.

The Democrats come out with an agenda to do something at the same time they are keeping from happening all the things practically that we decided to do this year. It seems to me it is a transparent kind of an idea of talking about it but not doing. Walking the walk? No. Talking the talk? Of course. And that is where we are.

So I really think we ought to challenge our friends over there to really take a look at what is happening here, and if they are talking, really wanting to do what they are saying, let us do it.

Let us talk about health care. My friends on that side have not even allowed us to appoint conferees, to do something with the health care program that is there and ready to be passed.

Our friends talk about balancing the budget. The Democrats were in charge of this place and the House for 25 years and never balanced the budget. Now the agenda is: Balance the budget.

Madam President, when you and I were in the House, we had a budget called "Putting Families First." That budget included a $500 per child tax credit, it included anticrime initiatives, it included welfare reform, it included market-based health care reform, indexed capital gains. Our friends opposed it. They said, "We can't do that."

That budget would have been putting families first, giving an opportunity for families to do the things for themselves that we think they ought to do—putting families first. I guess all I can say is that I am more and more exasperated with this process of ours where the idea is to see how much you can spin and how much you can talk and how much you can say but do not anything about causing it to happen.

It is almost cynical that we have now the most technical, greatest opportunities to communicate so people can have input into their own Government and, at the same time, it is more and more difficult to really understand what people are for. And as this election comes up, that is what we ought to be deciding: What direction do we want this country to take, not what people are going to say but, in fact, what they have done.

The records do not match this kind of rhetoric. President Clinton opposed the balanced budget amendment. Those folks all voted against a balanced budget amendment, practically all. The President vetoed the first balanced budget in a generation. That is the walk, that is not the talk. We have had that this year.

Most of us came to the Senate and said voters are very clearly, "We have too much Federal Government, it costs too much and we're overregulated," and we have tried to change that.

Frankly, the Democrats have done all they can do this whole year to keep things from happening. We had an opportunity and we still have an opportunity: the first balanced budget in a generation to reduce the size of Government, telecommunications reform hap-

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS addressed the Chair. The PRESIDING OFFICER. The Senator from Minnesota.

WORKING FAMILIES DESERVE SOLUTIONS, NOT SLOGANS

Mr. GRAMS. Madam President, we have heard a lot of talk from Washing-

CONGRESSIONAL RECORD Ð SENATE  July 10, 1996

ton recently about the hardships that are facing working Americans. Tax rates are up, job opportunities are down, interest rates are rising while paychecks are shrinking and take-home pay is not going anywhere at all. But the families trapped on this eco-

nomic seesaw are wondering anxious and unsure about the future, and they are looking to the Federal Government for some change.

Most everyone agrees that a funda-

mental responsibility of Congress and the President is to try to help en-

sure greater opportunities for working Americans, so men and women can seek better jobs that will lift their standard of living, and the real debate going on in Washington today centers around just how that should be accom-

The Democrats in Congress are say-

the answer is to simply raise the minimum wage. But that is a political
smokescreen that flies in the face of reality, an attempt to mask a 40-year record of voting for policies that have actually lowered family incomes.

The truth is that most minimum wage positions are either part-time jobs held by students or low-level jobs for young people who are just trying to get into the work force, or second jobs held by men or women whose spouse is the primary breadwinner.

Raising the cost of doing business by raising the minimum wage is probably going to mean even fewer of those jobs. Some statistics say as many as 600,000 of those jobs will be lost, killing work opportunities for young people and those families who depend on that second income.

Besides artificially inflating salaries by hiking the minimum wage, it ignores the real concerns of many working Americans, working Minnesotans. Yes, they want better jobs that pay better salaries, but they have told me repeatedly that what matters most is not how much you earn but how much of your own paycheck you are allowed to keep after the Federal Government has deducted its taxes.

We also debated the issue and put the issue of minimum wage to rest by passing that legislation yesterday. Yet, the issue of tax relief for families has been virtually ignored in the Democrats’ ideas recently in their recently released blueprints for their 1996 campaign season that they have entitled “Families First.”

They are billing their plan as a roadmap for the future of their party. Congressional Democrats have not created an agenda for change but have instead produced a byproduct of some ambitious political polling. They say that they are in favor of education, in support of welfare recipients working, and helping families and helping children. In other words, if a majority of Americans told the pollsters they liked it, then according to the Democrats, they like it, too. “Some people say it is a tiny agenda, it is too modest or too bland * * * and my answer is that whatever it is, it is what people told us is their concern now.” And these are the words of House Minority Leader RICHARD GEPHARDT, in what really was a surprisingly forthright nod to the power of election-year polls.

Let me say in what RICHARD GEPHARDT said, He said, “Some people say it's a tiny agenda, it's too modest or too bland * * * Mr. GEPHARDT went on to say, “and my answer is that whatever it is, it is what people told us is their concern now.”

Again, the results of their polling.

This tiny agenda, however, comes with a massive price tag. Paying for the families-first promises could cost American taxpayers an additional $500 billion over the next 6 years. While the document is intentionally vague that computing a precise cost estimate is next to impossible, it is clear that the cost would be enormous, especially if you add that new cost onto the $265 billion tax hike imposed by President Clinton and the Democrat-controlled Congress in 1993.

If the families first title sounds familiar, well, it ought to because back in 1994, Republicans in the U.S. House championed a proposal we called “Putting Families First,” which I introduced along with Congressman TIM HUTCHINSON of Arkansas.

We introduced that families-first bill in 1993; and in 1994, it became the Republic alternative; and in 1995 and 1996, we worked it into our first balanced budget that we sent to the President last year. So the families first title is not new.

Unlike the Democrats' families first, however, it was not a political statement, it was not a statement that we conjured up to coax voters in an election year. Our plan, our families-first first sought, was a well-reasoned alternative budget proposal that was specifically crafted to create new opportunities for working Americans, to give them those job opportunities and the better pay that they are talking about.

The heart of our plan was a $500 per child tax credit that would benefit 529,000 Minnesota families. Nearly $50 million a year in tax savings would go just to the residents in my State of Minnesota. That is far more than the 12,000 heads of households in Minnesota who would be eligible for the boost in the minimum wage, according to data compiled by the Joint Economic Committee.

So what would have done more good? It would have been better to pass some of the tax relief that we have advocated and called for rather than a smokescreen of just a small portion in the minimum wage. Putting families first sought to be a well-reasoned alternative by reforming the broken welfare system, combating crime through new get-tough initiatives, by offering sensible health care reform while reducing the deficit by $150 billion. Republicans in both the House and the Senate embraced it as our alternative to the big get-tough initiatives, by offering sensible health care reform while reducing the deficit by $150 billion. Republicans in both the House and the Senate embraced it as our alternative to the big taxing, big spending budgets of the past.

As a potent prescription for dramatic change, putting families first offered a strong defense of the American family. The Democrats’ version of families first is a placebo, a lackluster concoction that will masquerade as some new medicine, but in reality it offers no cures.

Republicans followed through on putting families first by passing budgets in 1995 and 1996, balanced budgets, that built on that strong foundation. We have pledged to continue to fight for fiscal restraint, for additional tax relief to make it easier for businesses to be able to create those better paying jobs, and a balanced budget that will reduce interest rates and the amount that a family has to pay on their mortgage, on their car loans and student loans.

Minnesota families deserve solutions, not just a lot of empty slogans. If the Democrats are serious, if they are serious about trying to ease the tremendous burden faced by American workers, then they will drop the campaign theatrics and they will help join the Republicans in truly putting families first by turning our promises into law. I think they deserve nothing less than that.

I thank you, Madam President, and I yield the floor. If there are no other speakers, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Madam President, as I understand, morning business has expired.

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. I will use my leader time and only take so much time as may be required prior to the time we are prepared to go to the DOD bill, which I understand is imminent.

THE ACTION AGENDA

Mr. DASCHLE. Madam President, I wanted to call attention to the fact that yesterday, as we passed the important piece of legislation dealing with minimum wage, one of the issues that I do not think got the kind of attention that I had hoped it would receive, and really deserves, has to do with pensions and has to do with the significant new contribution we made to pension reform in the package of amendments that we added to the minimum wage bill.

That legislation dealing with pensions has several categories, one of which is an issue which a number of our colleagues have expressed a great deal of concern about and are prepared to support in a series of amendments dealing with women's pension equity. There is a significant disparity among working people, between men and women, with regard to pension equity.

Senator BOXER and Senator MOSELEY-BRAUN, in particular, added amendments to this package which would begin to address that disparity, which would begin to close the gap, the chasm, really, between men and women when it comes to pensions. I want to publicly commend them for their leadership and their willingness to work with all of us to find a way with which to begin making the effort to close that gap and to provide the kind of equity that I know all of our colleagues would like to achieve. Senator BOXER's provision will make it more likely that surviving spouses—typically women—will be able to avoid significant cutbacks in the level of retirement income provided while their spouses were alive. Senator MOSELEY-BRAUN’s provisions
will remove roadblocks that can prevent surviving spouses and former spouses from getting the benefits they are entitled to from both private sector pension plans and Federal retirement programs.

Beyond women's equity, we also dealt with the issue of pension portability. We have a very significant problem in this country that exists every time someone wants to leave their job to go to another job. Pension portability is almost as serious a problem as health care portability. We need to find ways with which our workers can take pensions with them and keep increasing retirement savings without obstacles or cutbacks as they move from one job to the next. This bill will expand the PBGC's missing participant program to help ensure that retirees who have lost touch with their former employer never find their benefits unexpectedly forfeited when the pension plan terminates. It will also make it easier for employees to exercise their employers' 401k plan immediately, rather than waiting to benefit.

Finally, there are a number of issues relating directly to pension security that have to be addressed. Security for pensions is something that increases in urgency for workers as they get closer to that date when they will retire. There is a pervasive sense of insecurity about pensions in retirement today. Working people, men and women, are very concerned about whether or not they will have the capacity to deal with the problems that they know they will confront with regard to their own income viability, their own ability to ensure some confidence that they will have the necessary means to live in some security and comfort during retirement. The way that we are going to be able to address that effectively is to put the kind of priority and attention on pension security that it deserves. We took an important step yesterday by increasing guarantee benefits provided to retirees from multiemployer pension plans that become insolvent.

Several months ago, we laid out our desire to see an action agenda addressed. That action agenda has four components. The first was personal security and the need to ensure that people are safe in their neighborhoods. The second was paycheck security and the real desire that working people have to earn more income. The third was health security. And the fourth is pension security.

Madam President, we are now at a point where we have been able to address all four of those security questions. We have been able to protect the cops on the beat program. We have made a downpayment in providing better personal security out on the street than we had before. Yesterday, we passed the minimum wage bill.

We passed on both sides of the aisle, hopefully, to resolve our differences in the Kennedy-Kassebaum legislation. I hope we can, at some point, put that bill back before the Senate in an effort to resolve what remaining differences there are, in an effort to move it forward and to have a Presidential signature and, at long last, declare our victory with regard to the Kennedy-Kassebaum bill. Health insurance portability is something we all ought to support, and, in fact, have supported. The Kennedy-Kassebaum bill passed by a vote of 100 to 0. There is no reason whatever that this should not happen this month. I hope we can continue to keep our eye on the ball. Our eye on the ball in this case is clearly portability for health insurance.

All the other issues, as important as they may be, can be resolved, as well. But the important issue, the one matter that unites us all, is the need to have that portability. We ought to use this legislation to get that job done.

Now, finally, pension portability and pension security—it is critical we get that legislation passed. I am hopeful with the action taken yesterday that will happen.

This is part of a larger agenda the Democrats have laid out, having three components—security, which I have addressed, opportunity, and responsibility. We will have a lot more to say about those three components in the coming months and I know that we are now prepared to go to the pending matter. For that, I yield the floor.

(Mr. DeWINE assumed the chair.)

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I have now completed the process that was laboriously worked out to take up and consider the small business tax relief package, the House-passed package that included minimum wage and some tax considerations. Then we added to it the Finance Committee's work and the managers' bill. We completed that process whole yesterday, and we are now ready to consider amendments to the TEAM Act. We have passed the TEAM Act.

In connection with all of that, earlier, we had caught up in that maze the taxpayers bill of rights II. I tried yesterday to clear that for unanimous consent because I believe there is overwhelming support for the taxpayers bill of rights II. I know one of the principal architects of that legislation is Senator Majority Leader. But there is an objection heard to it because I understood maybe there were amendments that were being considered to be offered to that bill. I understand now that maybe that is not true. I know that Senator Frist is for it, and I think maybe Senator Grassley, and others, are working to see if we can get agreement on that. That is something that we clearly should do to give the American people some further rights that they are dealt with by the Internal Revenue Service. That is something we should do, and it is long overdue. But there was objection.
July 10, 1996  CONGRESSIONAL RECORD — SENATE S7627

on this side who believe that it is important that we have a good debate about this bill and about this issue. They have amendments that they may be interested in offering. They want the opportunity to offer those amendments. I do not think we should take that right away from them.

So we would not be in a position to agree today to pass this piece of legislation. We would need to look at the Hatch amendment. We need the opportunity, at least, to offer amendments. I think it is important that that be done.

So, on that basis, we object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to yield to the distinguished Senator from Utah, the manager of this legislation, and just note that this was brought up and debated for a period of time. I was under the impression that the Hatch amendment was available. I have a copy. I know the other side does have it now. I would like to hear from Senator HATCH on this matter. If, after review, perhaps they find that they could then agree, then we would be prepared to ask for unanimous consent later today to get this matter taken up and considered.

I yield to the Senator from Utah.

Mr. HATCH. Mr. President, the majority has had this amendment for a long, long time. All it does is it takes the House bill, which would reimburse Billy Dale for his attorney's fees incurred in the criminal matter. Our amendment makes it clear that we are only reimbursing him for those attorney's fees, not for any congressional appearances; nor are we reimbursing anybody else for any congressional appearances. It clarifies and, I think, refines the bill so that it can be sent back to the House. I believe they will take that in an instant because there is a reason to do it here. It is time to solve it. It got embroiled within the minimum wage debate. This is one of the reasons why many of us on this side agreed to go ahead with the minimum wage, which I believe the distinguished Senator from South Dakota and others on that side believe was a victory for them yesterday. I thought that once the minimum wage problem was solved, there would be absolutely nobody in this Chamber who would not want Elaine Chao to be.regex tremendous injustice to a person who has been treated very badly. I do not believe there is anybody here who would really object to this bill.

Let me just say this. In the wake of this FBI matter, Mr. Dale and his colleagues have found themselves in the news once again. After trying to put the circumstances of their firings behind them, it was discovered that Mr. Dale's FBI file was requested by the White House Security Office—and let me repeat after—he was fired—7 months after—and right before he was indicted. It appears that the Travel Office seven were not only fired unjustifiably, but in some cases their personal and private FBI background investigation files, or file summaries, were inappropriately requested and possibly reviewed.

I find it outrageous—as I think most others do—that the Clinton White House would have fired these public servants in such an insensitive and unfair manner and then improperly access private information on some of them—especially Mr. Dale. That is how this whole thing got started. When they found that long after they fired this man, and had done so inappropriately, and then intended to indict and prosecute him unjustly, they got these special secret files from the FBI on Billy Dale.

Now, this just simply demonstrates the arrogance of power of some in the White House with regard to this matter. To hold this up any further, even for amendments, it seems to me that there is something that anybody has to think about, because previous attempts to pass this measure were stalled by our colleagues on the other side of the aisle, even though many of them told me they support the measure, including the distinguished Senator from Arkansas, Senator Pryor, who was the one who spoke up when we first brought this bill to the floor.

First, Members on that side wanted to offer the GATT amendment. That was Senator Pryor. Then there was the minimum wage amendment. I thought once we solved the minimum wage issue, we would surely be able to bring this up and get it done. Now the Senate has dealt with both the GATT program and the minimum wage. And now I understand, if I heard correctly my colleague from South Dakota, that some of his colleagues have a desire to bring up additional unspecified amendments.

Indeed, I have to say it was requested at the staff level that the Senate delay consideration of this legislation until Mr. Dale responds to some questions submitted to him at the Flegenette hearing.

Give me a break. It is beginning to look like some of my colleagues on the other side of the aisle want to kill this bill more than anything else. I do not know of anybody who is willing to stand up and say that. But that is what it looks like.

I think our amendment clarifies legitimate government amendments to the Billy Dale bill. I encourage my colleagues to produce them. Let us review them.

My hope would be to work something out and pass this bill today. And I am willing to work with my colleagues and accommodate it. This is a bill with the support of both Republicans and Democrats alike in the House.

Frankly, I fail to see any reason for holding up a measure that would simply correct the injustice of firing from the Travel Office firing. Throughout the lengthy debate on this bill, we must not forget that the bill is about Billy Dale and the other Travel Office employees. It is a bill that would reimburse their legal expenses for defending themselves against an unjust criminal investigation and prosecution.

Let me again explain unbelievable circumstances for their terminations.

After years of faithful service to the Government, Mr. Dale and other Travel Office employees were fired on May 19, 1993. In an attempt to justify the firings of these loyal public servants who worked for both Democrats and Republicans in the White House, the current White House met with and urged the FBI to investigate the Travel Office. The allegations brought against the Travel Office employees were conducted by those who had a vested interest in running the office themselves. If being fired was not tragic enough, the Department of Justice launched a Federal criminal investigation against the Travel Office employees.

As I have said, Mr. Dale was subsequently indicted, and despite the weakness of the case against him and after only 2 hours of jury deliberations he was acquitted. Because of questionable use of the Federal criminal justice system, Mr. Dale was forced to spend $500,000 in legal fees. The other Travel Office employees collectively spent $200,000 in legal fees for their defense. And aside from the crushing financial burdens on these people, these individuals were also burdened and continue to be burdened with defending their reputations.

The targeting of these dedicated public servants because they held positions coveted by political powerbrokers, I think, demands an appropriate response by this institution. And, although we can do absolutely nothing to restore their reputations, their dignity, and their faith in the White House, it is only just that the Congress do what it can do to rectify this wrong.

By providing attorneys' fees we can at least financially make these Government employees whole—these innocent Government employees whole.

That is why we should be embarrassed by the way our Government treated these seven Travel Office employees, and we should make up for it by passing this measure today.

One last thing: The President himself indicated that he would sign this bill. And despite that, Mr. Dale and other Travel Office employees collectively spent $200,000 in legal fees for their defense. I give him credit for that. And, frankly, it was his White House that caused these tragedies. And he is willing to sign the bill.
There are other bills that the amendments can be added to that are non-germane. If there is something that is germane to this bill, bring it up. We will bring it up now. We will solve those problems. But we will right this tremendous injustice and wrong. And this is the time to do it.

I am hoping that my colleague, the distinguished minority leader of the Senate, will recognize this. I hope that he can get the folks on his side to cooperate and get this measure passed once and for all and then let us go to battle on these other future issues at a later time.

On this one I do not think there is that much opposition among anybody on the Senate floor. At least I have never heard one ounce of opposition to this bill to right these wrongs.

Mr. LOTI. I yield the floor.

Mr. DASCHLE. Mr. President, the distinguished Senator from Utah raises a couple of points that I wish to take just a moment to respond to. I know there are others on the floor who want to go to the DOD bill.

The Senator from Utah indicated that there are those who are asking questions from Dale in particular with regard to reimbursement for legal fees, and that we were using that as the reason for holding this bill up. We are not using that as the reason. We have not said that until we get that information we are going to prevent the bill from coming to the floor. That is not our desire necessarily. But there are reports that Mr. Dale had a fee arrangement with his attorneys, and that fee arrangement was just a fraction of what this bill would provide with regard to reimbursement for legal fees. If that is the case, then to provide a fee or a reimbursement many times what the fee may have been for Mr. Dale it seems to be inappropriate.

The second issue is how unprecedented is the nature of this legislation really is. It is virtually unprecedented. I will not ask the distinguished Senator from Utah today if he can give me a list of all of those occasions when we have done this in the past. But I think he would be hard pressed to do that.

Mr. HATCH. I yield the floor.

Mr. HATCH. I think it is unprecedented. Talk about unprecedented. It is unprecedented. That is the White House right order the investigation, which is what happened here.

Mr. DASCHLE. Mr. President, I take back the floor. Let me just say that is not the case. And the Senator from Utah certainly knows is not the case. That is not what happened, and I hope we could make sure that the RECORD at least would be accurate as we address the circumstances involving this matter.

But the issue is we are willing to establish a new precedent here; that every time somebody is investigated, every time somebody is found to be innocent of some charges, the Government then automatically reimburses that person for whatever legal fees they have incurred. If we are prepared to do that, I think this side would have a very significant list of people that we may want to address. Shall we do that for Congress as well? Where does it stop?

I think all of this needs to be considered much more carefully than we have done thus far.

We have amendments we want to talk about. I think a good debate may be in order before we set this precedent. Before we are asked to put our names on the line and vote affirmatively or negatively on this issue, ultimately I think a much better understanding of the facts and a far better understanding of the complications regarding the unprecedented nature of this legislation ought to be considered. So for those reasons, we are not prepared to go to the bill today.

I yield the floor.

Mr. HATCH addressed the Chair. The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The minority leader is my friend. He knows that. I care for him. He is a very fine person. I have to tell you that I do not think anybody can come to the floor and say the White House in this instance did not do an injustice here; that they did not try to use the force of Government, the FBI, the Justice Department, and others to go after a very good person, and others working with him who have worked for both Republican and Democrat administrations and to do it to take care of their own people. I have to correct the record with regard to that. I do not think anybody doubts that. It is pretty much admitted. Even the President said he would sign this bill. That was not easy for him because he was in essence saying that he recognized that this is, I think, a very significant list of people that the President would never end.

If somebody in a Republican White House should have done that, the fuss and furor would never end.

We have tried just to resolve this problem in a dignified, reasonable way, and do it by paying their attorneys' fees that they incurred just for this unjust criminal investigation and trial.

According to the congressional investigation, certain individuals inside the White House and outside of the White House were responsible for these firings. Catherine Cornelius, a cousin of the President, employed at the White House, Harry Thomason, a personal friend of the President and First Lady, Darnell Martens, Mr. Thomason's business partner, and David Watkins, again—how often does he surface—assistant to the President for management and administration, these are the people who showed it to these time-honored employees.

In December 1992, discussions took place between Miss Cornelius and World Wide Travel—a very appropriate name—the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Miss Cornelius—keep in mind, that is the cousin of the President—and soon thereafter, after he hired Miss Cornelius, the Travel Office began taking calls for Miss Cornelius as the new head of the Travel Office.

In February 1993, Cornelius provided Watkins with a proposal that would make her, the President's cousin, codirector of the White House Travel Office and would hire Worldwide Travel, the Clinton-Gore campaign travel group, as the outside travel specialists.

In April and May of 1993, Cornelius began to focus on the Travel Office and, with Harry Thomason, claimed that there were allegations of corruption within the office and this time, Miss Cornelius and Mr. Thomason pushed that Worldwide Travel take over the Travel Office business of the White House and other offices in Government.

In mid-May 1993, employees of the White House counsel’s office, Miss Cornelius and others, met with the FBI regarding the Travel Office. Although the FBI was unsure that there was any evidence, or certainly enough evidence in existence to warrant a criminal investigation, William Kennedy, whose name constantly surfaces, former law enforcement agent, claimed that the White House was doing an FBI evaluation came from the highest levels of the White House.

At this time, they determined that Pete Marwick and Mitchell, the accounting firm, would be asked to perform an audit of the Travel Office.

On May 14, Pete Marwick's management consultants made their first trip to the White House.
On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomasson informed Mr. Watkins that a decision had been made to fire the Travel Office workers and employees. Kennedy informed the FBI, who warned him that the firings could interfere with their criminal investigation. Kennedy informed the bureau that the firings would go ahead as planned.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charts. Meanwhile, Mr. Kennedy then instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings. At 10 a.m. that morning, that very same morning, Watkins informed the Travel Office employees that they were fired because a recent government investigation was due to be issued. They were informed that after all these years of service to this country, service to the White House, both Democrat and Republican administrations, that they had 2 hours to pack up their desks and leave.

Watkins learned that Press Secretary Dee Dee Myers had publicly disclosed the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She had been warned. She knew that what they had done was wrong. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on the 17th, however. So you can see what we are dealing with here. The report was written by people who were on Mr. Marceca's computer disk and never seen by Mr. Watkins. We do not know what was taken out of the office. We do not know how many of those files were copied. We do not know if they were put the guts back in and out and been used somewhere in the White House. We do not know if they were prevented, did the things that were right, were the people who are dishonest, by people who hate the nominee, by people who just plain are misinformed, if some of those matters came out, they could destroy the lives of some of these eminent people today who are doing terrific jobs, deserve our acclaim, deserve our support, and who, literally, are among the greatest people in our society today.

All of us are sinners in the sense that all of us fall short of the glory of God. These files show that in many ways.

Frankly, nobody to this day knows just what was taken out of those sensitive files. What we do know is that two people who had absolutely no qualifications, no training whatsoever, who were known to do opposition research—what is it that people do, sometimes, to find out all they can about the other side; generally, it is called dirt digging—these people who were known to do this were placed in charge of that office, and one of them ordered up all these files that now are approaching almost 900 files. People thought it was only 307 at first, but it is now up to 900, and it may be more than that. We have no absolute way of knowing.

We do not know what was taken out of those files, but we do know there were pink slips put in some of the files that indicate the guts had been taken out and been used somewhere in the White House, and then the testimony was that they put the guts back in and pulled the pink slip out. So we do not know how many of those files were copied. We do not know how many of them were on Mr. Marceca's computer disk that he took home from the office, this low-level employee. We do not know any of that.
What we do know is this. Senator DeCONCINI, at a very appropriate time here, was chairman of the Senate Intelligence Committee. His top staffer in charge of security on that committee, and thus one of the top experts in the whole field, remanded you the files secretly conducted an investigation of the White House Security Office and found its operations seriously inadequate. Senator DeCONCINI wrote to the White House, telling them they better fix up this problem of security at the White House. They did not get something other than Mr. Livingstone and Mr. Marceca to take care of these matters and to get some people there who are trained in that area.

As I understand it, Lloyd Cutler—for whom I have a lot of respect, who is certainly a brilliant White House counsel—agreed with the letter 2 years before all this surfaced, and still nothing was done.

Now, we do not know who in the world hired Mr. Livingstone and Mr. Marceca, other than Mr. Stephanopoulos said, “Well, it was Vincent Foster.” Vincent Foster is no longer with us, tragically; tragically, now. What is easy to blame somebody who is deceased, who cannot speak for himself. But we know there are others there who had something to do with hiring these two yo-yos and putting them in charge of these sensitive files.

That is what is involved here. The only way all of that came out was because when the excellent chairman of the House Government Reform and Oversight Committee, Congressman CLINGER, demanded papers that the White House refused to give, throwing up executive privilege. They refused to give those papers. Finally he forced them into giving 1,000 of 3,000 pages that clearly were not covered by executive privilege. The White House tried to hold back on him. And, lo and behold, looming up out of all of those names was the name of Billy Dale, that for which they were looking, to see how badly treated this man and his associates were.

Frankly, that is how this has all arisen. But it is not only Billy Dale, but all kinds of other former White House heavyweight Republicans, as well as many others who were not.

People all over the country are now asking, when is this all going to end? When is the Federal Government going to quit being the all-seeing eye into the backgrounds and personal matters of its citizens? How can we protect ourselves from a “1984”-type government that snoops into everything that we do or have done? All of that came out of the Billy Dale matter.

To my colleagues on the other side, I am going to give them just a little bit of advice. I am not used to giving them advice. This is something I would not want to play around with. This is one that, it seems to me, would be well to pass. Do what is right and get rid of it. I think the White House, my friends on the other side and everybody else will be much better off if we do.

If this is not resolved and resolved quite soon, I have to admit, this is something I am very upset about it. It is a mess. It is wrong. I, for one, am very very upset about it. I hope my friends on the other side will see the clarity of getting rid of this matter and going on to the business of the U.S. Senate.

I hope we will not have any more desires to have nongermane amendments after we have gone through thisiasco of the minimum wage, which was ostensibly the reason for holding up the Billy Dale matter. If they have germane amendments, let us face them. Bring them out here, we will debate them, we will vote on them, and whoever wins, wins; whoever loses, loses. And we will pass this bill and do what is right, and, hopefully, when the President signs it, it will put it to bed. That is what I would like to do.

I know I have taken a little longer than I care to take on this, but this is something I feel very deeply about. I have gotten acquainted with Billy Dale through the hearing process and so forth. It is a very fine man. He did not deserve what happened to him. We should do what is right in rectifying this wrong that started in the White House, which misused the criminal process to abuse and persecute and, ultimately, prosecute this man at a huge cost, probably the cost of losing his whole estate under the circumstances.

So I apologize to my colleagues for taking so much time. I do feel deeply about this. I know my friend from Hawaii and others have important business to go ahead with.

I yield the floor at this time. The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first, let me commend my colleague from Utah. I think he made a very able, very cogent presentation with respect to the merits of reimbursing someone who found himself in a situation, through no fault of his own, having to spend hundreds of thousands of dollars. I certainly think we should move with speed to deal with that.

SEVERE ECONOMIC CONSEQUENCES TO NEW YORK UTILITY RATEPAYERS

Mr. D'AMATO. Mr. President, I rise to speak on another issue. Yesterday, the Senate gave overwhelming passage to H.R. 3448. Among other things, H.R. 3448 contained the Small Business Job Protection Act. That bill did a lot of good things for many Americans. For example, it extended the employer-provided education expenses for undergraduates and graduate students, something that had been allowed to run out.

It helped provide volunteer firefighters with their service awards—hundreds of thousands throughout this Nation. It brought about spousal IRA's for nonworking spouses, which is long overdue. Both Republicans and Democrats talked about this. And the tax provisions were provisions which were unanimously supported by the Finance Committee. Indeed, the distinguished Senator from New York is a co-chairman, co-colleague and ranking member of the committee, and I both supported this bill.

But, Mr. President, we supported it with a caveat, as it came up for markup, the one on the amendment of Senator DECONCINI to redeem their tax-exempt bonds within 6 months. I said to you what that would mean, and let me tell you how much in the way of bonds that we have.

We have outstanding $3.3 billion worth of tax-exempt bonds. Con Edison has outstanding $650 million; Brooklyn Union Gas, $650 million. If these utilities were required to redeem their tax-exempt bonds with ordinary bonds, it would mean that the taxpayers and ratepayers of Long Island, Westchester, and New York City would pay an additional $55 million over the life of those bonds. We are talking about $1.6 billion—more than $1.6 billion.

Let me say, we already pay the highest electric rates in the Nation. This would cost Long Islanders alone more than $35 million a year.

That is just unconscionable. Let me say here and now, we are not going to stand still for this. This Senator is not going to agree to anything that would continue to burden our taxpayers and ratepayers of Long Island, Brooklyn Union Gas, Con Edison.

But, Mr. President, we supported it. We have outstanding $3.3 billion worth of tax-exempt bonds. Con Edison has outstanding $650 million; Brooklyn Union Gas, $650 million. If these utilities were required to redeem their tax-exempt bonds with ordinary bonds, it would mean that the taxpayers and ratepayers of Long Island, Westchester, and New York City would pay an additional $55 million over the life of those bonds. We are talking about $1.6 billion—more than $1.6 billion.

Now, we were assured that it would be dropped from the bill, it would be dealt with, that technically they would take care of it. “Don't worry,” in between the time of the markup and bringing this bill to the floor and passage, “don't worry about it. It will be taken care of.”

We are not looking to disadvantage anybody. If my State and the taxpayers of my State have to pay $65 million a year more in order to save $80 million over a 10-year period of time, somebody's arithmetic does not add up, and it does not make sense. I am not going to stand by and have our ratepayers get hit with this unconscionable kind of nonsensical—nonsensical—legal gymnastics. It does not make sense.

I understand, the Treasury will pick up $80 million—approximately $80 million—over a 10-year period of time, but it will wind up costing the New York ratepayers and taxpayers and those
who pay their utility bills, because those costs will be passed on from the utility to the ratepayers, $65 million a year more. Over a 25-year life—and it is a minimum of 25 years—it is $1.6 billion.

Let me tell you, Long Island already has the highest energy cost in the Nation. We are going to add another $30 to $35 million a year to that. We have jobs that are fleeing, industries that cannot compete, people who cannot use their air-conditioning in the summer because the rates are so high, the highest rates in the Nation.

So it was not an idle threat when this Senator and my distinguished colleague, Senator MOYNIHAN, indicated to the committee and to the chairman that this provision was not one that was acceptable. As a matter of fact, I assumed, given the promises that were made to us that it was taken care of, that it was dealt with in a way that would not create that burden, and that is what we were promised. That is not the case.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. D’AMATO. Certainly.

Mr. MOYNIHAN. He used the word “threat,” but then said “promise.” The point here is that we had an understanding. Would he not agree we had an understanding?

Mr. D’AMATO. That is correct.

Mr. MOYNIHAN. Would he not agree that this can be changed, but that if the bill is to go to conference, since we cannot bring it back up, it is possible for it to go to conference with an understanding on the part of the conferees that they will not return without a correction having been made?

Mr. D’AMATO. I believe that would be the only way in which we could handle this matter.

Mr. MOYNIHAN. We would not be able to agree to conferences?

Mr. D’AMATO. That is correct.

Mr. REID. Will the Senator from New York yield for a question?

Mr. D’AMATO. Certainly.

Mr. MOYNIHAN. We have two here.

Mr. REID. Whichever New York Senator has the floor. It appears this is a bipartisan statement. I want to make sure it is a nonregional statement, and covers the whole United States. We in Nevada have utilities extremely hindered by the result of what we did to you yesterday.

Mr. MOYNIHAN. We would welcome associates and—I do not presume to speak for my colleague, I just think I can say that we would like to be of help to anybody on this question.

Mr. D’AMATO. Let me assure any colleague from Nevada that it would not be my intent to have this deal just with New York. Indeed, all of those utilities that would be impaired and the ratepayers should not suffer regardless of what State they are in.

Indeed, if the utilities have used tax-exempt bonds—and I imagine they would find themselves in a similar position we find ourselves in.

Mr. REID. I appreciate the answer of the Senator. Nevada Power is the utility that handles the power generation for 67 percent of the people in the State of Nevada and is affected very badly. Therefore, we stand by the New York delegates to assist you in whatever way we can.

Mr. MOYNIHAN. If I may just say, with one last question, does the Senator agree we should speak with our distinguished friend, the chairman of the committee, and if we cannot work out instructions to the conferees at the time they are appointed?

Mr. D’AMATO. I agree with my colleague and friend, the distinguished senior Senator and ranking member of the committee. That is why I have a great deal of confidence in the Senator’s suggestion that this would be a way in which we could work it out.

I am sorry that we had to come to the floor. Let me say, this matter is now one that has been outstanding for approximately a week—more than a week—in which we have been attempting at the staff level to work it out. Then when we find that it has not been done, I give you the cause for concern, because unless we can get that agreement prior to going to conference, I think we would be foolish to move to conference.

So I hope we can get this agreement worked out. But, failing that, notwithstanding there are some magnificent provisions in this bill—just take a look: giving to employers the educational expenses that my colleague and I have worked to restore, and I am very proud of the fact we worked to restore that. Our graduate students, our nurses who are required to get additional education, right now if the hospitals reimburse them, they have to pay income tax on their tuition. That is silly. We want to encourage education.

The spousal IRA is a wonderful thing. We want nonworking spouses to be able to contribute to an IRA.

Having said that, I do not believe that this is fair to the ratepayers of New York to be stuck with this onerous provision that does little in the way of raising revenue but creates a $1.6 billion hit on our ratepayers.

Mr. President, I thank my distinguished colleague for joining with me, and I certainly hope we can resolve this matter, because I think the legislation is good, it is important, I want to see it passed, and I certainly hope we can work this out before this matter goes to conference.

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

The PRESIDING OFFICER. The clock will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the brief statement that I made will not consist of a second speech on the same issue. I am going to talk now on the underlying bill.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, I advised my colleagues, Senator STEVENS and Senator INOUYE, that I have been very interested in Nevada. Indeed, I think it would be to their interest if they went back to their offices and spent the afternoon doing something more profitable. I am going to talk here for as long as I am able to do so, which may take 4 or 5 hours. I may get tired after that.

But I have been over here. I told my friends I would not object to the defense appropriations bill being brought up, which I will not do. But I have been listening to what has gone on here this afternoon, and I think that we should talk about things that are important to talk about.

I have had the good fortune, since I came to the Senate, to be able to serve on the Appropriations Committee with my friend from Alaska, the senior Senator from Alaska, and the senior Senator from Hawaii. I have only the greatest respect for them and the work that they have done all the time I have served with them on the Appropriations Committee.

I think they have rendered great service to the country in the way that they have handled the appropriations bills every year that I have been on the committee. I am sure that will be the same this year. I am sure when the appropriations bill comes up, that I will support that appropriations bill. I am not on the subcommittee, but I have watched with interest and sometimes in awe at the way they have handled the bill.

But, Mr. President, there comes a time in the life of a Senator when you have to talk about principle. Even though I have the highest respect for Senator STEVENS and Senator INOUYE, I am going to have to take a little time with my colleague, Senator BRYAN, and talk about what is happening to the State of Nevada.

We have heard some lectures here this afternoon about moving to important things. We talked about something dealing with the Travelgate and Billy Dale. I am sure that is important, and I think we should spend some time debating that issue. I am willing to do that at the right time.

Mr. President, we have a matter that we have been told is going to be brought up, S. 396, the Nuclear Waste Policy Act of 1996, which is a fancy name for putting, without any regulation or control or safeguards, nuclear waste in Nevada. In effect, what they will do is pour a cement pad and start dumping nuclear waste on top of the ground. That is about it. We cannot allow that to happen without putting up a fight.

I regret that the Senate has decided to take its limited and valuable time
to consider this needless and reckless bill. That is what it is. It is needless because the President of the United States, Bill Clinton, said he is going to veto the bill. He said so in writing and he said so publicly. The last time he said it was last week, in Las Vegas, Nevada. But we are in some political season here where chits are being exchanged or whatever.

Give me a reason why you would bring up a nuclear waste bill that the President said he is going to veto when we have other appropriations bills pending. According to an hour-long speech I have listened to here today, I have Billy Dale we are concerned about. We have not done anything with health care reform, and should do that some time, should take a couple days debating that.

Mr. President, we have more important issues that deserve our attention. I wish we would spend a little time here debating organ transplantation. I wish we would have a day here and tell the American public how important that is. The Chair understands how important it is. I was in the House of Representatives, served on the Science and Technology Committee. Al Gore, now the Vice President of the United States, was a Member of the House from Tennessee, and he was chairman of the subcommittee called Investigations and Oversight.

We held a hearing that lasted several days on organ transplantation. I will never forget as long as I live a little girl by the name of Jamie Fiske, a girl that came to see us. She was yellow. Her color was so bad because she needed a liver. As a result of the publicity from that hearing, Jamie Fiske was a lucky little girl. She got a new liver. As a result of that, her color changed. She became a healthy little girl.

We have not traveled that far since those hearings 12 years ago. I would like to be here debating what this body can do about organ transplantation. We do not have to spend the fortunes of the United States to do that. We just have to make it easier for people to do that.

I carry in my wallet, Mr. President, in case something happens to me, attached to the back of my driver’s license, an organ donor card, it reads, “Pursuant to the Uniform Anatomical Gift Act, I hereby give, effective on my death, any needed organs, tissues, eyes, parts we may medically,” and, Mr. President, they can have anything they want.

I wish we would spend a little time talking about that, rather than a bill that is going nowhere except take up time and embarrass the Senators from Nevada and take up our time and that of the President. There will have to be a conference if, in fact, it passes. S. 1936 is being offered as a replacement for the Nuclear Waste Policy Act, as amended. The 1982 act says that the State that gets the permanent repository is not going to jump with joy, but the thought was we will go through some scientific observations and experiments and determine if it is safe to have a permanent repository in a State.

In 1986, the law was changed where previously we were going to have three sites. It was first site, second site, and third site. The President would be able to observe these three sites, and when it came time to put nuclear waste in one of these containment areas, he would choose between the three. It would not be a political act to be done. If one proved not to be scientifically proper, he would still have two others.

In 1986, for a lot of reasons, most of which were political—everyone acknowledges that now—two sites were eliminated. Texas was eliminated and the State of Washington was eliminated. Nevada now is the State. The law said—and was not changed in 1986—it said you cannot have the permanent repository and the temporary repository at the same State. It seems fair. But what this bill is going to do is take away what limited fairness we have. It is going to say you can put them both in Nevada.

It is a replacement. S. 1936 is a replacement that guts the existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liabilities of the nuclear power industry.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will yield to the Senator for a question, with the understanding that it would not violate the two-speech rule and when the Senator’s question is asked and answered I would retain the floor.

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

Mr. BRYAN. As I understand what the Senator is indicating, in the 1986 law we would have an attempt to find a suitable location, we would canvass America. We would look for the best location, wherever it would be, whether the formation would be granite in the Northeast or the salt dome formations in the South, or whether it would be tuff in Nevada, and that after that search was made, that there would be three sites that would be studied and referred to the President of the United States, and that one of those sites would ultimately be chosen.

If I understand what the Senator from Nevada is saying, that the 1986, 1987 changes to the law in effect said no longer do we search the country for the best site. Forget those criteria. We will just study, in terms of a permanent repository, the State of Nevada, and that at that time we had some assurance and some protection in the sense of equity or fairness that a State could not be both a permanent and a temporary site. I believe that is what I understood the Senator to say. The Senator can perhaps enlighten me if I misstated that case.

Mr. REID. The Senator is absolutely right. In the world we live in the nuclear waste issue has worked harder on the issue for the people of the State of Nevada in this country than the former Governor of Nevada and the present junior Senator from Nevada. He is a wealth of wisdom and knowledge on this matter. He understands as much, if not more, than anyone else how the State of Nevada has been put upon.

Now, we do not like it, but we have accepted the characterization of going forward with the permanent repository. There is a tunnel, Mr. President, that is in that mountain, as large as this room and 2 miles deep, right into the side of a mountain, dug with a machine like a large auger. Now, we do not like the idea of it, but they are doing it. It is being done scientifically.

Now, I do not especially like how the DOE has conducted itself, but the truth of the matter is the Department of Energy has gotten all kinds of mixed signals from the Congress. We cannot blame it all on them. As it will be developed during my remarks here this evening, Mr. President, you cannot fix important problems when you do not give individuals, organizations, and institutions enough time to fix them.

This proposal in S. 1936 is corporate welfare at its worst. It will needlessly expose people across the America—not Nevada, but across America—to the risk of nuclear accidents, I say in the plural. It is a replacement that guts existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liability of the nuclear power industry.

Now, we are trying to get Government out of things. But not here; we are putting Government back in things. The existing Nuclear Waste Policy Act need not be changed or replaced.

As I have indicated, Mr. President, we do not like the permanent repository going forward in Nevada, but it is going forward. But not fast enough for the corporate giants. They want it to happen yesterday. They want it to happen without adequate safety, environmental, and scientific checks. Let it go forward and do not short-circuit it with this interim storage fiasco.

The present law is providing an adequate framework for the current program plan. It is being implemented by the Department of Energy to provide for the long-term disposition of nuclear waste.

Mr. President, as I have indicated, perhaps it is not being made of the utmost investigation of a permanent repository at Yucca Mountain. The exploratory tunnel is already, as I indicated, miles into the mountain.
Our Nation's nuclear power plants are operating and have the capability to manage their spent fuel for many decades. There is no emergency, and there will be no interim storage problem for decades. The current law has health, safety, and environmental safeguards to protect our citizenry from the risks involved in moving and disposing of a high-level nuclear waste. S. 196 would effectively end the work on a permanent repository and abandon the health and safety of the millions of Americans who live near the current repository. We in Nevada are not happy that Beulah, right outside Beulah, has been decided to be in North Dakota, been to North Dakota, and I hope he would convey this to the people that he is going to meet with tomorrow, having said that, I do not mind. Beulah. Right outside Beulah, they have been to North Dakota, been to North Dakota, and I hope he would convey this to the people that he is going to meet with tomorrow, having said that, I do not mind.

Mr. President, as we talk about this today, we are going to find it is not only Nevada citizens that should be concerned, but they are going to be transporting tens of thousands of tons of nuclear waste across this country. They are going to be transporting the most poisonous substance known to man. How are they going to transport it? On roads and railroad cars.

Mr. CONRAD. Will the Senator yield?

Mr. REID. I yield as long as there is an agreement it would not violate the two-speech rule, and that I would retain the floor.

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

Mr. CONRAD. I have been following this issue with some interest and note the strong interest of the Senator and his colleague Senator Bryan, with respect to this issue. Obviously, you have a very strong State interest.

I have been attempting to understand the full dimensions of this controversy. I notice on my schedule that I have individuals from the utility in my region coming in to see me tomorrow or the day thereafter with respect to this question. I wanted to have the opportunity to ask some questions in preparation for that meeting, if you do not mind.

The issue, as I understand it, is the question of an immediate storage capacity, and the question of whether or not you take the steps now to have that capacity located in the State of Nevada. Is that basically the question before the Senate?

Mr. REID. Yes, that is absolutely the case. I say to my friend from North Dakota, I have only been to North Dakota once in my life. That was to meet with a number of people in North Dakota. Some of the people with whom I met were people from the power industry. I was very impressed with the State of North Dakota and how it helped supply power for much more than the State of North Dakota. It was quite impressive, to be quite frank. I say to my friend from North Dakota, I hope he would convey this to the people that he is going to meet with tomorrow, having said that, I have been to North Dakota, been to Beulah, scientist and individual they have this large power-generating facility. We in Nevada are not happy that they are putting the permanent repository there. They are characterizing it.

But we have come to accept that, it is going forward. They are characterizing it. What I say to the people from the power interests that are coming to see the Senator, why do they not let that move ahead, move ahead the way it is scheduled, not try to rush things? That is what has messed up this whole program. Everyone is trying to put science behind time schedules. You cannot do that.

As I have indicated, they have a hole as large as this room, 2 miles into the side of the mountain. They moved a great way in making progress, but let me ask my friend from North Dakota to explain to those people that they are going to ruin everything that they have worked for by trying to short-circuit this.

The President of the United States, who has no dog in this fight, said he will veto this bill. This is unfair to do it to a State, any State, but particularly Nevada, because we have the permanent repository.

Also, with the permanent repository, there are certain scientific guidelines that have been established. I say to my friend from North Dakota, let me show my friend what this bill does. Radiation exposure under this bill, anything you look at in millirems per year, are real low. Safe drinking water is way down here at 4 low-level nuclear waste, 25 also EPA and independent spent nuclear fuel storage—until we get to interim storage—100 millirems per year, four times what anybody can explain to those people. They are going to be transporting the permanent repository and abandon the protection the citizens of Nevada and this country deserve. We in Nevada are not happy that have this large power-generating facility. We in Nevada are not happy that they are putting the permanent repository there. They are characterizing it.

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

Mr. REID. I yield as long as there is an agreement it would not violate the two-speech rule, and that I would retain the floor.

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

Mr. CONRAD. They have made a speech.

Mr. REID. They have made a speech, and I want to be certain that I understand this issue very well before I have that meeting. I want to thank my colleague from Nevada for indulging the Senator from North Dakota so I can get these questions answered.

Is there any scientific basis to this 100-millirem level that is provided for in this legislation?

Mr. REID. Absolutely none. There have been no evidence produced at hearings that this is adequate. There have been no scientific documents submitted. Everything is quite to the contrary. But I do not know anyone in the scientific community that would ever suggest that.

Mr. CONRAD. So we do not have anything from the National Academy of Sciences, for example, or anything from the National Institutes of Health? We do not have any of the relevant agencies or departments that would say to us that this 100-millirem standard is one that meets some scientific test; is that correct?

Mr. REID. Absolutely true. During the time the Senator was asking the question, I wanted to make sure that I was confident that the answer was correct. So I leaned over my shoulder to my colleague from Nevada, and he nodded that I was absolutely right. I have never seen anything to suggest that 100 millirems is appropriate in any way.

Mr. CONRAD. If I might further inquire, do either of the Senators from Nevada—the Senator who currently has the floor—know what would be the cost of this intermediate storage facility?

Mr. REID. This is interesting. Each site—and we have a little over 100 nuclear waste generating facilities in the United States—it would cost about $6 million per site to store nuclear waste where it now exists.

Mr. CONRAD. That would be a dry cask storage?

Mr. REID. Yes. Now, the dry cask storage container would cost—in addition to making that acceptable for temporary storage, but as I will develop during my remarks, you do not have the transportation problems. I also say to my friend that the National Academy of Sciences recommends for this 10 to 30 millirems, which is right here on the chart.

Mr. CONRAD. They have made a specific recommendation with respect to the potential risk, and they have asserted that a 10 to 30-millirem standard is appropriate. But this legislation has a 100-millirem standard; is that right?

Mr. REID. The Senator from North Dakota is absolutely right. The answer is still the same. Nobody ever suggested that 100 is appropriate. The National Academy of Sciences has suggested 10 to 30 millirems.
Mr. CONRAD. Again, I would like to go back to the question of cost, if I could, because I think that is an important consideration in anything we do around here to anybody who appreciates, as the Senator from Nevada does, the intense budget pressure that we are under. The first question I always ask my staff on any legislation that is brought to me is, “What does it cost?” Could the Senator from Nevada tell me what the estimated cost is of this temporary storage facility?

Mr. REID. I am happy to. The operating cost for on-site dry cask storage amounts to about $1 million per year per site. It is $6 million to establish it and, after that, $1 million per year.

Mr. CONRAD. So that would be the sites that would be at some 100 locations where we have nuclear power facilities around the country; is that correct?

Mr. REID. Yes. In cooling ponds. Some of them are saying, “We are getting away to keep an eye on it.” What we and the scientists say is, “If you want to leave it on-site, you can establish a site for dry cask storage containment for $6 million, and after you get it in the cask, it will cost $1 million a year to keep an eye on it.”

Mr. CONRAD. Then the question is, what is the alternative? If we go to a temporary storage in the State of Nevada, what would the cost of that approach be? Do you have an estimate of that?

Mr. REID. We do not have an estimate. The reason is that the cost of transportation is significant. We have here another chart. This is a sign of nuclear—do you understand what I am saying?

Mr. CONRAD. Yes.

Mr. REID. If we eliminate those, we have to transport these, probably now about 50-some-odd thousand metric tons of nuclear waste. This is how we would do it. The cost is very significant, because what they have decided is that they would have to move most of it by rail. But to get it to rail, they have to get buses to get it to some of the rail sites. My staff just tells me that the information we have been given is that the interim site would cost $1.3 billion, plus the transportation.

Mr. CONRAD. It would cost $1.3 billion for the interim site itself?

Mr. REID. That is right, plus transportation.

Mr. CONRAD. The transportation would be in addition. So it would cost $1.3 billion, and the alternative, as you have outlined, would be $6 million per site, plus $1 million a year.

Mr. REID. That is right.

Mr. CONRAD. Well, do we have any estimate of once you have established this site—which would cost $1.3 billion initially, and have on top of that the transportation cost—what the annual operating cost of that facility would be?

Mr. REID. It would be around $30 million a year.

Mr. CONRAD. About $30 million a year. We are talking about, obviously, a very substantial expenditure. Is this an expenditure by the Federal Government, out of the Federal coffers, the $1.3 billion?

Mr. REID. Yes, because they have asked the Federal Government to take over the project. Up to this time, much of the expense has been borne by rate-payers at so much per kilowatt per electricity into this fund. The fund has been used to repair the nuclear repository at the site. Los Alamos has already been interesting. This will make the people shudder, and the Senator from North Dakota is one of our budget experts here, so he probably will not shudder as much because he has gotten used to things like this.

When the 1982 act passed, everyone was told that characterization would cost about $200 million.

Mr. CONRAD. That is with an “M,” not a “B”? Mr. REID. That is right. But now the estimate is about $7 billion.

Mr. CONRAD. So it is loaded by a factor of 35. Mr. REID. They were a little off. They are now approximating $3 billion for what they have done at Yucca Mountain. I say, without placing all the blame on the Department of Energy, a lot of it has been, I repeat, trying to put time ahead of science. They get mixed signals to this end do it. It has made it an impossible situation. But its move forward has been two steps forward and one step back. But they have made tremendous progress in the deserts of Nevada to determine if Yucca Mountain is scientifically proper for geological burial of nuclear waste.

Mr. CONRAD. The question that I have is this. The Federal Government is going to take on this expenditure, the $1.3 billion; is that financed by the rate-payers? Mr. REID. That is right. So we are going to sue you, the Federal Government, because you do not have a place to put nuclear waste like you told us you would. So we are going to sue you and take the Federal rate-payers pay for it because the timeline for having a repository first in Washington, Texas, and Nevada has slipped.

Mr. CONRAD. So what may we have here is another lawsuit, or series of lawsuits, endless litigation no doubt with respect to the question of who pays?

Mr. REID. Yes. I also say to my friend from North Dakota that there are many who say that there is no need to have a permanent repository. But there are others who are saying that the rate-payers should continue and it should not be appropriated money of the United States. But there are others who are saying we are going to sue you, the Federal Government, because you do not have a place to put nuclear waste like you told us you would. So we are going to sue you and take the Federal rate-payers pay for it because the timeline for having a repository first in Washington, Texas, and Nevada has slipped.

Mr. CONRAD. What do we have here is another lawsuit, or series of lawsuits, endless litigation no doubt with respect to the question of who pays?

Mr. REID. Yes. I also say to my friend from North Dakota that there are many who say that there is no need to have a permanent repository. But there are others who are saying that the rate-payers should continue and it should not be appropriated money of the United States. But there are others who are saying we are going to sue you, the Federal Government, because you do not have a place to put nuclear waste like you told us you would. So we are going to sue you and take the Federal rate-payers pay for it because the timeline for having a repository first in Washington, Texas, and Nevada has slipped.

Mr. CONRAD. What do we have here is another lawsuit, or series of lawsuits, endless litigation no doubt with respect to the question of who pays?
Mr. CONRAD. I thank my colleague. Tomorrow or the day thereafter when the people from the utility in my region of the country—and not directly from North Dakota—come to see me, I presume that their key message will be, “Senator, we have a problem developing because our pools are filling with this waste, and we have to move it somewhere. We have to do something with it.” What would the Senator’s advice be to those folks if they presented him with that question?

Mr. REID. I would say that the Nuclear Waste Technical Review Board, which has no interest in this other than to do the right scientific thing, says: “There does no committee technical or safety reason to move the spent fuel to a centralized storage facility.”

Mr. CONRAD. Their judgment is that it ought to be left in the locations where it is today, and to the extent that the ponds that are the current repository are filling that they move those quantities to dry cask storage.

Mr. REID. That is the statement of the Senator. I have read verbatim what they have said. I feel very confident in stating that the board knows—I am talking about the Nuclear Waste Technical Review Board—that of the more than 100 operating nuclear power reactors at 75 sites in 34 States, 23 will require additional storage space probably before the turn of the century. They are saying those 23, just leave them like they are. They have seen them, they have studied them, do not worry about them. The cooling ponds are fine. But if you have to move them to dry cask storage then do that.

Mr. CONRAD. Then that would be their recommendation. In those places where the ponds have reached their capacity, or about to reach their capacity, those quantities be moved to dry cask storage on the spot, not be transported to an interim facility, but wait for the repository.

Mr. REID. That is right.

Mr. CONRAD. If I could just finish by asking my colleague, what is the schedule for the creation and development of a permanent repository? Is that something that is anticipated to be done in 10 years or 20 years?

Mr. REID. We expect a final decision to be made probably in the year 2009.

Mr. CONRAD. That would be a decision made.

Mr. REID. Yes. But that is when they start moving. That is when they declare the site scientifically safe.

Mr. CONRAD. At that point would it be operational?

Mr. REID. Yes. The dates slip a little bit.

Mr. CONRAD. Thirty-three or fourteen years from now.

Mr. REID. Yes.

Mr. CONRAD. I thank my colleague from Nevada for this chance to get some of my questions answered. I appreciate very much the efforts that he and his colleagues have put into this thing.

I must say I have rarely seen two colleagues more determined on an issue than Senator Reid and Senator Bryan. I think it speaks volumes to our colleagues. It speaks volumes to this Senator about the seriousness with which they regard this issue: the time they have taken in our caucus; the time they have taken on the floor; the time they have taken individually to alert the citizens of their State of this issue.

If I reside in Nevada I would be very proud to have two Senators like Senators Reid and Bryan representing me because one thing you want, whoever you send here, when there is a time to fight for your State that somebody is going to stand up and fight.

I must say I have not reached a conclusion on this issue. I have more to learn. I want to hear from both sides before I reach a conclusion. But if there are ever two men who are fighting for their State, I must say it is Senators Reid and Bryan.

I would like to conclude by saying that I admire and respect the effort that you are making on behalf of the citizens of Nevada.

Mr. REID. I appreciate the penetrating questions of the Senator from North Dakota.

I only respond that I have been in this body as long as the Senator from North Dakota. We came at the same time. I think it is important to remind the people of America that the Senator from North Dakota, as far as this Senator is concerned, speaks volumes of what integrity is all about.

I will remind people—and I am sure it is embarrassing to the Senator, but I will say it while he is on the floor—the Senator came to Washington at the same time I came to the Senate, and he said that he felt the No. 1 responsibility was to reduce the deficit. When the deficit was not reduced as much as he thought it should be, he decided not to run for office.

I also say that the Senator has been very complimentary to the two Senators from Nevada about the issue about which I address the Senate today, but I say to the people of North Dakota, I have learned a great deal in the 10 years I have served in the Senate with the Senator from North Dakota, because in North Dakota anything dealing with agriculture is a burning issue. I have watched the Senator, since my colleague has come to the Senate, devour the rest of the Senate on agricultural issues. So I appreciate the nice remarks, but certainly it is mutual admiration.

Mr. President, as I have spoken, we have a lot to do in this body. As I indicated, my good friend from the neighboring State of Utah has spoken about an issue, and he has spoken very frequently. The chairman of the Judiciary Committee has stated that he feels we should do something about the Billy Dale matter, attorney’s fees and cost reimbursement.

I think there are some issues that we need to talk about. I would like to talk about one. I think some of those things, why I am talking here today. We should be talking about issues that the President has said, “I am not going to veto that.” You heard the Senator from Utah; he said that the President would accept a Billy Dale bill. He has said, on the matter about which I speak, S. 396, he will veto it. He has not said it once. He said it many times.

You will note that Senator Dale did not bring it up. Why did he not bring it up? I would think that he probably has a pretty good idea about Presidential politics. I think he knows that in Nevada, there are a lot of important issues, but there is nothing that is at the top of people’s lists like nuclear waste. He said he is going to veto it. He has said it in Washington. He has said it in Nevada. And he will veto it.

If there is anybody who believes that Clinton will not sweep the State of Nevada, if he vetoes this bill, I think they got another think coming. He carried the State 4 years ago. Right now, the polls show Clinton ahead a little bit in Nevada. But if he vetoes this bill, he will be a long ways ahead in Nevada. That is why Senator Dale did not bring it up, because he knew that when November comes, this election is going to be pretty close, even though Nevada is not a real populated State—we now only have two congressional representatives. In the next census, we will probably have three or four, but right now we only have two, meaning we have four electoral votes, and that could make the difference in this election. That is why Senator Dale did not bring this up.

In my understanding, Mr. President, that our colleague from Indiana is present, and that he wishes to recess for a short time so that he can introduce a parliamentary delegation.

Mr. President, that our colleague from Indiana is present, and that he wishes to recess for a short time so that he can introduce a parliamentary delegation.
that may be at my disposal as a result of this brief 10-minute recess.

Is there agreement to that, Mr. President?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I would therefore on those conditions yield to my distinguished colleague from Indiana for the introductions.

The PRESIDING OFFICER. The distinguished Senator from Indiana.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENTARY GROUP

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nebraska for his cooperation. Likewise, I'd like to thank all Senators who are with us, and staff.

It is my privilege and honor to have the opportunity to welcome on behalf of the entire Senate a distinguished delegation from the European Parliament and U.S. Congress Interparliamentary Meeting. This delegation, which is led by Mr. Alan Donnelly, from the United Kingdom, and Mrs. Karla Peijs, from the Netherlands, is here to meet with Members of the Congress and other American officials to discuss a wide range of issues of mutual concern.

The European Parliament plays an increasingly important role in shaping the new Europe. Parliament's authority has been expanded recently. It will continue to play a central role in the many challenges and opportunities facing Europe as European nations build upon free market economics, as they deepen the roots of democracy, as they define their relationships with Russia and the former Warsaw Pact countries and reach out to the rest of the world to forge viable economic, political, and security linkages.

Continued contact with and strong relations between the European Parliament and the U.S. Congress are essential in developing better economic relations with Europe and in reinforcing the many common goals which bring us together.

I ask all of my colleagues to join me in welcoming individually, by greeting them by hand, each of the distinguished parliamentarians who are here today from the European Parliament.

Mr. President. I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

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

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, JULY 1996

SOCIALIST GROUP (PSE)

Alan Donnelly (U.K.) Chairman.
J.ean Pierre Cot (France).
Mrs. Ilona Gräunt (Austria).
Mrs. Irini Lambraki (Greece).
Mrs. Bernie Malone (Ireland).

EUROPEAN PEOPLE'S PARTY (PPE—CHRISTIAN DEMOCRATS)

Mrs. Karla Peijs (Netherlands) Vice Chairman.
Ms. Mary Banotti (Ireland).
Bryan Cassidy (U.K.).
Reinhard Rack (Austria).
Elmar Brok (Germany).
Giampaolo D'Andrea (Italy).
Paul Rübig (Austria).

UNION FOR EUROPE GROUP

Raul Miguel Rosado Fernandes (Portugal).
Francois Desmarais (Canada).
Mrs. Karla Peijs (Netherlands) Vice Chairman.

Mr. LUGAR. It is, indeed, a privilege to have this delegation with us, and I appreciate the time taken by the Chair and by the Senators so that we may have an opportunity to greet this distinguished delegation. I encourage all of us to do so before we proceed with our debate. I thank the Chair.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent, under the conditions stipulated by the distinguished Senator from Nevada, that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 4:37 p.m., recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMPSON).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Nevada has the floor. I wonder if I can have unanimous consent that I not lose my time.

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

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

The PRESIDING OFFICER. There is no quorum call in progress.

The Senator from Nevada.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, as we were discussing before the senior Senator from Indiana asked for a recess for the European Parliamentarians, we have a lot to do in this body. I hope we can do a welfare reform bill. It is part of the Democratic families first agenda. It is something my colleagues on the other side of the aisle have said that they want to pass, and I believe that.

I am a member of the Environment and Public Works Committee. I have responsibilities with my friend from Idaho, Senator KEMPThORNE. I am the ranking member of a subcommittee, and we passed out of this body, with bipartisan support, a safe drinking water bill. That conference is now ready to meet. We should get a bill back here and debate that conference report and pass, for the citizens of this country, the Safe Drinking Water Act.

Health care reform: Health care is important. There is no way that we are going to be able to do all that needs to be done with health care, but we need to do what is possible to go with health care. Can we not do the portability of insurance? Can we not handle pre-existing disability? We need to finish that important issue.

The only appropriations bill that we have passed is one that is chaired by the junior Senator from Montana, and I am the ranking member of that subcommittee, military construction. It was a bill that passed here on a bipartisan basis. We had very good debate on the underlying issues when the defense authorization bill came up. We had fully exhausted talking about those military construction matters when the military construction appropriations bill came up. When it came up, it passed out of here without a contrary vote.

There are many things that we need to do here that are doable, but the more time we waste on issues like nuclear waste than I have said he is going to veto—interim storage—we are taking away from the important matters at hand.

I repeat, we were lectured today by my friend, the senior Senator from Utah, about the White House Travel Office. Listening to my friend from Utah, I think that is an issue that needs to be debated at length, because there are two sides to every story. Maybe Billy Dale is entitled to be compensated for his attorney's fees, but that would set a kind of strange precedent in this body that any time a Federal prosecution goes awry, we reimburse the defendant, who is acquitted, for his attorney's fees? Think about that one as a precedent-setting matter.

I have also seen a letter that was written on Billy Dale's behalf to the Justice Department that he would agree to plead guilty to a felony. I have also seen a letter that one of the reasons that criminal prosecution was considered is we used to take part of the money home with him every night—I do not know about every night—but he would take cash home with him, kept it in his home with him every night. But, maybe Billy Dale is entitled to be reimbursed for his expenses. Maybe there are some overwhelming merits on his behalf of which I am not aware. But it is not a slam dunk, as the Senator from Utah said. We have an opportunity to do here that are doable, but the more time we waste on issues like nuclear waste than the President has said he is going to veto—interim storage—we are taking away from the important matters at hand.

So, should that not be something we talk about? The President has not said he is going to veto that. But, no, what we are being told is we are going to go to S. 196, a bill that the President of the United States, Bill Clinton, has said he is going to veto. It will take up time of this body and take up time of the other body in conference.

The President said he is going to veto it. Why should he not veto it? It is one of the most irresponsible pieces of legislation that I can even imagine. I am sure there are more, but I do not know what they would be.
Mr. REID. The Senator is absolutely right. It is very clear that the cooling ponds are sufficient. But one of the interesting things that my colleagues should understand is, since 1982, the scientific community has been working on a number of scientific endeavors relating to nuclear waste.

One of the things they have worked on is, if we are going to transport nuclear waste, we have to do it safely. How can we do it? You just cannot throw it in a truck. You just cannot just throw it into one of the boxcars. So they have worked and they have come up with something called a dry cask storage container. With a dry cask storage container, they said, you know, I think we can transport this stuff safely.

I will talk a little later how probably—not probably; there are still some safety problems in transporting. But all the scientists say you can store your nuclear waste in a dry cask storage container and that will be perfectly safe because you do not have the problems with train wrecks and truck wrecks and fires on-site.

Mr. BRYAN. The Senator would yield for a further question.

Mr. REID. I will yield for a question. Mr. BRYAN. It is my understanding of the state of the record that in point of fact some nuclear utilities today are storing their high-level nuclear waste on-site in the facilities which the Senator has just described, dry cask storage. So as I understand it, we are not talking about some theoretical or technical possibility. We are touting about technology off the shelf, currently available, being used by many utilities and available currently today.

Mr. REID. The Senator’s question is directly to the point. It is absolutely true. It is now beyond the planning stage. Dry cask storage containers work. They work better when you leave them on-site. Then you do not encounter the problems, as I indicated, with train wrecks, truck wrecks, and firings and those kinds of things. So the Senator is absolutely right. The current law has health, safety and environmental safeguards to protect our citizenry from risks involved in moving and disposing of high-level nuclear waste.

S. 1936 would effectively end the work on a permanent repository and abandon the health, safety and environmental protection our citizens deserve. It is just Nevada citizens; I am talking about citizens of this country. It would create an unneeded and costly interim storage facility. It would expose the Government and its citizens to needless financial risk.

S. 1936 would effectively end the work on a permanent repository and abandon the health, safety and environmental protection our citizens deserve. It is just Nevada citizens; I am talking about citizens of this country. It would create an unneeded and costly interim storage facility. It would expose the Government and its citizens to needless financial risk.

So, Mr. President, why are we here addressing this issue instead of issues that need attention, actions that will improve the condition of the average American, instead of this bill, which will only intensify the line of the nuclear power industry, at best?

We are here because the nuclear industry wants to transfer their risks, their responsibilities, and their legitimate business expenses to the American taxpayer. This has been their agenda for almost two decades. They think that now is the time to close the deal. They want the nuclear waste out of their backyard and into someone else’s. They do not care what the risks are.

The bill is not in the best interest of the people of this country. It should not become law. Because of Bill Clinton, it will not become law. The President has indicated if we do not have the foresight, Mr. President, to kill it here and now, the President will veto it.

S. 1936 is not just bad; it is dangerous legislation. It tramples due process and it gives the lie to the claims of support for self-determination and local control, made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle of Government knowledge when in actual fact this branch of Government knows virtually nothing about these technical issues. It mandates a level of risk to citizens of this country and the citizens of Nevada that is at least four times the level of risk at any other radioactive waste facility.

Mr. President, let me go over this chart again that I did with my colleague from North Dakota. There is no exposure level—there is no exposure level anywhere in the country, anywhere in the world, that has laws like this.

The EPA safe drinking water, 4 millirems per year; NRC Low-Level Nuclear Waste Site, 25 millirems per year; the EPA WIPP facility in New Mexico, 15 millirems per year; the Independent Spent Nuclear Fuel Storage Facility, 25 millirems; the International Exposure Range, 10 to 30.

What do we have in S. 1936? One hundred, 100 millirems. I mean, look at it. Why would we allow radiation exposure levels to individuals that have anything to do with nuclear waste in Nevada 4 times, 10 times, 20 times what it is in other places, other agencies? It just simply is wrong.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. If I understand what the Senator is saying, this is absolutely astounding. Is the Senator suggesting that the EPA has said, as a safe drinking standard for America, 4 millirems? That is per year?

Mr. REID. Four millirems is the correct answer.

Mr. BRYAN. As the Senator well knows, the WIPP is a facility in New Mexico designed to receive transuranic nuclear waste. Is the Senator indicating for the good citizens of New Mexico, 15 millirems? Mr. REID. The Senator is correct.

Mr. BRYAN. And that the citizens in the State of Nevada—we were admitted to the Union, if I recall, before the
good State of New Mexico—but somehow for the rest of America, they have a 4-millirem standard for safe drinking water, at another nuclear storage area in our country they are proposing 15 millirems, but in the State of Nevada from a single source on an annual basis? Is that what they are suggesting? Nevada would have to accept a standard of 100 millirems from one source on an annual basis? Is that what they are suggesting?

Mr. REID. My colleague is absolutely right, absolutely right. In Nevada they are saying, "We're going to pour this cement pad and dump this out. If it leads to 100 millirem exposure, that is OK." They are saying, "Why would any legislative body seek to impose a standard on a single State when what we are talking about is health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have removed from our agenda numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto." Why?

Now, Mr. Bryan, I say to my friend, the President, under his State, which is a very populous State, we are a small State. For many, many years we were the least populated State. For many years we were the least populated State in the Union. We are used to having our problems and the President should have considered that in his deliberations. In his conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto. Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. REID. I say to my friend from Nevada, the question occurs to this Senator, and the question arises in this Senator's mind, that why would any legislative body seek to impose a standard on a single State that no other Member of this body would be willing to accept for his or her State, when we are talking about health and safety? We are talking about potential dangers from the standpoint of cancer, genetic health problems, all of which, as I recall, we experience currently as a result of some of the atmospheric experiences in Nevada State in the 1950's and 1960's.

(Mr. ABRAHAM assumed the chair.)

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatsoever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that the President changed the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. This is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have removed from our agenda numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, Mr. Bryan, I say to my friend, the President, under his State, which is a very populous State, we are a small State. For many, many years we were the least populated State. For many years we were the least populated State in the Union. We are used to having our problems and the President should have considered that in his deliberations. In his conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto. Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. REID. The Senator is correct. The answer is yes. As the Senator from North Dakota, that questions to this Senator earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatsoever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that the President changed the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. This is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have removed from our agenda numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, Mr. Bryan, I say to my friend, the President, under his State, which is a very populous State, we are a small State. For many, many years we were the least populated State. For many years we were the least populated State in the Union. We are used to having our problems and the President should have considered that in his deliberations. In his conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto. Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. REID. The Senator is correct. The answer is yes. As the Senator from North Dakota, that questions to this Senator earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatsoever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that the President changed the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. This is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have removed from our agenda numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, Mr. Bryan, I say to my friend, the President, under his State, which is a very populous State, we are a small State. For many, many years we were the least populated State. For many years we were the least populated State in the Union. We are used to having our problems and the President should have considered that in his deliberations. In his conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto. Why?

Mr. BRYAN. I must say, it prompts me to have a friend earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people saying, "Don't worry about it. It will be OK." Why?
someone else's problem is so intense that the proponents of this bill and the
generators of this poison have aban-
doned all pretense of caring for our en-
vironment or caring for the health,
safety, and prosperity of our fellow
citizens.

I say, Mr. President, look at this chart: 25 times the level of safe drink-
ning water, 4 times independent spent-
nuclear-fuel storage; over 6 times more
than the WIPP facility setup in New
Mexico.

By denying the protections of envi-
ronmental regulation, this bill makes a
mockery of significant advances this
Nation has made in promoting wise and
prudent care for our increasingly frag-
ile environment. But the sponsors do
not care because it will be someone
else's problem or at least that is what
they think.

If they can do this to Nevada, what is
next? Take, for example, a State that
borders Nevada—Idaho. Idaho is a beau-
tiful State. I have floated down the
Snake River. I have stayed at Sun
Valley. It is a beautiful State, sparsely
settled. But assume that California or
assume one of the other States who have
problems with this radioactive, solid waste, decide they want to
bring their mountains of garbage, of
refuge that are accumulating in Cali-
ifornia or some other densely settled
Eastern State, where usable landfill
space is rapidly disappearing, and
imagine the reaction if Idaho were
made a garbage dump by prohibiting
applicable environmental law, by deny-
ing judicial review of dangerous and
intrusive activities and by legislative
definition of unacceptable health and
safety standards. What would the rea-
tion be of the people of the State of
Idaho, that beautiful State of Idaho,
which suddenly was told that they are
going to be the repository for moun-
tains of garbage—every kind of garbage? They will just
take it and pick a spot in Idaho and
start dumping it. What would their re-
action be?

Idaho did not generate the garbage.
Idaho did not benefit from the products
that generated this garbage. Their econ-
omy did not gain a single cent
from the sale of products that gen-
erated this garbage. Idaho is just con-
veniently rural and is outnumbered by
those who do generate it, those who did
benefit, those who benefitted from the
process and the right to a trial by a jury of their peers. That was carried across the ocean in the
common law, and we have that right now.

I was very proud to be a lawyer and
representing people who had problems
that I thought I could help with. I also,
on occasion, went to court for injunc-
tive relief. Well, I say to those people who
know a little bit about the law, read this bill. This changes the process of the legal system in our country.
The bill says that you can sue, but you
must wait a long time, and wait until
there are a lot of actions that take place
before you can even apply to court.

It reverses the Nation's progress
toward assuring our offspring a safe
and nurturing environment. It does it
by delaying assessments of environ-
mental conferences until much of the
groundwork, if not all of it, has been
done. The sponsors will say, "But we
have not started construction yet."
But the bill mandates land withdrawal,
acquisitions of rights of way, and de-
velopment of rail and roadway systems
to the degree amounting to an environ-
mental impact statement. That is
an unusual theory of the law. Of course,
the damage has already been done to
the communities. Rights of way have
been withdrawn. We have had Federal
land withdrawals. We have had the
development of rail and roadway systems
to the degree amounting to an environ-
mental impact statement.

This abuse of legislative power to
relieve the nuclear power generating
industry of its serious responsibility to
manage and fund its business affairs
are outrageous, Mr. President. They
are outrageous, if it is.

It is more outrageous that this bill would
mandate radioactive exposure risks to
the people in Nevada—remember, we
have millions and millions of visitors
every year. It would mandate radio-
active exposure risks for citizens far
above that permissible in any other
State—or foreign land, for that matter.

Did the sponsors single out Nevada
residents for punishment? How can this
bill be seen as equal protection of the
law when it is so obviously not equi-
table, so clearly not protective of the
Nevada residents? Do the sponsors
think they know so much that they
can decide what is OK for Nevada, but
not OK for New Mexico? Why would the
WIPP facility have a 5 millirem stan-
dard and Nevada have a 100 millirem
standard?

If they think that they can decide
what is OK for Nevada, how do they ex-
plain that the permissible exposure
level at the generator sites is only one-
fourth the level they say is OK for Ne-
vada? The States in which this waste is
generated and presently stored—re-
member, there is none generated in Ne-
braska and the bus is a product from
this generation say that their
residents and employees have four
times the protection they say is OK for
Nevada.

I am trying to deal with this bill
using the formal and really courteous
traditions of this great institution.
But, Mr. President, I am really upset.
I think this is wrong. I say that on behalf of the people of the State of Nevada. The people in Nevada are the first people whose health and
safety, whose freedom to prosper and
rights to equal protection under the
law are being attacked by the nuclear
power industry and the sponsors of this
legislation. But they may not be the last
to experience this kind of treat-
ment by their own Government. If this
bill is passed, it sets a dangerous prece-
dent. The big utilities are in control
here.

Interim storage. S. 1936 explores new
regions of outstanding legislation by
needlessly, and with great cost, requir-
ing the establishment of a temporary
interim storage facility. This interim
storage facility is only a temporary fa-
cility would use at a cost of $3.5 million
developed under S. 1936 at a site that does
not meet the permanent repository re-
quirements. So if Yucca Mountain is
found unsuitable as a disposal site,
under S. 1936 an interim storage facil-
ity could have to be developed some-
where else.

So, Mr. President, let us not play
games here. In short, the reason for
this legislation is to do away with the permanent repository. That is what it is all about. They want to go on the cheap. They want to avoid all the environmental standards that have been set by law, and they want to shortcut it, because they are afraid of the cost. It will be permanent storage. It will not be buried geologically. It will be dumped on top of the ground. But if it were only a Nevada problem and it would somehow miraculously appear in Nevada, I can understand why other States would not be concerned. But the fact of the matter is, Mr. President, this is not only the concern of Nevada. It is a concern of, and should be the concern of, States all over this country, because the nuclear waste will be transported all over this country.

We know that we have had a few train accidents lately. In the last 10 years, we have had over 26,000 train accidents. We average about 2,500 train accidents a year.

Mr. President, I am going to again look at this chart that shows how a lot of this activity is going to take place. Of course, we have a picture here of a train wreck which is all too familiar. We recently had one near the California border with Nevada, and the very, very heavily traveled freeway between Las Vegas and Los Angeles was actually closed because of a train wreck. The highway was about a mile from where the railroad wreck occurred, but the materials in the train were so caustic that they had to close the highway.

We have seen pictures of train accidents all too frequently. We also had one in Arizona that is believed by all authorities—local, State and Federal—to have been an act of terrorism. People are killed in these accidents, and tremendous property damage is done. We know of one train accident during this past year that burned for 4 days because of the materials.

I have talked about train accidents. That does not take into consideration the rail crossing accidents. Of course, in rail crossings, we know how many people are killed. We all have in our mind’s eye the event that took place last year where the train took off the back of a school bus, killing those children.

Rail crossing accidents—during the past 10 years, we have had almost 61,000 train crashes, 6,000 a year, but we have hazardous material accidents averaging more than two a month on trains. We have hazardous material accidents averaging more than two a month.

So this is not a problem only of the State of Nevada. It is a problem of the people of this country, because the people of this country are going to be exposed to thousands of trainloads and truckloads—I should say, tens of thousands of trainloads and truckloads of the most poisonous substances known to man. Arizona: 6,100 truckloads, 783 trainloads. California: 44 truckloads, 1,242 trainloads.

The other interesting thing—we will talk about this later—is where trains go. Take through the Rocky Mountains. Colorado is a State that is going to be heavily impacted with trucks and trains; 1,347 trucks loaded, 180 trains. How much of this material will likely touch the Rocky Mountains in Colorado. That is something I would like to do. I understand it is a beautiful, very picturesque ride. But if an accident happens there, it is very difficult to get to. It is very difficult to get to the rail accidents in to take care of the trains or the truck. But not only do we have a problem with location, but we also know that there are no train people to take care of these accidents.

Interestingly, we just received an evaluation of emergency-response capability along the waste routes in Nevada. It would apply to any place in the United States. A study was done to assist the Western Governors Association in planning for the onset of the U.S. Department of Energy’s transuranic waste shipments to the WIPP facility in Carlsbad, NM. Nevada, through ENSCO, Inc., made an analysis that there are some significant problems with transporting nuclear waste. Remember, the quantity of nuclear waste going to WIPP facility pales in comparison the waste that goes to these other waste facilities. Contractors surveyed personnel from fire departments, law enforcement officers, hospitals, ambulance services, emergency management offices, State, Federal, and travel agencies.

In short, in this report, which is entitled “Evaluation of Emergency Response Capabilities Along Potential WIPP Waste Routes,” prepared for the Western Governors Association, you find that there is no preparation. There are no procedures, no protocol, no training for the emergency management officers. The board knows that of the more than 100 operating nuclear power reactors on 75 sites in 34 States, 23 will require additional storage by the year 1998. Twenty-three will require additional storage to the WIPP facility. The Nuclear Waste Technical Review Board knows that. It may be the year 2000, but we can say 1998.

The board also notes that implementation of dry cask storage at generating sites is feasible and cheap. I told the Senator from North Dakota how inexpensive it is to set up a dry cask storage facility, and how cheap it is to monitor. In fact, the dry cask storage, if it is properly implemented on site, the investment will double its return in six months. At the multipurpose transportation canisters so the material is ready for shipment once the permanent repository is designated. That could be in 5 years, 25 years, 50 years, or 100 years.

Operating costs for on-site dry cask storage amounts only to $1 million per year per site; capital costs for on-site storage in preparation of an replacement site and cannisterization of this spent fuel. Storing spent fuel in multipurpose canisters means that the marginal cost, without any additional storage, is a few million dollars compared to more than $1 billion with interim storage. Implementing on-site storage at all sites claiming a need for additional storage space would require less than $1 billion and the Nuclear Waste Technical Review Board estimates by the sponsors of this bill.

Mr. President, the marginal expense of on-site storage of spent fuel is very
Mr. BRYAN. The Senator may be aware of this. The Senator was making a very telling point, when the Senator was pointing out to our colleagues and to the listening audience in America, that 43 States are impacted and the number of shipments. The Senator may not be aware of the fact that as you look across this chart—here we have 50 million Americans who are within a mile of either the rail or highway shipments, so for people who are watching the floor of the Senate tonight who may think it is just the two Senators from Nevada that would be impacted by this, my question to the Senator is, this has a national impact, doesn't it?

Mr. REID. It certainly does. As the Senator has pointed out, within a mile of these routes are 50 million Americans.

Now, the Senator will recall—it happened within the past year, but I just mention it briefly—within a mile of the freeway between Los Angeles and Las Vegas a train wreck occurred. They closed that route. That wreck did not kill anyone. The most dangerous substance known to man, it had some cars loaded with chemicals, but it did not have nuclear waste.

It is difficult to imagine how long that road would have been blocked off had there been nuclear waste involved.

As I pointed out to the Senator and the rest of the people within the sound of my voice, we do not have people trained to deal with nuclear waste accidents. We do not have people trained to deal with nuclear waste at all as indicated by a report that I just received today on the “Evaluation of the Emergency Response Capabilities Along Potential Waste Routes.”

Mr. BRYAN. I think the Senator's point is that in New York, with over 7 million people in Los Angeles with over 5.5 million, Chicago, with 2.7 million; Houston, TX, 1.6 million; Dallas, over a million; San Antonio, nearly a million; Baltimore, 736,000; Jacksonville, FL, 635,000; Columbus, OH, 632,258; Milwaukee, WI, 628,088; Washington, DC, 606,900; El Paso, TX, 515,342; Cleveland, OH, 505,616; New Orleans, LA, 496,938; Nashville-Davidson, TN, 463,518; Portland, OR, 447,619; Atlanta, GA, 437,398; Kansas City, MO, 420,395; Detroit, MI, 405,390; St. Louis, MO, 396,685; Charlotte, NC, 396,003; Atlanta, GA, 394,017; Albuquerque, NM, 384,783; Pittsburgh, PA, 389,870; Sacramento, CA, 369,365; Phoenix, AZ, 368,383; Fresno, CA, 354,202; Omega, NE, 335,795; Toledo, OH, 323,942; Buffalo, NY, 328,123; Santa Ana, CA, 293,742; Colorado Springs, CO, 281,140; St. Paul, MN, 272,355; Louisville, KY, 269,157; Anaheim, CA, 266,406; Birmingham, AL, 265,652; Arlington, TX, 263,763; Las Vegas, NV, 258,000; Rochester, 231,000; Jersey City, 228,000; Riverside, CA, 226,000; Akron, OH, 223,000; Baton Rouge, LA, 219,000; Stockton, 210,000; Richmond, 203,000; Shreveport, 198,000; Mobile, 196,000; Des Moines, 193,000; Lakeland, FL, 175,000; Montgomery, AL, 175,000; Lubbock, 180,000; Honolulu, HI, 186,281; Springfield, MA, 180,000; Columbus City, 178,000; Little Rock, AR, 175,000; Bakersfield, CA, 174,000; Portland, OR, 170,000; Worcester, MA, 169,000, and I could go on and on, but I believe the Senator's point, if I understand him, and this is my question—is that this is not just a fight that just concerns the citizens of Nevada?

What the Senator is suggesting, for those who may be watching the floor of the Senate tonight, is that it is not just two Nevada Senators who are fighting for the health and safety of their States, but there are people in these communities who do not think they have a stake in this fight who ought to be sharing their concerns with our colleagues and saying, look, we are affected, we are within a mile of these transportation routes and thousands of shipments of nuclear waste may be coming through our communities. I believe that is the Senator's point that he is trying to make, if I understand the Senator correctly.

Mr. REID. In answer to my friend's question, I was not aware of these numbers, but having had the Senator read them to me, I must say that, if anything, these numbers are small because we can look at Las Vegas as an example. If you look at Las Vegas, you will know that the greater Las Vegas area is about 2.1 million people and most of those people would be affected because it is down in that basin. If something happened, it would spread like wildfire, and I would bet the same applies to other cities. These are very conservative, very unrealistic numbers, and it would probably involve more than 50 million people.

I should also say in response to my friend's question, let us look, for example, at Chicago, 2,673,000 people. If I were a resident of the State of Illinois and particularly a resident of the city of Chicago, I would not want—thay produce a lot of nuclear power in Illinois—I personally would not want this nuclear waste taken from where it is in Illinois. So I appreciate very much the question of my colleague from Nevada. It is very enlightening.

I ask unanimous consent that we have printed in the Record these cities with these very conservative, modest numbers. We will, of course, for the Record will reduce this to letter size.

There being no objection, the list was ordered to be printed in the Record, as follows:

Major population centers affected by proposed nuclear transportation routes

<table>
<thead>
<tr>
<th>City and State</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York, NY</td>
<td>7,321,564</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>3,485,906</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>2,783,726</td>
</tr>
<tr>
<td>Houston, TX</td>
<td>1,630,672</td>
</tr>
<tr>
<td>Dallas, TX</td>
<td>1,006,831</td>
</tr>
<tr>
<td>San Antonio, TX</td>
<td>935,927</td>
</tr>
<tr>
<td>Baltimore, MD</td>
<td>736,014</td>
</tr>
<tr>
<td>Jacksonville, FL</td>
<td>695,230</td>
</tr>
<tr>
<td>Columbus, OH</td>
<td>632,258</td>
</tr>
<tr>
<td>Milwaukee, WI</td>
<td>628,088</td>
</tr>
<tr>
<td>Washington, DC</td>
<td>606,900</td>
</tr>
<tr>
<td>El Paso, TX</td>
<td>515,342</td>
</tr>
<tr>
<td>Cleveland, OH</td>
<td>505,616</td>
</tr>
<tr>
<td>New Orleans, LA</td>
<td>496,938</td>
</tr>
<tr>
<td>Nashville-Davidson, TN</td>
<td>463,518</td>
</tr>
<tr>
<td>Portland, OR</td>
<td>447,619</td>
</tr>
<tr>
<td>Kansas City, MO</td>
<td>420,395</td>
</tr>
<tr>
<td>Richmond, VA</td>
<td>396,685</td>
</tr>
<tr>
<td>St. Louis, MO</td>
<td>396,003</td>
</tr>
<tr>
<td>Charlotte, NC</td>
<td>394,017</td>
</tr>
<tr>
<td>Albuquerque, NM</td>
<td>384,783</td>
</tr>
<tr>
<td>Pittsburgh, PA</td>
<td>389,870</td>
</tr>
<tr>
<td>Sacramento, CA</td>
<td>369,365</td>
</tr>
<tr>
<td>Phoenix, AZ</td>
<td>368,383</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td>354,202</td>
</tr>
<tr>
<td>Omaha, NE</td>
<td>335,795</td>
</tr>
<tr>
<td>Toledo, OH</td>
<td>323,942</td>
</tr>
<tr>
<td>Buffalo, NY</td>
<td>328,123</td>
</tr>
<tr>
<td>Santa Ana, CA</td>
<td>293,742</td>
</tr>
<tr>
<td>Colorado Springs, CO</td>
<td>281,140</td>
</tr>
<tr>
<td>St. Paul, MN</td>
<td>272,355</td>
</tr>
<tr>
<td>Louisville, KY</td>
<td>269,157</td>
</tr>
<tr>
<td>Anaheim, CA</td>
<td>266,406</td>
</tr>
<tr>
<td>Birmingham, AL</td>
<td>265,652</td>
</tr>
<tr>
<td>Arlington, TX</td>
<td>263,763</td>
</tr>
<tr>
<td>Las Vegas, NV</td>
<td>258,000</td>
</tr>
<tr>
<td>Rochester, MN</td>
<td>248,337</td>
</tr>
<tr>
<td>Jersey City, NJ</td>
<td>228,537</td>
</tr>
<tr>
<td>Richmond, VA</td>
<td>226,505</td>
</tr>
<tr>
<td>Akron, OH</td>
<td>223,019</td>
</tr>
<tr>
<td>Baton Rouge, LA</td>
<td>219,531</td>
</tr>
<tr>
<td>Stockton, CA</td>
<td>210,943</td>
</tr>
<tr>
<td>Shreveport, LA</td>
<td>198,528</td>
</tr>
<tr>
<td>Mobile, AL</td>
<td>196,278</td>
</tr>
<tr>
<td>Des Moines, IA</td>
<td>193,187</td>
</tr>
<tr>
<td>Lincoln, NE</td>
<td>191,973</td>
</tr>
<tr>
<td>Hialeah, FL</td>
<td>188,004</td>
</tr>
<tr>
<td>Montgomery, AL</td>
<td>187,106</td>
</tr>
<tr>
<td>Lubbock, TX</td>
<td>186,281</td>
</tr>
<tr>
<td>Corpus Christi, TX</td>
<td>180,038</td>
</tr>
<tr>
<td>Columbus City, CA</td>
<td>178,701</td>
</tr>
<tr>
<td>Little Rock, AR</td>
<td>175,781</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td>174,820</td>
</tr>
<tr>
<td>Fort Wayne, IN</td>
<td>173,072</td>
</tr>
<tr>
<td>Newport News, VA</td>
<td>170,043</td>
</tr>
<tr>
<td>Knoxville, TN</td>
<td>165,121</td>
</tr>
<tr>
<td>Modesto, CA</td>
<td>164,730</td>
</tr>
<tr>
<td>San Bernardino, CA</td>
<td>164,164</td>
</tr>
<tr>
<td>Syracuse, NY</td>
<td>163,860</td>
</tr>
<tr>
<td>Salt Lake City, UT</td>
<td>159,936</td>
</tr>
<tr>
<td>Huntsville, AL</td>
<td>159,666</td>
</tr>
<tr>
<td>Amarillo, TX</td>
<td>157,613</td>
</tr>
<tr>
<td>Springfield, MA</td>
<td>156,983</td>
</tr>
<tr>
<td>Chattanooga, TN</td>
<td>152,488</td>
</tr>
<tr>
<td>Kansas City, KS</td>
<td>149,768</td>
</tr>
<tr>
<td>Mesa, AZ</td>
<td>149,425</td>
</tr>
<tr>
<td>Fort Lauderdale, FL</td>
<td>149,377</td>
</tr>
<tr>
<td>Oxnard, CA</td>
<td>142,192</td>
</tr>
</tbody>
</table>

This would reduce this to letter size.
Mr. REID. Mr. BRYAN. A further question of the Senator, if the Senator will yield.

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. I think the Senator's point was that the population numbers that I read of part of those cities represent the corporate city limits, and I believe the Senator's point, if I understood him correctly, is that each of these communities are part of a metropolitan area. As the Senator pointed out, in our hometown of Las Vegas, there are roughly a million people in the metropolitan area who would be directly or indirectly impacted by a rail or highway accident. Yet, Las Vegas is listed for purposes of population as 250,000. I believe, if I understood the Senator's point, in addition to the population indicated here, there are suburban communities that would be populated as well, perhaps even greater.

Mr. REID. The Senator’s question is appropriate, pertinent, and in fact very enlightening. The city of Las Vegas is part of a metropolitan area, and it is just like most areas in the United States have a city surrounded by suburbs, and that is, in effect, what we have in Las Vegas. Of course, the numbers that were brought forth by my colleague from Nevada are staggering even if you do not take into consideration the fact that these are only the incorporated areas.

If you elaborate on that and indicate that the population of nearly every place we talked about is much greater than almost every place we talked about, it involves more than 50 million people. The example we talked about, with Chicago, is certainly in point. Chicago would not only be responsible for, in effect, gathering up its nuclear waste and transporting it, but they would be responsible also, being the major railroad that it is, for other people’s nuclear waste. The people of Illinois should tell the nuclear power industry, “Don’t do us any favors. Leave it here. You will not only not have this huge tax on the amounts of money, but it will be safer to leave it where it is either in the cooling ponds or in the dry cask storage containers.

There is surely no need, certainly no compelling need, to rush to a centralized interim storage before a permanent repository site has been designated.

Mr. BRYAN. I say again, the statement I just made is not a statement developed by the Governor of the State of Nevada or the Nevada State Legislature or the Chamber of Commerce of Las Vegas. In accordance with its charter, the Nuclear Waste Technical Review Board just this year reported to the Congress that it does not see compelling technical reason to accelerate the centralization of spent nuclear fuel.” In effect, what they are saying is give the process an opportunity to work.

The President stated he will veto this bill since it would designate interim storage at a specific site before the viability of a permanent repository has been determined. Both the Department of Energy and the Environmental Protection Agency have taken strong positions in opposition to this bill.

Here we are at 6 o’clock at night. I am doing no more than what the President of the United States did. I am doing no more than what the President of the United States is doing here to Nevada. He has been doing this his whole time.

The President of the United States has not said I am opposed to permanent storage in Nevada. He has not said that. But what he has said, unequivocally, without hesitation, to anyone who will listen, is it is unfair what you are trying to do to Nevada with bills like S. 936. Do not do it. Because if you do, I will veto it. And he should.

But we are wasting our time here at 6 o’clock at night when we should be doing important things such as defense appropriations bills. I am a member of the Appropriations Committee.

My colleagues have to understand that we are protecting our rights, the rights of the people of Nevada and the rights of the people of this country. It is wrong what is being done. It is being driven by big business, and it is wrong. If there were ever a time that the rules of the U.S. Senate became important, it was when you are trying to protect the interests of the people of the State of Nevada. I am doing no more than what the President of this body would do. I am doing no more than what any Senator from these United States would do.

It would be as if there was legislation offered in the State of Maryland to do away with Chesapeake Bay. It would be like telling the States that surround this lake, we will take one of the lakes away from you. Would you fight? Sure you would fight. You would use all the rules at your disposal, and we are going to do that.

I expect the two Senators from Idaho, if they were suddenly told that we were going to start hauling thousands of tons of garbage into their State—I would think they should have some rights, minimal rights, the rights equal to other States in this Nation, that we should not allow garbage to be dumped in Idaho. That is what we are doing here to Nevada.

We are saying: In Nevada, you are not only not going to get permanent repository, you are going to get a temporary repository. This is not important, the temporary repository is worse than the permanent one because we are setting the safety standards so low, and the exposure levels so high.

The President stated he will veto the bill. He is doing the right thing. Technical review boards, commissioned by the Government, have consistently found there is no immediate or anticipated risk with continuing dry cask
July 10, 1996

CONGRESSIONAL RECORD – SENATE
S7643

storage for several decades. What I am saying is there is no reason for this legislation. The administration acknowledges that. The technical review bodies have also found the environmental and safety standards should be retained or strengthened rather than weakened as this bill calls for.

Mr. BRYAN. Will the Senator yield for a question?
Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. The Senator just made the point there is really no need for this legislation. I call to the attention of the Senator I ask him if he recalls that in the CONGRESSIONAL RECORD on July 28, 1980, in the context of a debate on the away-from-reactor proposal, a statement was made on the floor by one of our colleagues that this bill—referring to this away-from-reactor storage, which is a progenitor, if you will, of this temporary storage facility that we are dealing with in our discussion this evening—it was said, the day after tomorrow.

This bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem. Mr. President, for this Nation. It is urgent, for we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983, those predictions coming from the Nuclear Regulatory Commission and the Department of Energy.

It is essential that we set a predictable policy for utilities to operate on so that they can plan for a reactor, or, if they are making a decision now as to whether to build one, that they have some predictability to which they can refer that is predictable and certain for the United States.

Mr. BRYAN. My question is that we were told in 1980 that if that away-from-reactor legislation that was on the floor being debated on July 28 was not enacted, then the utilities would have to close by 1983.

My question to the Senator is, is he aware of any of these facilities ever closing as a result of the lack of storage, as was suggested to us, in the crisis-ridden prediction?

Mr. REID. I say to my friend in response to the question, I had forgotten about this. I appreciate very much the Senator bringing it to my attention.

The Senator knows during the past 10 years, we have heard in this body, and other places, dire pleas for emergency help, that you have to do something tomorrow, before the perennial cry-wolfing stories.

That is why the technical review boards have said, “Cool it.” I guess they are saying leave it in the coolers, leave it in the cooling ponds. There is no reason to rush into this. The technical review boards commissioned by the Government consistently found there is no immediate reason for continuing with these continual cries for help.

There is no need or excuse for this bill. It threatens the health and safety of all Americans and is a reckless and unnecessary expense.

Mr. President, the sponsors of this bill say one thing, and what I say to them is, if you really think there is a need for interim storage in the near term, then let’s put this bill in committee and have a good hearing and try to make a determination why we are doing this. There is no reason for it. It is not fair, and certainly if you are going to do this on a fair basis to find the best site, we should remove from this legislation the site specificity. We must restore the environmental and safety provisions of the current law. We must observe the same rights of Nevada residents to health and prosperity as the citizens of any other State, and we must be assured that a search for a permanent solution is not sidetracked by short-term business or political agendas.

We have talked several times today about the transportation risks, and they are significant. One of the great criticisms of this bill is that it will force vast amounts of dangerous nuclear waste to be transported cross country. But it is unnecessary, and it is certainly premature. If this is to be done, should we not wait until the permanent repository is complete?

In the past, we have had roughly 100 shipments per year of nuclear waste, and most of these shipments were relatively short hauls in the East between nuclear power plants and reprocessing facilities. This bill will increase the shipment rate into thousands and thousands of shipments per year and send them on cross-country journeys through routes in our most populated cities in America. The pressure to start shipments as soon as possible and to move as much as possible can only increase the risk of an accident. Safety is far rather than safety first is the hallmark of this bill.

Mr. President, we have here a map that shows the routes the nuclear waste will travel. I ask those who are looking at this map, are any of these routes in your backyard? Are any of these routes in cities where your family, your children, or your kids live or your college? If it is, you should be concerned.

Most of the waste, of course, is produced in the Eastern part of the United States. Is it not interesting that we are going to ship the waste 3,000 miles, in some instances, for no reason? If you live in the heartland of America, ask yourself, where is the nuclear waste going to ship? Is it possible that nuclear waste will be shipped through your State, perhaps your town, when we do not yet know where the final repository will be?

If you live in Wyoming, Utah, or Colorado, you should note that you are on the main line for these shipments. S. 1936 mandates shipment of nuclear waste crosscountry by 1999, regardless of technical problems or risks involved.

There is no need for these shipments at this time. There may never be a need for these shipments. If and when they are needed, we should take our time to do it right and not force this issue as it is being done today.

The industry and the sponsors of this bill would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste and other hazardous substances.

I am reminded of a friend of mine who I went to high school with. He was a police officer in a town in eastcentral Nevada, a town called Ely,
E. I. Kennecott had a big mine there at one time. He was, as I indicated, a police officer, and he told me:

Harry, one of the things that I do that gives me as much concern as anything else is we get notices every day of hazardous substances that are being driven through our town.

He said:

It would be better if they didn't even tell us about it, because if something happened with one of those vehicles with the hazardous substance in it, there is nothing we can do about it anyway. We have no equipment. None of the police or fire are trained to handle these hazardous substances. Our equipment is certainly inadequate.

Multiply this thousands and thousands of times all over America. We are going to ship nuclear waste on trucks and trains. There will be accidents. There have been accidents. We have already had seven nuclear waste accidents. They have not been significantly harming anyone; they have been accidents.

The industry and the sponsors of this bill, as I have indicated, would have you believe, would like you to believe that this transportation is risk free. Well, it is not. We have had truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste. There will be many more accidents because there will be many more shipments.

The sponsors of this bill will tell you that the probability of an accident resulting in a large radioactive release is very small; that, in fact, we have never had a significant release. Well, probabilities have irreversable results, that if you push them long and hard enough, the adverse outcome will occur.

The day before Chernobyl, the probability of such an accident was very, very low. But the day after the accident, the consequences were enormous, and the probabilities of other such accidents increased significantly.

Mr. President, there are a number of us who have been concerned about the safety of our nuclear waste and the safety of our nuclearsenal. In working on these issues, I came to realize that there have been numerous accidents involving nuclear weapons. We have been so fortunate. We have been so lucky that there has not been death and destruction as a result of those accidents. In North Dakota, a B-52 caught fire loaded with nuclear weapons. The wind usually blew in one direction, but during the course on the airplane it blew in the other direction and, as a result of that, there was no danger as a result of nuclear weaponry.

We know that there has been an accident in Canada in an airplane with nuclear weapons on it. Again, it was found and everything worked out fine. But these accidents will happen. The day before Chernobyl, the probability of such an accident was very low. But the accident happened. And the consequences were enormous. The same potential exists here.

Mr. President, again, I would like to draw your attention to the chart that shows the number of trucks and trains that will be used to transport this very high-level nuclear waste. I, of course, highlighted the States with the biggest risks. It is in bold print: Illinois, Nebraska, Nevada, Utah, and Wyoming. There are others that are close to that. But I just highlighted those.

It is significant, because we are talking about over 12,000 shipments through Illinois alone; over 11,000 shipments through Nebraska and Wyoming; over 14,000 through Utah; over 15,000 for Nevada; a train to coated in States.

As I have indicated, we have already had seven nuclear waste transportation accidents. The average has been one accident for every 300 shipments of nuclear waste. Well, we do not know for sure how many new trains and trucks will be required because of S. 1936. But we know it will be magnified significantly. So we can expect at least 150 or 200 accidents if this S. 1936 is implemented.

Where will these accidents take place? Omaha? Chicago? New York? Atlanta? I do not know. No one knows, just like no one knew that this inferno would occur at Chernobyl! We should not be ready to take that risk, because it is unnecessary. We want to take the risk? To help the nuclear industry reduce its costs and risk exposure? It is a tautology that accidents are unpredictable; but that an accident will happen is certain.

Based on studies done for the Nuclear Regulatory Commission, at least one serious radioactive accident with leakage and contamination will happen sometime, somewhere along the transportation route. That is a very modest estimate. We cannot know where it will happen before it happens. We cannot know when it will happen before it happens.

So, Mr. President, today we could not respond effectively or rapidly to accident sites because we have not taken the time and the expense to equip and train emergency responders along the routes that the waste will take. We have not made the investments necessary to assure capable response to remote, inaccessible areas where the accidents could happen.

Mr. President, we simply could not respond. But how long would it take to get trained and equipped emergency crews to a railway accident site somewhere like the Rocky Mountains I talked about earlier, like the Sierra Nevada Mountains between California and Nevada? What about the Wasatch Range in Utah? What about the mountains of Arizona? It makes a big difference how well and how rapidly we can respond. Let me give some illustrations.

The Nuclear Regulatory Commission requires that transportation containers survive a 30-minute exposure to a fire environment and higher Fahrenheit temperature. Sounds very strong and protective—30-minute exposure to a fire environment of 1,475 degrees.

Yet diesel fuel fire temperatures can exceed 3,200 degrees and their average temperatures are about 1,800 degrees Fahrenheit. So a diesel fuel fire—and most trucks use diesel fuel, most trains use diesel fuel—the average temperature of a diesel fuel fire is 1,800 degrees, 325 degrees higher than the Nuclear Regulatory Commission requires these containers to survive. And these are exposed for only 30 minutes.

I indicated earlier today we all read in the newspaper about a fire that occurred. No one knew that this inferno would be required because of S. 1936. But we know it will be magnified significantly. So we can expect at least 150 or 200 accidents if this S. 1936 is implemented.

Where will these accidents take place? Omaha? Chicago? New York? Atlanta? I do not know. No one knows, just like no one knew that this inferno would occur at Chernobyl! We should not be ready to take that risk, because it is unnecessary. We want to take the risk? To help the nuclear industry reduce its costs and risk exposure? It is a tautology that accidents are unpredictable; but that an accident will happen is certain.

Based on studies done for the Nuclear Regulatory Commission, at least one serious radioactive accident with leakage and contamination will happen sometime, somewhere along the transportation route. That is a very modest estimate. We cannot know where it will happen before it happens. We cannot know when it will happen before it happens.

So, Mr. President, today we could not respond effectively or rapidly to accident sites because we have not taken the time and the expense to equip and train emergency responders along the routes that the waste will take. We have not made the investments necessary to assure capable response to remote, inaccessible areas where the accidents could happen.

Mr. President, we simply could not respond. But how long would it take to get trained and equipped emergency crews to a railway accident site somewhere like the Rocky Mountains I talked about earlier, like the Sierra Nevada Mountains between California and Nevada? What about the Wasatch Range in Utah? What about the mountains of Arizona? It makes a big difference how well and how rapidly we can respond. Let me give some illustrations.

The Nuclear Regulatory Commission requires that transportation containers survive a 30-minute exposure to a fire environment and higher Fahrenheit temperature. Sounds very strong and protective—30-minute exposure to a fire environment of 1,475 degrees.

Yet diesel fuel fire temperatures can exceed 3,200 degrees and their average temperatures are about 1,800 degrees Fahrenheit. So a diesel fuel fire—and most trucks use diesel fuel, most trains use diesel fuel—the average temperature of a diesel fuel fire is 1,800 degrees, 325 degrees higher than the Nuclear Regulatory Commission requires these containers to survive. And these are exposed for only 30 minutes.
route in a train or truck, knowing that there is going to be an accident, only wondering when and where it will occur? Well, I ask the world, but the world must respond that the only logical thing to do is to leave it where it is—let it be. Because it is where it is, you avoid totally the danger of an accident. You also avoid not only the fire but the collision. I say "also," Mr. President.

One of the things I have not talked about that we should be doing now, we should be judges. We have 23 judges that should be cleared. We have not cleared a single one of them. The last year that we were in power, the Democrats were in power, we cleared 60 or 70 judges. We have not cleared a single judge this year. There are 23 that need to be cleared.

While we are talking about the court, I see the Presiding Officer here, one of the things we need to get done is to get a study of the circuits so we can make determination on how we should realign the circuits. Anyone that has practiced law in the Federal court system knows we probably need to do some realigning of the Federal appeals court. We should get that done. I hope we can get our right away the questions that have been raised by the Senator from Montana, the junior Senator from Montana and others about some of the appellate courts, we can get those resolved. That is one thing we need to do.

There is no good reason that we cannot leave the nuclear waste where it is to avoid collisions, to avoid fires.

Certainly, what we should be doing is talking about welfare reform. I see walking off the floor the junior Senator from Louisiana who has spent weeks of his time, weeks of his time working on welfare reform. As a result of the work that he and Senator Mikulski did, we came up with a proposal here by over 80 votes and I went to conference, fell apart, was vetoed. I hope we would use his good work in building another welfare reform bill.

Many Senators are concerned about judges, whether there should be approval of judges. I hope we can do that, rather than wasting our time on a bill the President has said he will veto.

I repeat, the Nuclear Regulatory Commission has said if there is a fire, one of these canisters must withstand temperatures of 1475 degrees; diesel, when it burns, is 1800 degrees. We know, also, that collisions are survivable under the Nuclear Regulatory Commission standards only at 30 miles an hour. That is inadequate. We do not need to expose these canisters to collisions or to fire. All we need to do is put dry cask storage containers on site, and as a result of doing that, we could avoid all the concerns that the Nuclear Regulatory Commission has.

As of catastrophic accidents will exceed the criteria set by the Nuclear Regulatory Commission on highway and rail accidents. The NRC certification requirement for spent-fuel transportation containers are not insurance against the consequences of a remote inaccessible accident, but the consequence of an accident will not observe the boundaries of the accident. The known issues of being remote is no basis for comfort. Radioactive waste will burn and disperse many tens of miles that will contaminate far distant territory.

So, along the transportation routes, within a mile of at least 50 million residents at risk. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, as my colleague pointed out, and the chart has been printed in the RECORD, at least 50 million people are within a mile of the routes that we have pointed out time and time again. And the train travels and the truck travels. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, as my colleague pointed out, and the chart has been printed in the RECORD, at least 50 million people are within a mile of the routes that we have pointed out time and time again. And the train travels and the truck travels. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring that safety is primary and that we reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.
I went out of my way to make sure that the Capitol Police had enough money to do the things that it would require because of these terrorist activities in our Nation's Capitol. Why do we not avoid those activities even more? That, Mr. President, we can do it by simply not hauling nuclear waste on-site. We do not want to be bothered by reality. They ask that we not confuse them with facts. The old saying is that "haste makes waste."

That takes on a whole new dimension in the context of S. 1936, because the waste that we are talking about is a most poisonous substance known to man. Mr. President, we also, of course, must be concerned about vandalism, such as graffiti sprayed on walls, and windows knocked out of buildings, and buildings that are completely destroyed. "Vandalism" is a word that came as a result of the invasion of the Vandals. They came and destroyed for no good reason. They destroyed just to be destroying.

Protests. In Nevada, it has become very standard that we have people who come there to protest. They come there to protest at the Nevada Test Site. Some of them protest because they think there are aliens out there, secret storage facilities for aliens from outer space. We have people that come there and protest because they believe at the test site they are doing things dealing with atomic devices, which they should not be doing. They lay down in the streets. They stop people from coming to and doing work. They are going to do the same with transporting nuclear waste. There is no reason that we should give these people the opportunity to cause mischief. I am not saying that the people who believe that there are alien test sites are mischievous. I am sure they believe they are there. I am sure they are people of good will, who picket the test site and do those kinds of things.

But I say, why should we allow terrorists to take place? Where should we allow the opportunity for vandalism at these nuclear storage facilities transportation when it is unnecessary? Why would we want to do that? Why do we need the protests? Why do we not simply leave the spent fuel on-site, where the technical review board said it should be left until we get a permanent repository or determine there cannot be one, which is not very likely. We have talked about the exposure risks. I lit this bill. But S. 1936 will certainly go on. Environmental laws and expose Americans to unreasonable risks. S. 1936 removes the Environmental Protection Agency's authority to set environmental standards. This runs directly counter to the recommendations of the National Academy of Sciences' recommendations, which were asked for by Congress. S. 1936 mandates a radiation exposure safety limit that is inconsistent. Mr. President, I have said to the two leaders, who are on the floor. I ask that until some agreement is reached, I not lose my opportunity to maintain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is our intention at this point to ask unanimous consent with regard to the Executive Calendar and then have a closing script, which would involve us closing up for tonight. We would come in in the morning at 9 and have morning business which, I believe, was requested by the Democratic leader, equally divided between 9 and 10. And then at 10 we would go to the Department of Defense appropriations bill.

I know how seriously the two Senators from Nevada feel about this issue. I appreciate them letting me intervene at this point. I look forward to working with them later as we go along.

Mr. REID. Reserving the right to object, it is my understanding that this is wrap-up, and there is going to be no more after we finish here.

Mr. LOTT. That is right.

Mr. REID. I thank the majority leader.

MORNING BUSINESS

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 July 5, the U.S. imported 8,000,000 barrels of oil each day. 1,500,000 barrels more than the 6,500,000 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 1970's, foreign oil accounted for only 35 percent of America's oil supply. Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Shouldn't more attention be paid to this perilous situation in light of the June 25 bombing which killed 19 Americans in Saudi Arabia? American troops are in Saudi Arabia to protect United States petroleum interests.

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 U.S.—now 8,000,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 9, 1996, the Federal debt stood at $5,151,106,744,723.87. On a per capita basis, every man, woman, and child in America owes $19,419.07 as his or her share of that debt.

SUSTAINABLE FISHERIES ACT

Mr. PRESSLER. Mr. President, on March 28, 1996, the Committee on Commerce, Science, and Transportation reported S. 39, the Sustainable Fisheries Act. A report on the bill was filed on May 23, 1996. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On July 8, 1996, the accompanying letter was received from the Congressional Budget Office, and I request it be made available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

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


Hon. LARRY PRESSLER, Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 39, the Sustainable Fisheries Act.

Enactment of S. 39 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill. S. 39 contains several new private-sector mandates (see the enclosed mandates statement), but it does not contain any intergovernmental mandates as defined in Public Law 94-292.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM

(For June E. O'Neill).

Enclosures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 39
3. Bill status: As reported by the Senate Committee on Commerce, Science, and Transportation on May 23, 1996.
4. Bill purpose: S. 39 would amend the Magnuson Fishery Conservation and Management Act (the Magnuson Act), which governs federal regulation of commercial and recreational fishing within the exclusive economic zone (EEZ) of the United States. The bill would also amend other marine fishery and maritime laws including the Anadromous Fisheries Act, the Interjurisdictional Fisheries Act, the Fish and Wildlife Act of 1956, the Atlantic Coastal Cooperative Management Act, the Merchant Marine Act, and the Saltonstall-Kennedy Act. Programs authorized under these acts are managed locally by eight regional fishery councils and...
CONGRESSIONAL RECORD — SENATE

July 10, 1996

S7647

at the national level by the National Oceanic and Atmospheric Administration (NOAA).

Program authorizations

S. 39 would authorize funding through fiscal year 2000 for fisheries conservation and management programs, including information collection and analysis, and state/industry assistance programs. Other provisions of the bill would:

- Reauthorize the Fishing Vessel Obligation Guarantee Program (FVGOP) and provide for guaranteed funds to up to $40 million in loans annually;
- Expand the FVGOP to allow refinancing of fishing vessel loans during a fishery recovery effort;
- Authorize appropriations of such sums as may be necessary to rebuild commercial fishery, and mitigate losses of participants in such fisheries;
- Make fishing vessels federal permits from voluntary sellers or federal permits from voluntary sellers or by guaranteeing debt obligations issued by guaranteeing debt obligations issued by any state or other public source and private or nonprofit organizations, and (4) industry fees paid by participants in the fishery. In addition, section 302 would cover for funding of private bycatch by guaranteeing NOAA to guarantee bonds to eligible entities under Title XI of the Merchant Marine Act. Such guarantees would be subject to the appropriation of the necessary amounts to cover the estimate subsidy cost as defined by the Federal Credit Reform Act.

Under the bill, guarantees could only be made if the participants of a fishery approve an industry fee to be used to repay any debt issued. At any time could not exceed $100 million for each participating fishery. Amounts from sources other than subsidy appropriations would be deposited to individual fishing capacity reduction funds. Such amounts would be available without appropriation to pay program costs and to fund financial institutions for guaranteed debt obligations incurred by entities to finance buyouts. Funds balances would be invested in the government securities, but the bill makes no provision for the deposit or spending of any interest that may be earned.

5. Estimated cost to the Federal Government—Assumptions of the necessary amounts, CBO estimates that enacting the bill will result in new discretionary spending totaling about $4 billion over the 1997-2002 period. Enacting the bill also would result in new direct spending totaling $23 million over the 1997-2002 period, and new revenues totaling $25 million over the same period. Based on both direct spending and revenues, each at roughly $6 million a year, would continue for several years after 2002. Table 1 summarizes the estimated budgetary impact of S. 39.

Section 118 of the bill would provide for several possible funding sources for the FCPRs, including: (1) grants from the Promote and Develop Fisheries Fund, (2) grants from the FVRP, (3) grants from any state or other public source and private or nonprofit organizations, and (4) industry fees paid by participants in the fishery. In addition, section 302 would provide for financing of private bycatch by guaranteeing NOAA to guarantee bonds to eligible entities under Title XI of the Merchant Marine Act. Such guarantees would be subject to the appropriation of the necessary amounts to cover the estimated subsidy cost as defined by the Federal Credit Reform Act.

Under the bill, guarantees could only be made if the participants of a fishery approve an industry fee to be used to repay any debt issued. At any time could not exceed $100 million for each participating fishery. Amounts from sources other than subsidy appropriations would be deposited to individual fishing capacity reduction funds. Such amounts would be available without appropriation to pay program costs and to fund financial institutions for guaranteed debt obligations incurred by entities to finance buyouts. Funds balances would be invested in the government securities, but the bill makes no provision for the deposit or spending of any interest that may be earned.

5. Estimated cost to the Federal Government—Assumptions of the necessary amounts, CBO estimates that enacting the bill will result in new discretionary spending totaling about $4 billion over the 1997-2002 period. Enacting the bill also would result in new direct spending totaling $23 million over the 1997-2002 period, and new revenues totaling $25 million over the same period. Based on both direct spending and revenues, each at roughly $6 million a year, would continue for several years after 2002. Table 1 summarizes the estimated budgetary impact of S. 39.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending Subject to Appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spending under current law</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
</tr>
<tr>
<td>Estimated outlays</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
</tr>
<tr>
<td>Proposed changes</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated authority level</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
</tr>
<tr>
<td>Estimated outlays</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
</tr>
<tr>
<td>Spending under S. 39:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated authority level</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
</tr>
<tr>
<td>Estimated outlays</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
<td>237</td>
</tr>
<tr>
<td>Additional Revenues and Direct Spending</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated revenue</td>
<td>1 (1)</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Direct spending</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated budget authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated outlays</td>
<td>-</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

1. The 1996 amount is the appropriated level for that year.
2. Less than $500,000.

The costs of this bill fall within budget function 300.

<table>
<thead>
<tr>
<th>Basis of estimate</th>
<th>Spending subject to appropriations</th>
</tr>
</thead>
</table>
| For purposes of this estimate, CBO has assumed that the bill would be enacted by the end of fiscal year 2000 and that the entire amounts authorized or estimated to be necessary would be appropriated for each fiscal year. Outlays have been estimated on the basis of the FVRP, going fisheries programs, and information provided by NOAA.

CBO estimates that S. 39 would authorize appropriations totaling $1,412 million for the 1997-2002 period (see Table 2). Of this amount, $1,403 million is from appropriations specifically for authorized programs, excluding accounting for the remaining $9 million are discussed below.

Fishing Vessel Obligation Guarantee Fund (FVGOF)—CBO estimates an authorization of $2.4 million (less than $500,000 a year for 1997 through 2002) for appropriations to subsidize the FVGOF program. S. 39 would amend the Merchant Marine Act to authorize the FVGOF program to guarantee up to $40 million in loans annually. The bill would not change the guarantee fee, which alongside with the default rates, determine the subsidy rate for the program. Hence, CBO estimates that the current subsidy rate of 1 percent would continue to apply so that the annual loan limitation of $40 million would limit new subsidies to $400,000 a year.

Refinancing of Fishing Vessel Loans—This estimate also includes $4 million for the projected costs of subsidizing the refinancing of certain loans. S. 39 would authorize the Secretary of Commerce to refinance fishing vessel loans for those fishermen that lose revenue as a result of fishery conservation efforts. Because the bill would authorize NOAA to delay issuing standards, CBO would expect a higher default rate on the refinanced loans than the federal government program. Based on information from NOAA, CBO estimates that FVGOF would refinance about $10 million in fishing vessel loans over about $60 million over the 1997-2002 period.

TABLE 2—Specified and Estimated Authorizations Contained in S. 39

<table>
<thead>
<tr>
<th>Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAGNIFICENT ACT</td>
<td>151</td>
<td>160</td>
<td>164</td>
<td>168</td>
<td>172</td>
<td>176</td>
</tr>
<tr>
<td>FISCHER ET AL. ACT</td>
<td>103</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
</tr>
<tr>
<td>INTERNATIONAL FISHERIES ACT</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>ANIMALI FISHERIES ACT</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>ALLICINE COASTAL ACT</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>ECONOMIC MANAGEMENT ACT</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

1. This specification level for 1996 exceeds CBO estimates, the bill would be enacted in the fiscal year 1996, affecting 1996 spending.
2. The table does not show any additional amounts for fishery failures or loss compensation because CBO assumes that funding would come from amounts authorized in other sections of the bill.
expect that buyouts in this fishery would be made by a fishing association or nonprofit organization that would issue an estimated $20 million in federally guaranteed bonds to finance the buyout of about one-third of the fishery’s capacity in 1998.

CBO estimates that the subsidy rate for the debt obligations would be about 15 percent, resulting in a cost to the federal government of $3 million in 1998 to guarantee $20 million in debt for the Pacific groundfish fishery. The subsidy rate of 15 percent is comparable to the subsidy rate for a program in which the government guarantees debentures for venture capital firms that invest in small businesses. As with the small business debentures, the repayment of the guaranteed bonds in the fisheries program would be uncertain. The only allowable source of debt repayments would be the industry fees. Because such fees were based on a percent-age of the value of fish caught in the fishery, repayment of the debt would be highly susceptible to market fluctuations, natural disasters, and other unpredictable factors.

Moreover, limiting repayments to this source implies that no collateral could be required.

Other Provisions.—The estimated authorization for 1997–2002 does not include any estimates of revenues from stays on bycatch, or reduce existing limits on permitted bycatch. Although sale of permits may be charged in other limited-access fisheries. CBO also estimates no decrease in revenues provided by the National Marine Fisheries Service and the North Pacific Fishery Management Council that a fee system is unlikely to be proposed by the council in the near future. Rather, the council will consider alternative methods for reducing harvest once existing permits are phased out.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Management Agreements (about $4 million a year in spending in 2019–2019, and indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.

Revenues from Fishing Capacity Reduction Programs.—CBO estimates that fees associated with capacity reduction programs would generate additional federal revenues of about $1 million in 1999. Section 118 would require NOAA to impose an annual fee on businesses that continue to hold permits in a capacity reduction program. The fee would have to be approved in a referendum before a buyout program could be implemented. CBO expects that such fees would be charged to entities fishing for Pacific groundfish and that this would be the only fishery likely to adopt a buyout program in the near future. This estimate is based on the expectation that the estimated annual gross sale proceeds in that fishery (about $80 million), which is the level that would be required to pay the principal and interest on $20 million of bonds over 20 years at a rate slightly higher than the federal government’s cost of borrowing. PIAFA Revenues.—CBO estimates revenues of about $16 million over the 1997–2002 period from fees that might be included in future PIAFAs. The bill would authorize the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, to impose an annual fee on businesses that would be used to support the establishment and operation of a program to purchase permits. The fee would be used to pay the administrative costs of implementing the program.

Spending of FCRP revenues: Title I of the bill would require the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, to spend any revenues collected under Title I for the purpose of workers compensation of employees for the purpose of workers compensation of employees.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling about $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Management Agreements (about $4 million a year in spending in 2019–2019, and indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling about $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Management Agreements (about $4 million a year in spending in 2019–2019, and indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling about $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Management Agreements (about $4 million a year in spending in 2019–2019, and indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.
you-go procedures for legislation affecting Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting S. 39 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill.

Direct Spending.—Proposed IFQ and CDQ program fees would result in additional offsets of revenue collections. We estimate that spending would lag behind fee collections slightly, resulting in a net reduction in outlays of about $1 million in 1997. Because most of the IFQ and CDQ fees would be spent in the year they are collected, CBO estimates that the net impact of this provision on outlays after 1997 would be less than $500,000 a year. Section 217 authorizes spending without an appropriation of the fees collected on participants in fishing capacity reduction programs and from PIAFs. However, CBO estimates that the revenues from these programs would not be collected or spent until 1999.

Revenues.—The bill would raise new revenue from a fee limited to access permits. Revenues from other new fees would accrue after 1998. CBO’s estimate of S. 39’s pay-as-you-go impact is summarized in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Change in outlay</th>
<th>Change in revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1997</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

8. Estimated impact on State, local, and tribal governments: Patrice Gordon. The bill would authorize appropriations of at least $87 million over fiscal years 1997 through 2000 for financial assistance to State and local governments. This assistance would help State and local governments protect and manage fishery resources. If the Secretary of State enters into agreements to allow foreign fishing within the exclusive economic zones adjacent to Pacific Insular Areas, the bill could also result in increased funding for these governments. Such funding would be earmarked for managing and conserving fisheries.

9. Estimated impact on the private sector: Patrice Gordon. S. 39 contains several new private-sector mandates, but the direct costs of those mandates are not likely to exceed the $100 million threshold established by Public Law 104-4, see (the attached private-sector mandate statement).


I. Background and Summary

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of federal labor and employment law statutes to covered Congressional employees and employers. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code ("chapter 71") relating to Federal service labor-management relations. The CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117.
Section 220(d) authorizes the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ("FLRA") to implement the statutory provisions of chapters 71 and 73 of title 5, United States Code, to the extent that the Board may determine, for good cause shown and stated together with the determination, that a modification of such rules would be necessary or appropriate for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

On March 6, 1996, the Board of Directors of the Office of Compliance ("Office") issued an Advance Notice of Proposed Rulemaking ("ANPR") that solicited comments from interested parties in order to obtain participation in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking ("NPR") (142 Cong. R. S5070-88, S5072-73 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, as the NPR was published, the Board published the Notice of Proposed Rulemaking ("ANPR") (142 Cong. R. S5552-56, S5563-68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e).

That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered supervisors to even conceive of how an election would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA, it would decide representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not render this reference to hearing officers for initial decision under section 405, much less specify that these "matter[s]" include disputes relating to arbitrability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the Board's proposed rule must refer to a hearing officer for initial decision under section 405. Since Congress did not require the Board to refer to a hearing officer for initial decision under section 405. In making this suggestion, the commenter omits the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c)(1) or (2). This language applies to any unfair labor practice issue.

Finally, there is simply no foundation for the suggestion that the Board, in referring to the investigative authority. Congress did not intend to refer representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 220, or to any other formal proceeding. In any event, if Congress intended to refer to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: "In a case where the construction of legislative language such as this makes sense and is responsive to the interests of the affected parties, we think judges as well as litigants may take into consideration the fact that a witness obtained, or the parties have an obligation to provide existing documents and witnesses for pre-election investigations.

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a notice of pre-election investigations. The Board's proposed rule did not define the "matter[s]" that the Board must refer to hearing officers for initial decision under section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue. Indeed, construing the proposal to require a formal adversary process (even if, as one commenter suggests, merely to carry out these "investigative proceedings") would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult to see how the members of Congress could practically be conducted in the confidential, adversarial processes contemplated by section 405. But, as the Supreme Court has noted in its interpretive process to presume that Congress did not intend to be so impracticable, the Board's construction of section 220 is not this significant practical concern. Rather, the "real reason" is the one that is stated in the NPR and here-to-wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in so far as Congress intended to refer representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 220, or to any other formal proceeding.
investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with those instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the President to designate anyone of the duly appointed FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 2422.18 of the FLRA’s regulations, subpoenas or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that the pertinent provision was section 2422.18 of the FLRA’s regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter’s view that pre-election investigatory hearings must be conducted under the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) of the final regulation be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board “should make the proposed regulations governing such subpoenas consistent with its own procedural regulations.” This same commenter also suggested that the Board should not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly “appears to be included to comply with the Sunshine Act.”

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters’ criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA’s regulations by including section 2422.18(d). Furthermore, because pre-election investigatory hearings are not conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the applicability of the Federal rules of evidence or to provide for the issuance of subpoenas and witnesses in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the “Sunshine Act” (Pub. L. 94–665) which formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting subsection (d), as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is no need to delete the challenging sentences of sections 2423.5 and 2424.4 of the FLRA’s regulations. Specifically, the Board proposed to omit the requirement that a labor organization representing or who has as a primary function intelligence, counterintelligence, investigative, or national security work, and the Board thus determined that the procedures required by the Board rule in section 2422.18(b) of the FLRA’s regulations cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations.

One commenter suggested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that are being excluded because their “primary function . . . is intelligence investigative or national security work”; the other commenters made similar suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7303(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under sections 405 and 220 of the Act. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but should be addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words “bylaws, tacit agreement among its members,” were omitted from the definition of “labor organization” in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term “handicap” for “handicapping condition”

The proposed regulations, in sections 2423.1(d)1 and 2424.1(d)(2)(iv), make reference to the term “handicapping condition.” That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term “disability,” rather than the term “handicap” or “handicapping condition.” Accordingly, as urged by one commenter, the Board finds good cause to substitute the term “disability” for the term “handicap” wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term “employing office” and “labor organization” as appearing in section 2423.1(m)(3) of the proposed regulations to provide that, in addition to “matters specifically provided for by Federal statute,” matters specifically provided for by “resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law” are among the matters excluded from that term. But the definition of “conditions of employment” in section 2423.1(m) of the proposed regulations is identified as the statutory text “as interpreted by reference into the FLRA’s regulations.” Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House of Representatives and/or the Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from “conditions of employment” under section 2423.1(m) of the proposed regulations. The Board thus determined that there is good cause to change the FLRA’s regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation—The term “Government-wide rule or regulation” is defined in the NPR as incorporating provisions of chapter 71 and applicable regulations of the FLRA. One commenter
asked that the Board clarify that the term includes "rules or regulations issued by the House or Senate, as appropriate." The commenters cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only those rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply only to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the term "exclusive recognition" and "primary national subdivision" have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantive consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition or distribution of certain notices by employees of an agency or primary national subdivision to a labor organization that holds exclusive recognition or distribution of certain notices by employees of an agency or primary national subdivision to a labor organization that holds exclusive recognition of a substantial number of employees, determined by regulation. The Board determined that there is no apparent reason why there should be a different threshold requirement for small executive branch employing offices from that applicable to the legislative branch.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees, "a union could gain consultation rights on the basis of the interest of one employee." The commenter's concern that one employee's interest would overrule the largest interest in the employing office is unfounded. In order to obtain national consultation rights, a labor organization must hold "exclusive recognition or distribution of certain notices by employees of an agency or primary national subdivision to a labor organization that holds exclusive recognition" of a substantial number of employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small executive branch employing offices from that applicable to small executive branch agencies.

The term "exclusive recognition" means that "a labor organization has been selected as the representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election." The mere "interest" of an employee does not make that employee an appropriate unit of representation, in a secret ballot election. Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board has carefully considered the matter. The commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated in the regulations, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with section 7117(c) of chapter 71, federal employees, and other representatives, shall be granted consultation rights by any agency with respect to any Government-wide rules or regulation issued by the agency that affects any substantive condition or economic change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued Government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold with the 10% threshold requirement in the regulations, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter argued that an employing office with 3,500 employees, "consultation on government-wide rules or regulations should not be a requirement under the CAA." The Board considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is "arbitrary and capricious or based upon manifest disregard of the law." Noting that section 220(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is "arbitrary and capricious or based upon manifest disregard of the law." Noting that section 220(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

One commenter asked the Board to promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee in order to "eliminate by regulation the possibility, even in cases in which it does, that the contents of legislation or legislative policy might be influenced by union membership of employees, offices should be modified. In this regard, the commenter argued that these sections of the proposed rules "give the Executive Director the authority to determine the placement" and that such determination should be left to the discretion of the employing office. In contrast to the board's conclusions, however, the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA. Accordingly, there is no reason to modify the regulations, as requested by the commenter.
Congressional employees. This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded, modified, or added.

The Board has concluded that it is appropriate to adopt a regulation authorizing parties to file charges and orders to be served on labor organizations; and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

II. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that shall apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

SIGNED at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

2420 Purpose and scope

2421 Meaning of terms as used in this subchapter

2422 Representation proceedings

2423 Unfair labor practice proceedings

2424 Expedited review of negotiability issues

2425 Review of arbitration awards

2426 National consultation rights and consultation rights on Government-wide rules or regulations

2427 General statements of policy or guidance

2428 Enforcement of Assistant Secretary standards of conduct decisions and orders

2429 Miscellaneous and general requirements

Subchapter D

2470 General

2471 Procedures of the Board in impasse proceedings

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine entities of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7112, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve disputes relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2 Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.

2421.1 Act; CAA.

2421.2 Chapter 71.

2421.3 General Definitions.

2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

2421.5 Activity.

2421.6 Primary national subdivision.

2421.7 Executive Director.

2421.8 Hearing Officer.

2421.9 Party.

2421.10 Intervenor.

2421.11 Certification.

2421.12 Appropriate unit.

2421.13 Secret ballot.

2421.14 Showing of interest.

2421.15 Affected by Issues raised.

2421.16 Petitioner.

2421.17 Eligibility Period.

2421.18 Election.

2421.19 Affected by issues raised.

2421.20 Determinative challenged ballots.

§ 2421.21 Act; CAA.


§ 2421.22 Chapter 71.

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§ 2421.23 General Definitions.

(a) The term "person" means an individual, labor organization, employer office, or former employer.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of the: House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; the Office of Technology Assessment; or

(2) Whose employment in an employing office is terminated as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(b) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning the effect on an employee or an employee organization of a decision of the Board, an order of the Board, or a decision of an arbitrator.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning the effect on an employee or an employee organization of a decision of the Board, an order of the Board, or a decision of an arbitrator.

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.
(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, re- ward, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority renders routine work its peculiar nature.

(ii) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment and other matters affecting employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligations assumed by the party to the agreement do not compel either party to agree to a proposal or to make a concession.

(m) The term "conditions of employment" means personnel policies, practices, and matters disciplined by such action, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically authorized by federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work regularly of a technical and intellectual character requiring a advanced intellectual and varied in character (as distinguished from manual, mechanical, or physical work); and

(iv) Which is of such character that the output of work resulting from the exercise of such technical and intellectual judgment and discretion cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the course of specialized instruction and study described in subparagraph (i) of this paragraph and is performing related work under appropriate direction and guidance of a professional employee as described in subparagraph (i) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 9(a) of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§2421.4 National consultation rights; consultation on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that has been determined as the exclusive representative of a substantial number of employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be permitted reasonable time to present its views and recommendations regarding the changes;

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the United States, as applied under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA; and

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Failing or refusing to cooperate in implementing a collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(iii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes;

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasonable basis for any action taken by the employing office.
(i) To meet reasonable occupational standards uniformly required for admission, or
(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§2421.15 Activity.

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of an employing office.

§2421.16 Primary national subdivision.

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§2421.17 Executive Director.

"Executive Director" means the Executive Director of the Office of Compliance.

§2421.18 Hearing Officer.

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office’s jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§2421.19 Party.

The term "party" means:
(a) Any labor organization, employing office or activity filing a petition or request;
(b) Any labor organization or employing office or activity named as a party;
(c) A certification then in effect;
(d) A petition under this subsection.

§2421.20 Intervenor.

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board; or
(i) A certified labor organization;
(ii) A petition, including street number, as applied by the CAA, or
(iii) A matter in which the award of an arbitrator was issued; and
(c) The General Counsel, or the General Counsel's designee, as a representative, in appropriate proceedings.

§2421.10 Allocation.

The term "allocation" means the determination by the Board, its agents or representatives of the appropriate unit.

§2421.11 Certification.

The term "certification" means the determination by the Board, its agents or representatives of the appropriate unit.

§2421.12 Appropriate unit.

The term "appropriate unit" means that group of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7106(b)(3), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§2421.13 Secret ballot.

The term "secret ballot" means the expression of preferences, voting machine, otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§2421.14 Showing of interest.

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by employees and the labor organization's authorized official; current dues records; an existing or recently expired election agreement; current certification; employees' signed authorization cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; (ii) Petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§2421.15 Regular and substantially equivalent employment.

The term "regular and substantially equivalent employment" means employment that is substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§2421.17 Eligibility periods.

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in an election under Part 2422 of this Subchapter.

§2421.18 Election agreement.

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§2421.19 Affected by issues raised.

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§2421.20 Determinative challenged ballots.

"Determinative challenged ballots" are ballots challenged prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

§2422.1 Purposes of a petition.

§2422.2 Standing to file a petition.

§2422.3 Contents of a petition.

§2422.4 Service requirements.

§2422.5 Filing of petitions.

§2422.6 Notification of filing.

§2422.7 Posting notice of filing of a petition.

§2422.8 Intervention and cross-petitions.

§2422.9 Adequacy of showing of interest.

§2422.10 Validity of showing of interest.

§2422.11 Challenge to the status of a labor organization.

§2422.12 Timeliness of petitions seeking an election.

§2422.13 Resolution of issues raised by a petition.

§2422.14 Effect of withdrawal/dismissal.

§2422.15 Duty to furnish information and cooperate.

§2422.16 Election agreements or directed elections.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference.

§2422.18 Pre-election investigatory hearing procedures.

§2422.19 Motions.

§2422.20 Rights of parties at a pre-election investigatory hearing.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

§2422.22 Objections to the conduct of the pre-election investigatory hearing.

§2422.23 Election procedures.

§2422.24 Challenged ballots.

§2422.25 Tally of ballots.

§2422.26 Objections to the election.

§2422.27 Determinative challenged ballots and objections.

§2422.28 Runoff elections.

§2422.29 Inconclusive elections.

§2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

§2422.31 Application for review of an Executive Director action.

§2422.32 Certifications and revocations.

§2422.33 Relief obtainable under Part 2423.

§2422.34 Rights and obligations during the pendency of representation proceedings.

§2422.35 Purposes of a petition.

A petition may be filed for the following purposes:
(a) Elections or Eligibility for dues allotment.
(b) Certification of labor organizations.
(c) Consolidation of two or more units, with or without an election, in an employing office for which a labor organization is the exclusive representative.

§2422.36 Standing to file a petition.

A representation petition may be filed by:
(a) An individual; a labor organization; or more labor organizations acting as a joint-petitioner; or
(b) Any other matter relating to representation.

§2422.37 Contents of a petition.

(a) What to file. A petition must be filed on a form prescribed by the Board and contain the following information:
(i) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.
(ii) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

§2422.38 Pre-election investigatory hearing and prehearing conference.
§2422.4 Service requirements. A labor organization, in support of a petition for representation of any collective bargaining agreement covering any of the employees affected by issues raised in the petition, the date of the certification, and any exclusive bargaining agreement covering the unit will expire or when the most recent agreement did expire shall be included, if known.

(1) The approximate number of employees of the unit involved as required by §§2422.3(d) and (f) and 2422.8(c)(1).

(2) A cross-petition is a petition that is a formal complaint by a party to a representation proceeding that the showing of interest is inadequate, the Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director’s determination, on behalf of the Board, that the showing of interest is adequate is final and binding and is not subject to collateral attack at a representation hearing or on appeal to the Board. The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director’s determination, on behalf of the Board, that the showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.9 Adequacy of showing of interest. (a) Adequacy. Adequacy of a showing of interest refers to the petitioning party seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

(b) Executive Director investigation and action. The Executive Director, on behalf of the Board, when and where validity challenges may be filed. Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(c) Contents of validity challenges. Challenges to the validity of a showing of interest must be supported with evidence. The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director’s determination, on behalf of the Board, that the showing of interest is final and binding and is not subject to collateral attack or appeal to the Board. The Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization. A cross-petition is a petition that is a formal complaint by a party to a representation proceeding that the showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

(a) Election bar. Where there is no certified exclusive representative, a petition seeking an election.
an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) Contract bar where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months of the expiration of the term of the collective bargaining agreement covering the claimed unit of employees.

§2422.13 Resolution of issues raised by a petition.

(a) Meetings prior to filing a representation petition. All parties affected by the representation petition may, upon request of any party, meet in accordance with the instructions of the Office to discuss issues raised in the petition. Full and complete records of the meeting will be maintained. If a request is received that the parties meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues, if requested by all parties affected by the petition, representatives of the Office will participate in these meetings.

(b) Meetings to narrow and resolve the issues after the petition is filed. After a petition is filed, the Executive Director may direct affected parties to meet to narrow and resolve the issues raised in the petition.

§2422.14 Effect of withdrawal/dismissal.

(a) Withdrawal/dismissal less than sixty (60) days before contract expiration. When a petition seeking an election that has been timely filed is withdrawn or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employees of the unit, any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from the date of withdrawal or dismissal.

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

(c) Other pending elections.

(d) Request for preliminary determination.

§2422.15 Duty to furnish information and cooperate.

(a) Relevant information. After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) Cooperative obligations. Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years, after the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(c) Contract bar.

(d) premature extension.

§2422.16 Election agreements or directed elections.

(a) Election agreements. Parties are encouraged to enter into election agreements.

(b) Executive Director directed election. If the parties are unable to agree on procedural matters, specifically, the eligibility of any person participating in the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) Opportunity for an investigatory hearing.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) Purpose of notice of an investigatory hearing. The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(b) Contents. The notice of hearing will advise affected parties about the pre-election investigatory conference.

§2422.18 Pre-election investigatory hearing procedures.

(a) Purpose of a pre-election investigatory hearing. Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) Conduct of hearing. Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof. The pre-election investigatory hearings will be conducted in accordance with the procedures and issue a Direction of Election.
grounds therefor. Challenges and other filings referred in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) Prehearing motions. Prehearing motions must be filed with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) Motions made at the investigatory hearing. Motions made at the investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this paragraph and may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing. Any response to such a motion and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§ 2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) Objections. Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) Exceptions to rulings. There are automatic exceptions to all adverse rulings.

§ 2422.23 Election procedures.

(a) Executive Director conducts or supervises election. The Executive Director, on behalf of the Board, will conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts required to carry out an election Agreement or Direction of Election.

(b) Notice of election. Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and distributed in a manner by which notices to employees are customarily distributed. The Executive Director will include the contents and procedures of the election, including the appropriate unit, the eligibility period, the dates, hours(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) Sample ballot. The reproduction of any ballot does not constitute a violation of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election or may constitute an attempt to influence the voting. The Executive Director or her designee will receive copies of the ballot at least five (5) days prior to the election. The sample ballot for union elections must be distributed in a manner by which notices are customarily distributed and preserved until a determination can be made, if necessary.

(d) Ballots. Ballots must be received prior to the close of the hearing for oral argument. Presentation of ballot form questions may be made at any time during the hearing for oral argument. Stipulations of fact between/among the parties may, in the discretion of the Executive Director, be treated as a motion.

§ 2422.24 Challenged ballots.

(a) Filing challenges. A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) Challenged ballot procedure. An individual challenging eligibility to vote must provide a written request to the Executive Director stating the reasons in support within five (5) days after service of the request.

§ 2422.25 Tally of ballots.

(a) Tallying the ballots. When the election is completed, the Executive Director or her designee will tally the ballots.

(b) Petitioning for a recount. When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

§ 2422.26 Objections to the election.

(a) Filing objections to the election. Objec-
tions to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by a party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely received. If the Executive Director finds that objections are sufficient in number to affect the results of the election, the objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be served by the Executive Director.

(b) Supporting evidence. The objection must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§ 2422.27 Determinative challenged ballots and objections.

(a) Investigation. The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) Burden of proof. A party filing objections to the election bears the burden of proof. A party requesting a hearing must provide evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

§ 2422.28 Executive Director action. After investigation, the Executive Director will take appropriate action consistent with §2422.30.
(d) Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing. When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and rulings in any investigation hearing, the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§ 2422.28 Runoff elections.

(a) When a runoff may be held. A runoff election is required in an election involving at least three (3) choices, one of which is "no union" and the other two receiving a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) Eligibility. Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) Ballot. The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§ 2422.29 Inconclusive elections.

(a) Inconclusive elections. An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and the following occurs:

(1) The ballots provide for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballots provide for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest number of votes.

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) The Board determines that there have been significant procedural irregularities.

(b) Eligibility to vote in a runoff election. A current payroll period will be used to determine eligibility to vote in a runoff election.

(c) Ballot. If a determination is made that the election is inconclusive, the election will be run with all the choices that appeared on the original ballot.

(d) Number of runoffs. There will be only one runoff of an inconclusive election. If the runoff of an inconclusive election is run, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is run.

§ 2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) Executive Director investigation. The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) Executive Director notice of pre-election investigatory hearing. On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing, after 30 days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(c) Executive Director action. After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, make any of the following determinations, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an inadequate or invalid showing of the petition under law, rule or regulation.

(d) Appeal of Executive Director action. A party may file with the Board an application for review of the Executive Director's action taken pursuant to section (c) above.

(e) Contents of the Record. When no pre-election investigatory hearing has been conducted as an application submitted to and considered by the Executive Director during the investigation becomes a part of the record.

(f) Transfer of record to Board; Board Decisions and Orders. In cases that are submitted to the Board for decision in the first instance, the Board issues its decision based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, or received as evidence, the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§ 2422.31 Application for review of an Executive Director action.

(a) Filing an application for review. A party must file an application for review with the Board within sixty (60) days of the Executive Director's action.

(b) Contents. An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the reasons therefor along with a citation in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) Review. The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law,

(ii) Committed a prejudicial procedural error,

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) Opposition. A party may file with the Board an opposition to an application for review within forty (40) days after the party is served with the application. A copy must be served on the Executive Director.

§ 2422.32 Rights and obligations during the pendency of representation proceedings.

(a) Existing recognitions, agreements, and obligations under the CAA. During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, agree to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), (b) and (c) as applied by the CAA, provided, however, that its actions may be challenged, reviewed, and remedied where appropriate.
Informal proceedings. [§2423.2]

Who may file charges. [§2423.3]

Contents of the charge; supporting evidence and documents. [§2423.4]

Investigation of the unfair labor practice procedure or the negotiability procedure. [§2423.5]

Filing and service of copies. [§2423.6]

Investigation of charges. [§2423.7]

Amendment of charges. [§2423.8]

Action by the General Counsel. [§2423.9]

Determination not to file complaint. [§2423.10]

Settlement or adjustment of issues. [§2423.11]

Filing and contents of the complaint. [§2423.12]

Answer to the complaint. [§2423.13]

Prehearing disclosure; conduct of hearings. [§2423.14]

Intervention. [§2423.15]

Action by the Board. [§2423.16]

Compliance with decisions and orders of the Board. [§2423.17]

Backpay proceedings. [§2423.18]

Applicability of this part. [§2423.19]

Informal proceedings. [§2423.20]

The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practice charges against persons whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 7116, as applied by the CAA, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practice charges subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

In order to afford the parties an opportunity to implement the policy referred to in paragraph (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable opportunity of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

Who may file charges. [§2423.3]

An employing office, employing activity, or labor organization may be charged by any person having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

Contents of the charge; supporting evidence and documents. [§2423.4]

A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;
(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;
(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated; the date and place of occurrence of the particular acts; and
(4) A statement of any other procedure involved invoking the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been previously inquired into or entertained by the Board or the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information submitted or used during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

Amendment of charges. [§2423.8]

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

Action by the General Counsel. [§2423.9]

The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;
(2) Refuse to file a complaint;
(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;
(4) File a complaint;
(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2423.1(a) of this subchapter; or
(6) Withdraw a complaint.

Determination not to file complaint. [§2423.10]

(1) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge and, in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

Settlement or adjustment of issues. [§2423.11]

(1) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement with the respondent in accordance with the requirements in paragraph (a) of this section.
agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement, the charging party will be so informed and provided an opportunity to state on the record or in writing the reasons for opposing the settlement. The General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent’s consent to the Board’s application for the entry of a decree by the United States Circuit Court of Appeals for the Federal Circuit enforcing the Board’s order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 7L as applied by the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§2423.12 Filing and contents of the complaint.
(a) After a charge is filed, if it appears to the General Counsel that formal proceedings shall be carried out with respect to the charge, the General Counsel shall file a formal complaint; provided, however, that a determination by the General Counsel to file a complaint shall not be made in advance.
(b) The complaint shall include:
(1) Notice of the charge.
(2) Any information required pursuant to the Procedural Rules of the Office.

§2423.13 Answer to the complaint.
A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§2423.15 Intervention.
Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the requirements of the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims intervention.

§2423.16 [Reserved]
§2423.17 [Reserved]
§2423.18 Burden of proof before the Hearing Officer.
The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§2423.19 Duties and powers of the Hearing Officer.
It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§2423.20 [Reserved]
§2423.21 [Reserved]
§2423.22 [Reserved]
§2423.23 [Reserved]
§2423.24 [Reserved]
§2423.25 [Reserved]
§2423.26 Hearing Officer decisions; entry in records of the Office.
In accordance with the Procedural Rules of the Office, the Hearing Officer’s decision is a written decision and that decision will be entered into the records of the Office.
Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

Subpart A—Instituting an Appeal

§ 2424.1 Conditions governing review.

The Board will consider a negotiability issue subject to review by the General Counsel, or under 5 U.S.C. 7117(b) and (c), as applied by the CAA, where the following criteria are met:

(a) Subject to the requirements of this subpart, a petition for review shall be dated and served on the employing office head and on the principal employing office subdivision of the employing office, or other party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued by the employing office head and on the employing office's representative including all attachments of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons therefor at the earliest practicable date.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.7. Such submissions under this part will be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to the unfair labor practice case and the negotiability case. The Board in its discretion grants permission to file such submission.

§ 2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt of the employing office's response to the petition for review of a negotiability issue the employing office shall file a statement—

(1) Disagreeing with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law, rule or regulation or applicable authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(2) Alleging that the employing office's rules or regulations violate applicable law, rule or regulation of appropriate authority outside the employing office.

(b) The response shall also contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office; and

(2) An explanation of the meaning of the language of the proposal which is not in common usage; and

(3) A description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is intended to apply;

(4) A copy of any pertinent material, including the employing office's allegation in writing that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation; or other particular circumstance the employing office wishes the Board to consider by applying the employing office.

(c) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.8 Additional submissions to the Board.

(a) Within thirty (30) days after the date of the receipt of the employing office's notice of the filing of such a statement the exclusive representative may file a full and detailed response stating its position and reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be negotiated under this part to the extent practicable and shall include its reasons therefor at the earliest practicable date.

(c) If a hearing is held, the Board shall expedite proceedings under this part to the extent practicable and shall include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart, the Board shall expedite proceedings under this part to the extent practicable and shall include the exclusive representative and to the employing office a written decision and order of the Board on the petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to any matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it shall have considered in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include—

(i) An explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, or other particular circumstance the employing office wishes the Board to understand the context in which the proposal is intended to apply; and

(ii) A description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is intended to apply;

(iii) A copy of any pertinent material, including the employing office's allegation in writing that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation; or other particular circumstance the employing office wishes the Board to consider by applying the employing office.
and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period of time following with an order that the employing office shall request to do so shall include a statement of its reasons and shall be served not less than thirty (30) days after the date the request is served on all known interested parties, and a written statement of such service shall be submitted on a form prescribed by the Board and shall set forth the following information:

(1) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office the primary national subdivision an order to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of purposes;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person’s knowledge and belief;

(iv) The signature of the petitioner’s representative, including such person’s title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by §2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intention to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights under §2426.2(a) within fifteen (15) days after the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(a) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(b) A petition for determination of eligibility for national consultation rights shall be filed under §2426.2(a) or its intention to terminate existing national consultation rights, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights, a petition for determination of eligibility for national consultation rights on a form prescribed by the Board and shall set forth the following information:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in §2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted to the Board and shall set forth the following information:

Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office the primary national subdivision an order to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of purposes;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person’s knowledge and belief;

(iv) The signature of the petitioner’s representative, including such person’s title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by §2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intention to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights under §2426.2(a) within fifteen (15) days after the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(a) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(b) A petition for determination of eligibility for national consultation rights shall be filed under §2426.2(a) or its intention to terminate existing national consultation rights, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, it shall pursue its intention to do so shall include a statement of its reasons and shall be served not less than
thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereafter shall be given the opportunity of applying to the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a request under §2426.12(a), the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the request.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final, unless procedures provided, however, that an application for review of the Executive Director’s determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigation. An investigatory hearing shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, to the extent required, provide designated representatives of the labor organization:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(b) Nothing in this subpart shall be construed to limit the right of any employing office or primary national subdivision to exclude an exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) The provisions in §2422.31 of this subchapter regarding consultation rights on Government-wide rules or regulations shall apply to the requesting and granting of consultation rights on Government-wide rules or regulations to a labor organization.

(b) A petition for determination of eligibility for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

§2426.12 Requests; petition for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond.

(b) An executive branch office which has granted those rights shall, if appropriate, may cause a notice of investigatory hearing to be issued to all interested parties where substantial factual issues exist warranting a hearing.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or primary national subdivision to exclude an exclusive representative to engage in collective bargaining.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(b) Nothing in this subpart shall be construed to limit the right of any employing office or primary national subdivision to exclude an exclusive representative to engage in collective bargaining.
The question would promote constructive and continuous relationship; the present would have general applicability or similar question; whether a Board statement would prevent the Board from applying the CAA or means; more appropriately be resolved by other means; statement of policy or guidance, the Board, as it deems appropriate.

Served on all known interested parties, in-person or positions of the requesting party or organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any association not qualified as a labor organization may also ask the Board for such a statement provided the request is in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

The Board ordinarily will not consider a request related to any matter pending before the General Counsel.

A request for a general statement of policy or guidance shall be in writing and must contain:

1. A concise statement of the question with respect to which the general statement of policy or guidance is requested together with background information necessary to an understanding of the question;
2. A statement of the standards under §2427.5 upon which the request is based;
3. A full and detailed statement of the position or positions of the requesting party or parties;
4. Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and
5. Identification of other known interested parties.

A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

Subpart A—Miscellaneous

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

- Whether the question presented can more appropriately be resolved by other means;
- Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;
- Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;
- Whether the question currently confronts parties in the context of a labor-management relationship;
- Whether the question is presented jointly by the parties involved; and
- Whether the issuance of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

Subpart B—Miscellaneous

Sec. 2429.1 Transfer of cases to the Board.
2429.2 Petitions for enforcement.
2429.3 Transfer of record.
2429.4 Referral of policy questions to the General Counsel.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

Subpart A—Miscellaneous

- Transfer of cases to the Board.
- Petitions for enforcement.
- Transfer of record.
- Referral of policy questions to the General Counsel.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

Oral argument.

The Board and the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status. The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status. The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

Advisory opinions.
§2429.15 Board requests for advisory opinions.
(a) Whenever the Board, pursuant to 5 U.S.C. 705(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.
(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.
The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of this chapter. After considering the pertinent facts and circumstances, the Board may utilize in the resolution of negotiations or bargaining impasses, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, failure to resolve a negotiation impasse: and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

§2471.10 Inconsistent labor agreement provisions.
(a) Any party submitting a request for Board consideration of an impasse must be in writing and include the following information:
(1) Identification of the parties and individuals authorized to act on their behalf;
(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to these issues; and
(3) Number, length, and dates of mediation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.
(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:
(1) Identification of the parties and individuals authorized to act on their behalf;
(2) Brief description of the impasse including the issues to be submitted to the arbitrator;
(3) Number, length, and dates of mediation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

§2471.12 Preliminary hearing procedures.
(a) Any party requesting Board approval of binding arbitration shall file an original and one copy of such request as hereinafter provided.

§2471.2 Request form.
(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized.
(b) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the Board to the Office of Compliance.

§2471.5 Copies and service.
(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon any mediation service which may have been utilized.
(b) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized.
(c) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized.
document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes of reproduction shall be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be served on the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½×11-inch size paper.

§ 2471.6 Investigation of request; Board recommendations, and assistance; approval of binding arbitration

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, necessary consultation with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including the conduct of a hearing, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request.

(c) When the exercise of authority under §2471.6, it will:

(a) Issue and serve upon each of the parties a report of the designated representative of the Board, in order to:

(1) Form the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulated fact; and

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

§ 2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) Send a copy of each of the parties notice of hearing and a notice of prehearing conference, if any. The notice will state:

(1) The names of the parties to the dispute;

(b) In preparation for taking such final action, the Board may hear testimony, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals authorized by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under the terms of the agreement requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served on the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§ 2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after confering with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§ 2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with §5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers will assist the parties in reaching a factfinder’s recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hear testimony, administer oaths, take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals authorized by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under the terms of the agreement requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served on the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§ 2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties’ labor agreements relating to impasse resolution which are inconsistent with the provisions of either §5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

THE NUCLEAR WASTE POLICY ACT OF 1996

Mr. CRAIG. Mr. President, as we reach the final days of the 104th Congress, an urgent environmental problem remains unresolved. However, unlike many issues, fortunately the question of how to deal with this Nation’s high-level nuclear waste has an answer that is responsible, fair, environmentally friendly and supported by members of both parties.

Today, high level nuclear waste and highly radioactive used nuclear fuel is accumulating at more than 80 sites in 41 States. Each year, as that increases, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. The only responsible choice is to support legislation that solves this problem by safely moving this used fuel to a safe, monitored facility in the remote Nevada desert. This answer will lead us to a safer future for all Americans.

To facilitate our consideration of such legislation, yesterday I, along with Senator MURkowski, introduced S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982, and it was placed on the calendar. S. 1936 retains the fundamental goals and structure of the substitute for S. 1271 that was reported out of the Energy and Natural Resources Committee last March.

However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by Members of this body. In addition, we took into account the provisions of H.R. 1020, which was reported out of the House Commerce Committee on an overwhelming bipartisan vote last year. We adopted much of the language found in H.R. 1020 in order to make the bill as sizable as the bill under consideration in the House as possible.

I would like to describe some of the most significant of these changes. S.
1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA’s application in the Secretary’s action to only those NEPA requirements specifically in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary may provide to Union employees funds for safety training and other activities with experience in safety training for transporting workers. In addition, S. 1936 clarifies that existing employee protection in title 49, United States Code, and regulations shall apply to workers engaged in hazardous conditions applied to transport under this act. It also provides that certain inspection activities will be carried out by the Department of Transportation to ensure the safety of the public. This provision provides for inspection of all qualified entities that would provide qualified entities with the information they need to prepare the environmental documentation required by NEPA. S. 1936 provides that the Secretary of Transportation to establish storing standards, as necessary, for workers engaged in the transportation, storage and disposal of spent fuel and high-level waste.

In order to ensure that the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation’s immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary determines that local government and Indian tribes have met their goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada Test Site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during planning of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility. S. 1271 would have set the standard for releases of radioactivity from the interim facility at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirems.

The 100 millirem standard is fully consistent with current national and international standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected State, local government, and Indian tribes within the State of Nevada. S. 1936 also contains provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the Nuclear Waste Fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee that is paid by the electric utilities to a user fee that is based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute agreements with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some who feared it could be interpreted to provide for nuclear fuel reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act, the Atomic Energy Act, and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the fuel at the Dairiland Power Cooperative’s La Crosse reactor, and authorizes the Secretary to pay for the on-site storage of the fuel until DOE removes the fuel from the site under terms of the act.

S. 1936 contains language making a number of changes designed to improve the management of the nuclear waste program to ensure the program is operated, to the maximum extent possible, in a manner that is efficient and safe.

Finally, although we had not reached a final agreement with Senator JOHNSON on language regarding the schedule and conditions for the beginning of construction on the interim facility at the time S. 1936 was filed, the bill contains new language that was drafted in an attempt to address Senator Johnson’s concerns. The language in S. 1936 provides that construction shall occur before the President designates an interim storage facility at Yucca Mountain before December 31, 1998.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, the Secretary is instructed to construct an interim storage facility at Yucca Mountain.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we will find in 1998 we have no interim storage, no permanent repository, and have spent more than 15 years and $6 billion spent—that we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act.

This issue provides a clear and simple choice. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to our children and grandchildren in the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. I urge my colleagues to vote for cloture and support the passage of S. 1936.
and of the peace process between Israel and her neighbors. A process with which we have been so closely involved.

This process had many important elements, none more so than when he de- viated from his prepared statement to pronounce the words of Roman law: Pacta sunt servanda—agreements must be honored. It should not come as a surprise that the disciple of the disciple of Vladimir Jabotinsky speaks of the importance of international law when addressing the U.S. Congress. 

Jabotinsky was the founder of the Revisionist party—the forerunner of the present Likud party—in 1925 which had as its goal the establishment of a Jewish state in Palestine under the protection of international law. When Prime Min- ister Netanyahu asserts that agree- ments must be honored, he aligns himself with a principle that was of vital importance in international affairs at the beginning of this century but which suffered neglect during the cold war.

From its earliest days the leaders of the Soviet Union had asserted, in the words of Maxim Litvinov, People’s Commissar for Foreign Affairs, in 1922 that “there was not one world but two—us and a non-Soviet world * * * there was no third world to arbitrate. * * *” Which is to say there was no common law against which to measure conduct.

This was the Soviet view until Mikhail Gorbachev came before the General Assembly of the United Nations on December 7, 1988, to remind the General Assembly of the political, juridical and moral importance of Pacta sunt servanda. Mr. Gorbachev went on:

While championing demilitarization of international relations, we would like political and legal methods to reign supreme in all attempts to solve the arising problems.

Our society is a world community of states with political systems and foreign policies based on law.

This could be achieved with the help of an agreement framework of the type called norm of international law; their codi- fication with new conditions taken into con- sideration; and the elaboration of legislation for new areas of cooperation.

In the nuclear era, the effectiveness of international law must be based on norms reflecting a balance of interests of states, rather than on coercion.

As the awareness of our common fate grows, every state would be genuinely inter- ested in confining itself within the limits of international law.

The chairman of the Presidium of the Supreme Soviet had come to New York and offered terms of surrender. Gorbachev knew what it meant for the Soviets to capitulate, a fact they would have to accept by norms of international law. Quite simply, official Washington did not, for it no longer actively felt that the United States was bound by such norms.

Passively, yes; if pressed. But this was not something we pressed on others in general. I thought much about it.

In the annals of forgetfulness there is nothing quite to compare with the fading from the American mind of the idea of the law of nations. In the beginning this law was set forth as the foundation of our national existence. By all means wash this proposition with cynical acid and see how it shrinks.

Prime Minister Netanyahu has raised the possibility that we may one day close that chapter in the annals of forgetfulness. I hope that my colleagues and those in the administration have taken note.

Mr. Netanyahu stresses that the peace agreements that Israel has made with her neighbors will be followed and that future peace will be based on law. As he stated, “we seek to broaden the circle of peace to the whole Arab world and the rest of the Middle East.”

This is an important day for both our countries. I congratulate Mr. Netanyahu for his address and wish him well as he embarks on his term as Prime Minister.

REPORT RELATIVE TO THE PEOPLES REPUBLIC OF CHINA— MESSAGE FROM THE PRESIDENT—PM 3193

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 Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (“the Act”), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People’s Republic of China and the export of U.S.-origin satellites and related goods, services, and technologies to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 9, 1996.

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, an- nounced that the House agrees to the bill (H.R. 3212) 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.

The message also announced that the Speaker signed the following enrolled bill:

H.R. 3212. An act 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.

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, an- nounced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 248. An act to amend the Public Health Service Act to provide for the con- duct of expanded studies and the establish- ment of innovative programs with respect to traumatic brain injury, and for other pur- poses.

H.R. 3431. An act to amend the Armed Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3431. An act to amend the Armed Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Commit- tee on Commerce, Science, and Transpor- tation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:


EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and doc- uments, which were referred as indicated:

EC-3270. A communication from the Con- gressional Review Council on the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Viruses, Serums, Toxins, and Analogous Products,” received on July 2, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3271. A communication from the Assistant Secretary of the Marketing and Regu- latory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Feeds for Rice Inspection,” (RIN 0570-0049) received on July 2, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3272. A communication from the Presi- dent of the United States, transmitting, to the Committee on Agriculture Appropriations, to provide for the con- duct of expanded studies and the establish- ment of innovative programs with respect to traumatic brain injury, and for other per- poses.

EC-3273. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, a report on the expenditures of the Architect from October 1, 1995 through March 31, 1996; to the Committee on Appropriations.

EC-3274. A communication from the Sec- retary of the Department of Defense, transmit- ting, pursuant to law, a report relative to
the Abrams Upgrade program; to the Committee on Armed Services.

EC-3275. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, the notice of a proposed substitute; to the Committee on Armed Services.

EC-3276. A communication from the Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office, transmitting, pursuant to law, a report to major weapon systems; to the Committee on Armed Services.

EC-3277. A communication from the Director of the Office of Federal Housing Enterprise Finance, Office of the Secretary, transmitted, pursuant to law, the report of a rule entitled "Pathogen Reduction," (RIN0583-AB69) received on July 9, 1996, to the Committee on Banking, Housing, and Urban Affairs.

EC-3278. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to alternatives to mortgage forclosures; to the Committee on Banking, Housing, and Urban Affairs.

EC-3280. A communication from the Acting Secretary of the United States, transmitting, pursuant to law, the proclamation of a State of Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC-3281. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital," (RIN2550-AA03) received on July 1, 1996, to the Committee on Banking, Housing, and Urban Affairs.

EC-3282. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt," received on July 9, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3283. A communication from the Acting Secretary of Health and Human Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Correction Docket," received July 8, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3284. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Assessment Rate for Domestically Produced Peanuts handled by Persons Not Subject to Peanut Marketing Agreement No. 166," received on July 8, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3285. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grading and Inspection, General Specific Standard for the Grading of Sugarbeets," received on July 8, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3286. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Assessment Rate for Grading and Inspection, General Specific Standards for Grading of Sugarbeets and Sugar Cane," received on July 8, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3287. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington," received on July 8, 1996, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3288. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement," received on July 8, 1996, to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 483. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes (Rept. No. 104-315).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mr. FAZIO (for himself and Mr. KERREY):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CONRAD (for himself, Mr. DORGAN, and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. Frist (for himself, Mr. THOMPSON, and Ms. SNOWE):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Environmental and Public Works.

By Mr. BAUCUS (for himself, Mr. Gorton, and Mrs. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment through a foreign mutual fund; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN and Ms. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. SNOWE:

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Environmental and Public Works.
In real numbers, the National Cancer Institute will fund approximately 3,600 research projects, of which about 1,000 are new, previously unfunded activities. For investigator-initiated re- search, only 600 out of 1,900 research projects would continue to support the NIH’s commitment to developing a funding source for breast cancer research. In fact, federally funded cancer research has yielded vast amounts of knowledge about the disease—information which is guiding our efforts to improve treat- ment and search for a cure. We have more knowledge and improvements in prevention through: identification of a cancer gene, use of mammographies, clinical exams, and encouragement of self breast exams. Yet there is still no cure.

The Bay Area has one of the highest rates of breast cancer incidence and mortality in the world. According to data given to my staff by the Northern California Cancer Center, Bay Area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay Area African-American women have the fourth highest reported rate in the world at 82 per 100,000.

I want to recognize Dr. Balazs (Ernie) Bodai who suggested this innovative funding approach. Dr. Bodai is the chief of the surgery department at the Kaiser Permanente Medical Group in Sacramento, CA. He is the founder of Cure Cancer Now, which is a nonprofit organization committed to developing a funding source for breast cancer re- search.

As you know, last week the Postal Service introduced their breast cancer awareness stamp. Although the issu- ance of the awareness stamp was an important step toward educating the public about the disease, the Breast Cancer Research Stamp Act is a new and different effort in that it would ac- tually raise funds for the NIH research on breast cancer, and if the stamps were purchased and not used, the postal service would still make money.

This legislation is also supported by the American Cancer Society, Association of Operating Room Nurses, California Health Collaborative Foundations, YWCA-Encore Plus, the Sac- ramento City Council and Mayor Joe Serna, Siskiyou County Board of Super- visors, Sutter County Board of Super- visors, Nevada County Board of Super- visors, Yuba City Council, California State Senator Diane Watson and California State Assemblywoman Dede Alpert as well as the Public Employees Union, San Joaquin Public Employees Association, and Sutter and Yuba County Employees Association.

Given the competition for Federal research funds in a climate of shrinking budgets, the Breast Cancer Research Stamp Act would allow any- one who uses the postal service to con- tribute in finding a cure for the breast cancer epidemic. In a sense, this particular proposal is a pilot. I recognize that the postal service may oppose this since it has not been done before. I also recognize that in a day of diminishing Federal re- sources, this action is an idea whose time has come. It will make money for the post of- fice and for breast cancer research. No one is forced to buy it, but women’s or- ganizations may even wish to sell the stamps at a profit.

The administrative costs can be han- dled with the 1 cent added on the 32 cent stamp and conservatively it can make from $90 million per year for NIH’s research on breast cancer. We materials on breast cancer and I believe the Breast Cancer Re- search Stamp Act is an innovative re- response to the hidden epidemic among women. I urge my colleagues to support this important legislation.

By Mr. BOND (for himself and Mr. SANTORUM):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Re- sources.

THE BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. BOND. Mr. President, I pay trib- ute to my good friend and colleague from Missouri, Congressman Bill Emer- son, who represented southeast Missou- ri’s Eighth Congressional District for 16 years. Bill Emerson was well known in this body, and certainly to many around this city, and was loved by the people of Missouri. He had a long and distinguished career of service in the U.S. Congress. Bill was especially well known for his work in agriculture and in the fight against hunger, including being an ar-dent supporter of food distribution pro- grams. One of his legislative priorities this session was a bill that would make it easier for millions of tons of unused food by restaurants, supermarkets, and other private businesses to end up in food pantries and shelters rather than in garbage cans and dumpsters.

In honor of Bill Emerson, I now send to the desk the Bill Emerson Good Sam- aritan Food Donation Act, which is identical to legislation championed by Bill Emerson before his death. In the past, private donors have been reluc- tant to make contributions to non- profit organizations because they are concerned about potential civil and con- tinuous liability. Under this leg- islation, private donors will be protected from such liability, except in cases of gross negligence and intentional mis- conduct. Those in need will truly bene- fit from this legislation.

I am happy to do whatever Bill Emer- son’s effort, and I will work hard to en- sure that the Senate passes this com- mon sense approach to fight hunger. I hope my colleagues will join me in this effort.

By Mr. CONRAD (for himself, Mr. DORGAN and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock pro- ducers and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE LIVESTOCK MARKET REVITALIZATION ACT OF 1996

Mr. CONRAD. Mr. President, I rise today to introduce the Livestock Mar- ket Revitalization Act of 1996. My col- leagues, Senator DORGAN and Senator KERREY of Nebraska, are cosponsors of this legislation.

I offer this legislation at a time of tremendous challenges within the live- stock sector. The occupant of the Chair knows full well what we are facing in the livestock industry. His State is a major producer, as is mine. From long, drawn-out battles over meat inspection to sudden flareups like “mad cow dis- ease” in England, to the debilitating price declines we have been experienc- ing for the last several months, the in- dustry is facing repeated and difficult challenges.

The biggest challenge facing individ- ual producers is the need to climb out of the downturn in the market and en- sure a stable income long into the fu- ture. I know the occupant of the Chair knows full well, as other of my col- leagues do, what has happened to the prices of livestock over the last year. It has been in precipitous and dramatic decline. The pressure this is putting on producers is enormous.

Let me just say that according to North Dakota State University, 1995 net farm income in my State of North Dakota was down 24 percent. That is a 24 percent reduction in farm income, its lowest level in 6 years, largely be- cause of the steep drop in cattle prices. In fact, for some, net farm income dropped as much as 30 percent from the previous year.

I was recently in my home State talking to some of my closest friends, many of them cattle producers. One after another related with this leg- extraordinary economic pressure they are under as a result of this steep decline in prices. These price declines are oc- curring at the same time concentration
The livestock industry is at record levels. The top four meatpacking firms in America controlled 82 percent of the market in 1994, the latest statistic available. When Congress last took action to address this industry in 1990, the level of concentration was only 49 percent.

Mr. President, producers are deeply frustrated because they lack confidence in the livestock market and find it difficult to obtain timely, reliable market information.

Mr. President, I believe that is the least that we can do to ensure that market participants are engaged in a level playing field.

For this reason, I am introducing the Livestock Market Revitalization Act of 1996. This bill will restore confidence to the livestock market by achieving the following objectives:

First, define captive supplies to include livestock controlled by or committed to a packer more than 7 days prior to slaughter and any standing arrangements, instead of the current 2 weeks.

Second, strengthen the position of the seller in the livestock market by providing them daily information on the market before they sell their livestock.

Third, collect and disseminate data on national, regional, and local market activities to monitor possible anticompetitive behavior.

Fourth, promote the use of a value-based pricing system that is equitable to all cattle dealers and packers.

Fifth, improve collection and dissemination of data on imports and exports of cattle and meat.

If there is one thing my producers have said to me, it is, ‘We deserve to know what is going on in this market on a regional basis and on a local basis. We deserve to know what is happening with imports and exports. We deserve that information more readily.

Sixth, recognize that the USDA may need additional resources to achieve the objectives of the bill and ask the USDA to report its needs in this area.

Seventh, protect the interests of farmer-owned cooperatives by strengthening their ability to compete in the livestock market.

Eighth, improve labeling of cattle and meat so producers and consumers have more information about the origins of meat and meat products in retail markets.

Let me say that is not just in the interest of producers, that is in the interest of consumers as well. Where is the meat that they are buying coming from? What is the country of origin? I think that has been something that has been delayed for a little too long.

Ninth, encourage the livestock industry to review its efforts on product development to improve the demand for red meat.

Mr. President, now is the time to act. We must make action possible now. There should be no further delay.

The current depressed cattle market is devastating producers in all cattle producing States. While Members on both sides of the aisle, and the administration, have been actively seeking ideas to solve this problem, it is time to turn those ideas into action.

Mr. President, I have specifically designed this bill to be one which Republicans and Democrats can support—one that can achieve quick passage.

I would prefer to make the bill broader but I understand that in the interest of getting legislation through Congress in this shortened and busy year, lean and targeted legislation has better prospects.

Some of the items in my bill will bolster the authorities currently held by the USDA, and will complement the actions the administration has already taken. Those actions include the President’s and the Secretary of Agriculture’s effort to open the Conservation Reserve Program for haying and grazing, to accelerate the purchase of beef of the School Lunch Program, and to continue to maintain our net-exporter status on beef with an expected 16 percent increase in total beef exports from 1995 to 1996.

But while administrative actions are good, in a period as serious as this in which prices are depressed and market behaviors are troubling, it is incumbent upon Congress to take action.

I believe the first action we should take is to get the best possible information. That is the main focus of my bill. It is not burdensome. It is not invasive. It does not point fingers. It is focused and forward-thinking.

It is an effort to help everyone understand the pressures at each level of the livestock industry, from producing to packing to retailing.

I hope my colleagues will join me in this very important effort.

I ask unanimous consent that a section-by-section description of the bill as well as the bill itself be printed in the Record.

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

S. 199

This Act may be cited as the “Livestock Market Revitalization Act of 1996”.

SEC. 2. CAPTIVE SUPPLY.

(a) DEFINITION OF CAPTIVE SUPPLY.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(a)), is amended by adding at the end the following:

(12) A report that—

(A) assesses the resource needs of the Department of Agriculture for effectively carrying out section 407(h) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228(h)) (as added by subsection (a)); and

(B) includes a request for any additional funding that may be required for effectively carrying out section 407(h) of the Act; and

(2) a report that assesses progress in implementing additional monitoring activities

SEC. 3. MONITORING OF ANTITRUST AND ANTI-COMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS.

(a) IN GENERAL.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) (as amended by section 2(c)), is amended by adding at the end the following:

(b) REPORTS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report describing the extent of antitrust and anticompetitive behavior and the administrative efforts taken by the Secretary of Agriculture, the Attorney General, and the Committee of the House of Representatives on the Packers and Stockyards Act, 1921 (7 U.S.C. 228).

Mr. President, I have specifically designed this bill to be one which Republicans and Democrats can support—one that can achieve quick passage.

SEC. 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.

Section 204(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1620(g)) is amended by adding at the end the following: “In carrying out this subsection, on a national, regional, and local basis (as defined by the Secretary), the Secretary shall—

(1) provide price information, with emphasis on providing the information at the point of sale;

(2) provide price and other information on a regular and timely basis;

(3) make the information available to the public electronically;

(4) collect and disseminate information supplied by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) on contract pricing related to captive supply (as defined in section 2 of the Act (7 U.S.C. 180));

(5) to the extent practicable, promote the use of consistent, value-based pricing methodology (including new cooperatives), with respect to processed products (as defined in section 201(b) of the Act (7 U.S.C. 180(b))); and

(6) report, on a weekly basis, the volume of cattle and meat products imported into the United States.

SEC. 5. COOPERATIVE BARGAINING.

Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended by adding at the end the following:

(7) to ensure that packers utilize the supplies from cooperatives in the same fashion as other feedlots.

SEC. 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS.

Section 7(b) of the Federal Meat Inspection Act (21 U.S.C. 607(b)) is amended by striking “require,” and all that follows through the period at the end and inserting “require—

(1) the information required under section 1(n); and

(2) if it was imported (or was produced in another country for at least 120 days) and is graded, a grading label that bears the words ‘imported,’ ‘may have been imported,’ ‘this product contains meat,’ ‘this product may contain meat,’ ‘this container contains imported meat,’ or ‘this container may contain imported meat,’ as the case may be, or words to indicate its country of origin.”.

SEC. 7. LIVESTOCK INDUSTRY COMMISSION.

(a) In general.—The Secretary of Agriculture shall, in consultation with representatives of the livestock industry, establish a national commission composed of non-governmental members appointed by the Secretary and charged with the responsibility of modernizing the livestock industry and responding to the consumer demand for red meat.

(b) Study.—In carrying out this section, the commission shall analyze costs and benefits, and make recommendations with respect to—

(1) value-added livestock products;

(2) the impact of antitrust and anti-competitive behavior on cattle prices;

(3) the grading system for meat used by the Secretary; and

(4) refunds of assessments collected under the Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(c) Report.—Not later than January 1, 2000, the commission shall submit a report describing the results of the study required under this section to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SECTION 8. CAPTIVE SUPPLIES.

(a) The intent is to respond to concerns that information about captive supplies is inadequate. The bill requests that the Secretary define captive supply transactions to be those transactions in which the producer agrees to sell cattle for slaughter more than 7 days out. It is also intended that efforts to monitor antitrust and anti-trust behavior be improved by collecting data nationally, regionally and locally on the types of standing arrangements used, as a distribution of standing arrangements is provided.

(b) The intent is to provide guidance to packers using captive supplies to ensure that markets are as competitive as possible. The extent to which captive supplies are utilized nationally, regionally and locally is unknown.

(c) The intent is to ensure that the USDA reports statistics on captive supply transactions in a regular and timely fashion, at least annually. In addition, the reports need to provide for more disaggregate information on the industry, maintaining all confidentiality concerns. Specifically, the intent is to define and report by geographical procurement markets.

(d) The intent is to provide information on captive supplies in a timely manner and with the advancement and availability of technology, report no later than 24 hours after a transaction. This reporting requirement is not intended to be burdensome to any of the parties involved. It is intended to strengthen the position of the seller in the market with respect to knowing the demand for his/her livestock.

SECTION 3. MONITORING OF ANTITRUST AND ANTI-COMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS.

(a) It is the intent to recognize the high level of concentration in the packing industry, and to ensure that the proper data is collected and disseminated to the industry so that cattlemen and stockmen can have the necessary data to go to the Justice or USDA for enforcing the Sherman and Clayton and P&S Acts. Data on more disaggregate levels in needed for the Department to better monitor and report on anticompetitive and antitrust behavior.

(b) The intent is to allow the Secretary to recognize and recommend by rule that this bill requires new efforts data be undertaken to ensure the competitiveness of the livestock industry and may have to re-examine its regulations.

In addition to the resource report, the Secretary will report on progress made after the GAO report recommending that the Secretary determine a feasible and practical approach for monitoring the activity in regional livestock markets. In defining the relevant markets, P&S must determine what information it needs and the cost-effectiveness of obtaining and analyzing the data. The GAO study reports that P&S officials agree that effectiveness of its antitrust and anti-competitive behavior depends upon identifying the relative boundaries for geographical livestock procurement markets. By focusing on calculating national statistics on concentration in the meat packing industry and not defining regional livestock procurement markets, P&S may in the future be understanding the potential risks associated with concentration in some areas.

SECTION 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.

The intention is to direct the Secretary to collect and disseminate more timely and relevant information to the industry and to utilize existing technologies which enhance the timeliness of delivery. The red meat sector pricing system is largely based on visual quality characteristics and not measurable value. It is intended that the Secretary work with the livestock industry to develop a value based pricing methodology that is equitable to all cattle dealers and packers. Producers also need to have timely information on imports and exports of cattle and meat in order to better schedule their sales.

SECTION 5. COOPERATIVE BARGAINING.

The intent is to strengthen the ability of cooperatives to bargain with the large packers on the terms of sale. It is important to ensure that packers utilize the supplies from cooperatives in the same fashion as other feedlots.

SECTION 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS.

The intent here is to provide the consumer with information about the country of origin of meat and meat products so as to eliminate any confusion about the USDA inspection implying the beef was produced in the United States. It also requires that cattle entering the United States be slaughtered before label as having resided in other countries unless it has resided here for 120 days.

SECTION 7. LIVESTOCK INDUSTRY COMMISSION.

It is the intent to set up an industry lead Commission to research and report on the more contentious issues swirling around in the industry. The red meat industry lags behind poultry and pork in investments and product development. Many reasons exist, but it is time to identify the most important ones and design a strategy to improve the demand for red meat.

By Mr. Frist (for himself, Mr. Thompson, and Ms. Moseley-Braun):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

APPROPRIATIONS AUTHORIZATION LEGISLATION.

Mr. Frist. Mr. President, I rise today in conjunction with Senators Thompson and Moseley-Braun, to reintroduce a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. DEFINITIONS.

In this Act:
(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically black college or university" means a part B institution (as defined in section 322 of the Higher Education Act of 1965, 20 U.S.C. 1001) that—

(2) HISTORIC BUILDING OR STRUCTURE.—The term "historic building or structure" means a building or structure listed on the National Register of Historic Places designated as a national historic landmark.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

TITLES I AND II—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

SEC. 102. FINDINGS.

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over our Nation's history, States and the Federal Government have discriminated in the use of land and financial resources to support historically black colleges and universities, forcing historically black colleges and universities to rely on the generous support of private individuals and charitable organizations;

(3) the development of sources of private and charitable financial support for historically black colleges and universities has resulted in buildings and structures of historic importance and architecturally unique design which hold a cultural significance for historically black colleges and universities; and

(4) many of the buildings and structures are national treasures worthy of preservation and restoration for future generations of Americans and for the students and faculty of historically black colleges and universities.

SEC. 103. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants with this section to historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campuses of the historically black colleges and universities.

(2) SOURCE OF FUNDING.—Subject to the availability of appropriations, grants under paragraph (1) shall be made out of amounts authorized to be appropriated for carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 1996 through 1999.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee, for the period specified by the Secretary, and

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match, from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) WAIVER.—The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines that—

(A) an extreme emergency exists or that a national interest requires that a grant not be made available under this section;

(B) the amount made available under this section is in excess of the reasonable cost for the project for which the grant is made; or

(C) the grantee is unable to secure matching funds from non-Federal sources.

Sec. 104. BUILDING RESTORATION AND PRESERVATION ACT

SEC. 104. BUILDING RESTORATION AND PRESERVATION ACT

SEC. 101. SHORT TITLE.

It is hereby declared the purpose of this Act to provide for the preservation and restoration of historic buildings and structures at historically black colleges and universities for the students and faculty of historically black colleges and universities; and

(1) Cooper Hall, Sterling College, Sterling, Kansas; and

(2) Science Hall, Simpson College, Indianola, Iowa.

(b) GRANT CONDITIONS.—Subject to the availability of appropriations, grants under subsection (a) shall be made out of amounts authorized to be appropriated for carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 1995 through 1998.

(2) ALLOCATIONS FOR FISCAL YEAR 1995.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 1995—

(i) $10,000,000 shall be available only for grants under subsection (a) to Fisk University; and

(ii) $10,000,000 shall be available only for grants under subsection (a) to the historically black colleges and universities identified for carry out the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(B) LESS THAN $20,000,000 AVAILABLE.—If less than $20,000,000 is made available for fiscal year 1995 for the purpose of subparagraph (A), the amount that is made available shall be allocated as follows:

(i) 25 percent shall be made available as provided in subparagraph (A)(i);

(ii) 25 percent shall be made available as provided in subparagraph (A)(ii); and

(iii) 25 percent shall be made available for grants under subsection (a) to other eligible historically black colleges and universities.

(c) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this title.

TITLES II—COOPER HALL AND SCIENCE HALL PRESERVATION AND RESTORATION

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) IN GENERAL.—The Secretary may make grants in accordance with this title to preserve and restore—

(1) Cooper Hall, Sterling College, Sterling, Kansas; and

(2) Science Hall, Simpson College, Indianola, Iowa.

(b) GRANT CONDITIONS.—Subject to the availability of appropriations, grants under subsection (a) shall be made out of amounts authorized to be appropriated for carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 1996 through 1998.

(c) GRANT MATCHING REQUIREMENT.

The Secretary may obligate funds made available under this title only if the grantee agrees to match, from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

SEC. 202. FUNDING PROVISIONS.

Not more than $3,600,000 may be made available for grants for Cooper Hall and not more than $1,500,000 may be made available for grants for Science Hall under this title.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

The RONALD H. BROWN FEDERAL BUILDING DESIGNATION ACT OF 1996

Mr. MOYNIHAN. Mr. President, I introduce a bill to honor and remember a true American, Ronald H. Brown. The bill would designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building".

It is a grand gesture to recognize the passing of this remarkable American and special friend, and I would ask for the support of all Senators of this legislation to place one more marker in history on Ron Brown's behalf.

Ron Brown had a great love for enterprise and industry as reflected in his achievements as the first African-American to hold the office of U.S. Secretary of Commerce.

His was a life of outstanding achievement and service to his country: Army captain; general counsel; executive officer, and vice president of the National Urban League; partner in a prestigious law firm; chief counsel, and chairman of the National Democratic Committee; husband and father. And these are but a few of the achievements that demonstrated Ron's spirited pursuit of life.

To have held any one of these posts in the Government, and in the private sector, is extraordinary. To have held all of these positions simultaneously is quite simply extraordinary. Indeed, Ron Brown was unfairly taken from us; however, while with us, he lived a sweeping and comprehensive life. And we are all diminished by his loss.

Therefore, I cannot think of a more fitting tribute to this uncommon man.

By Mr. BAUCUS (for himself, Mr. GORTON and Mr. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

THE INVESTMENT COMPETITIVENESS ACT OF 1996

Mr. BAUCUS. Mr. President, the U.S. mutual fund industry has become a dominant force in developing, marketing, and managing assets for American investors. Since 1980, the assets under management by U.S. mutual funds have grown from $1 trillion to more than $3 trillion in 1995. Yet, while direct foreign investment in U.S. securities is strong, foreign investment in U.S. mutual funds has remained relatively flat.

Mr. President, today I am introducing, along with Senators GORTON and MURRAY, the Investment Competitive ness Act of 1996. This legislation, which I have had the honor of cosponsoring in every one of the last two Congresses, would eliminate a major barrier to attracting foreign capital into the United States while improving the competitiveness of the U.S. mutual fund industry.
This legislation would remove a barrier to the sale and distribution of U.S. mutual funds outside the United States. The bill would change the Internal Revenue Code to provide that foreign investors in U.S. mutual funds be able to treat their mutual fund investments as if they had made their investments directly in U.S. stocks or shares of a foreign mutual fund.

Under current law, most kinds of interest and short-term capital gains received directly by an investor outside the United States or received through a foreign mutual fund are not subject to the 30-percent withholding tax on investment income. However, interest and short-term capital gain income received by a foreign investor through a U.S. mutual fund are subject to the withholding tax. This result occurs because current law characterizes interest income and short-term capital gain distributed by a U.S. mutual fund to a foreign investor as a dividend subject to withholding.

The Investment Competitiveness Act would correct this inequity and put U.S. mutual funds on a competitive footing with foreign funds. The bill would correctly permit interest income and short-term capital gain to retain their character upon distribution.

Current law acts as a prohibitive export tax on foreign investors who choose to invest in U.S. funds. That is why the amount of foreign investment in U.S. mutual funds is small.

Mr. President, it is time to dismantle the unfair and unwanted tax barrier to foreign investment in U.S. mutual funds. The American economy will benefit from exporting U.S. mutual funds, creating an additional inflow of investment into U.S. securities markets without a dilution of U.S. control of American business that occurs through direct foreign investment in U.S. companies. Moreover, the legislation will support expansions of existing U.S. mutual fund service providers located in the United States, rather than in offshore service facilities.

Mr. President, I very much appreciate the efforts of Senators Gorton and Murray in cosponsoring this legislation and I urge my colleagues to support this bill and help to move it forward.

Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senators Baucus and Murray, in introducing the Investment Competitiveness Act of 1996, a bill that will make the tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund.

The service industry continues to grow rapidly as a vital form of trade for the United States. While the United States competes in some tax treatment with the United States, that of the tax treatment in merchandise, exports of services ran at a surplus of $63 billion in 1995. In my home State of Washington, services such as financial investments and telecommunications are integral to job creation and economic growth.

Improving the international competitiveness of the United States is of the utmost importance, and encouraging capital investment in U.S. companies makes the United States a leader in improving our international competitiveness. Increasingly, foreign capital has been drawn into U.S. securities markets. We need to permit that capital to be invested in U.S. companies through U.S. investment vehicles. The bill will help ensure that U.S. mutual funds become a leading export for the United States and the leader in providing worldwide mutual fund services that attract more capital to the United States. Putting U.S. funds on a level playing field with foreign-based funds or foreign investments made directly in U.S. securities, produces a worldwide market for U.S. mutual funds and releases a flow of international capital into U.S. investments.

The U.S. mutual fund industry is clearly the most technologically advanced in the world, and thus is the most cost efficient in delivering services to its clients. Current law, however, imposes a 30-percent withholding tax on foreign mutual fund distributions, a tax that does not apply in the case of comparable foreign-based funds or to direct investments in the United States. The withholding tax, which effectively imposes an export tax on the U.S. mutual funds, makes U.S. funds less attractive from a pricing standpoint and creates an administrative burden for foreign institutional investors. This tax discourages global institutional investors and the managers who invest their funds from using U.S.-based mutual funds, thus providing a competitive disadvantage to foreign-based funds.

The Investment Competitiveness Act of 1996 addresses this disparate treatment among its export tax and tax on foreign investment in U.S. mutual funds comparable to that afforded to foreign investments made directly in U.S. securities or indirectly through foreign based funds.

Without this change, U.S. mutual funds would have a strong incentive to establish offshore funds in order to compete with foreign-based funds and satisfy the demand for U.S. securities in world markets. This has the unsatisfactory effect of moving U.S. mutual fund investment offshore facilities. Instead, we should be working to increase the demand for the fund services provided by U.S. fund managers, custodians, accountants, transfer agents, and others based in the United States, rather than locate those jobs offshore. This legislation will benefit our capital markets by exporting U.S. mutual funds, while creating and maintaining mutual fund jobs in the United States.

I encourage my colleagues to support this important piece of legislation.

Mrs. MURRAY. Mr. President, I am pleased to join Senator Baucus in cosponsoring the Investment Competitiveness Act of 1996, legislation that will correct a provision in the Internal Revenue Code that currently makes it difficult to sell mutual funds outside the United States.

I believe Congress has an obligation to implement public policies that encourage investments in U.S. companies. These investments are essential to raising capital, initiating research and development, expanding our Nation's economy and ultimately improving international competitiveness.

Our current Tax Code deters foreign investors from investing in U.S. mutual funds by treating interest income and short-term capital gain as a dividend that is subject to a 30-percent withholding tax. On the other hand, a foreign investor can invest in other foreign funds or directly in U.S. securities without paying this tax.

Mr. President, the U.S. mutual fund industry has grown significantly over the past 6 years. Since 1990, U.S. mutual fund assets have grown from $1 trillion to more than $3 trillion. This rapid growth has occurred despite the fact that foreign investment in U.S. funds has stayed roughly the same.

Rather than dissuading foreign investment, we should be encouraging foreign investment in U.S. funds and companies. Quite simply, American companies are put at a disadvantage by a Tax Code that encourages foreign investors to invest in other countries and other companies.

More importantly, our Tax Code forces U.S. mutual fund companies to set up subsidiary funds overseas in order to reach the world marketplace. For instance, the Frank Russell Co. in Tacoma, WA, is a highly successful and innovative mutual fund company that employs more than 1,000 people. Unfortunately, in order to serve the world market, the company has been forced to move its operations and jobs overseas. In doing so, foreign investors can avoid the U.S. withholding tax.

Mr. President, it makes no sense to continue a tax policy that both encourages our companies to move jobs overseas and hampers our ability to attract foreign investment and raise capital in the United States.

I am pleased to be working with Senators Baucus and Gorton on this important legislation, and I am hopeful Congress can act quickly on this legislation.

At the request of Mrs. Boxer, her name was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.
At the request of Mr. INOUYE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1616, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 1702
At the request of Mr. BINGMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1702, a bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes.

S. 1735
At the request of Mr. PRESSLER the names of the Senator from Colorado [Mr. CALIBBELL] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1838
At the request of Mr. FAIRCLOTH, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1866
At the request of Mr. FRIST, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1866, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes.

SENATE CONCURRENT RESOLUTION 26
At the request of Mr. LOTTER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution to authorize the Newington-Cropsey Foundation to erect on the Capitol Grounds and present to Congress and the people of the United States a monument dedicated to the Bill of Rights.

SENATE CONCURRENT RESOLUTION 64
At the request of Mr. INOUYE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

SENATE RESOLUTION 276
At the request of Mr. ROSS, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Rhode Island [Mr. PELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 276, a resolution congratulating the people of Mongolia on embracing democracy in Mongolia through their participation in the parliamentary elections held on June 30, 1996.

NOTICE OF HEARINGS
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA
Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Wednesday, July 17, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of the implementation of the Information Technology Management Reform Act of 1996.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. NICKLES. 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, July 10, 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. 1877, the Environmental Improvement Timber Contract Extension Act, a bill to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper balance among multiple use interests in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States.

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

COMMITTEE ON FOREIGN RELATIONS
Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE
Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold an open hearing on intelligence matters.

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

ADDITIONAL STATEMENTS
VIETNAM VETERANS OF AMERICA 1996 CONGRESSIONAL STAFFER OF THE YEAR AWARD
Mr. ROCKEFELLER. Mr. President, I note with great pride that one of my staff members has been honored with a very special award: Charlotte Moreland, who serves me on the minority staff of the Senate Committee on Veterans’ Affairs. She was named 1996 Congressional Staffer of the Year by the Vietnam Veterans of America.

I can think of no one who has earned this award more than Charlotte. She has been a loyal member of my personal staff ever since I joined the Senate in 1984, and I have been most grateful for the many strengths she brought to that job. But Charlotte really found her forte when I became chairman of the Senate Committee on Veterans’ Affairs in 1993, and she became my Special Projects Director on the committee. She has continued to work for me in my capacity now as the committee’s ranking Democratic member.

Charlotte has helped countless veterans from West Virginia and all around the country obtain the services and benefits they are due from the Department of Veterans Affairs. Some of the work she has done is truly amazing; she has been able to get results where many others have failed, or failed to try, lacking the compassion that are Charlotte’s trademark.

Charlotte was born and raised in West Virginia, and she has never lost the stubborn persistence, tenacity, and deep caring that are so characteristic of her home State. Charlotte is a vigorous—I might say, ferocious—advocate for the underdog, the vulnerable, those who would otherwise get lost in the system. She is not afraid to fight Government bureaucracy, redtape, and complacency, and she will follow through on a case until all avenues of help are exhausted.

Whether it involves quality or availability of medical care in a VA hospital, or timely and appropriate decisions on disability claims, veterans need a place to turn when they believe the system has failed them. Charlotte acts as my eyes and ears out in the community, listening to the concerns of individual veterans and reporting them back to me, so that I can address systemic problems through legislation and oversight. I count on her tremendously, and I truly would not be able to perform my job well on the committee if she were not performing hers.

Charlotte is a prime example of a very special class of employees—dedicated congressional staffers who labor, often anonymously, behind the scenes, making our Government work and providing services to our citizens. Too often they do not receive the recognition they so richly deserve. In saluting Charlotte, I salute also these other unsung heroes. As Members of Congress, we are often in the limelight. But our accomplishments would be far less without the dedicated staff that serve us, and we should not forget that. Veterans—in West Virginia and throughout our country—are incredibly lucky to have Charlotte as their...
advocate. I am grateful to have her on my staff, and enormously proud of all she has accomplished.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider, en bloc, the following nominations on the Executive Calendar:

No. 514, Gary A. Fenner of Missouri to be United States District Judge for the Western District of Missouri, and No. 587, the nomination of Mary Ann Vial Lemmon of Louisiana to be United States District Judge for the Eastern District of Louisiana.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return then to the legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President. Let me begin by thanking the two distinguished colleagues from Nevada for their cooperation this afternoon in allowing us to get to this point. As the majority leader indicated, they care deeply about this issue. Nevada is well served by their representation and their determination on this issue.

I also want to thank the majority leader for his effort to work with us. He has said again today what he said yesterday. He is prepared to try to work through these things in a way that would allow us to resolve all of the outstanding questions.

He has given me his assurance again today that we will attempt—all we can do is attempt—to work through the list of the 23 judges that are currently on the calendar. This is the first downpayment.

I appreciate his willingness to work with us on all of them. I believe that this is a good process. I think it is the way we should proceed.

So I am very pleased that we have been able to reach this point.

So I have no objection.

Mr. BREAUX. Mr. President, reserving the right to object—and I assure the two distinguished leaders that I have no intention of objecting—I will just say that I congratulate both leaders for being able to reach this point where I think there is, indeed, light at the end of the tunnel.

I think that the courtesies that they have shown to me and to other Members of this body on both sides of the aisle really is a very positive indication of the cooperation that will allow us to get through the list of judges that have been approved by the Judiciary Committee.

I also would echo the comments by the two distinguished Senators from Nevada about how far they have been able to go, and I thank them for being willing to cooperate on the Defense authorization bill which I know very, very important.

I congratulate both leaders for the work that they have done. I think this is a spirit of cooperation that we need more of. I congratulate both of them for their work.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.

Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Mr. LOTT. Mr. President, I would like to just note with regard to the nomination of Mary Lemmon from Louisiana there are other judges that had been on the list longer. But there was a particular problem with this judge due to the fact that she does hold office. I believe she is a judge. And she has to qualify in the next day or two or she would not be able to run for reelection. And then, if she did not get this position, she would be really caught in the middle. That is why we moved this one up to sort of the head of the list. I am glad it worked out.

I thank the Democratic leader for his comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JULY 11, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Thursday, July 11; further, that immediately following the prayer the journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be re- served, as usual, for their use later in the day, and that there then be a period for morning business until the hour of 10 a.m. as under the previous order, with Senator DASCHLE, or his designee, controlling the first 40 minutes, and Senator COVERDELL in control of the last 20 minutes.

I further ask that at 10 a.m. the Senate turn to the consideration of S. 1894, the Department of Defense appropriations bill.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill tomorrow morning at 10 a.m. Several amendments are expected to be offered. Therefore, votes can be expected during Thursday's session of the Senate, and the Senate may be asked to be in session into the evening in order to make progress on the appropriations bill.

MEASURE PLACED ON THE CALENDAR—S. 295

Mr. LOTT. Mr. President, I ask unanimous consent that S. 295 be placed back on the calendar.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:42 p.m., adjourned until tomorrow, Thursday, July 11, 1996, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 1996.

THE JUDICIARY

Gary A. Fenner, of Missouri, to be U.S. District Judge for the Western District of Missouri.

Mary Ann Vial Lemmon, of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana.
So military outlays must rise above the current $200 billion per year. How far, he doesn’t say. But the conservative Heritage Foundation has projected bids of $20 billion more annually. Baker Spring, a Heritage defense analyst, wrote in a recent policy paper that “the time is rapidly approaching when the U.S. will have to decide between remaining a global power capable of preventing wars, or becoming a mere regional military power, condemned to fight and possibly lose them.”

He writes this at a time when America is a military colossus. The United States accounts for almost 40 percent of all military spending on earth. It spends at least three times as much as Russia—and twice as much as Britain, France, Germany, and Japan combined.

America’s allies can stand up to every conceivable security threat on their own. Western Europe’s gross domestic product and population are greater, but for their own South Korea has about 18 times the gross domestic product and twice the population of North Korea. In such a world we risk losing a war? To whom?

Some Republican analysts want to increase military outlays by far more than $20 billion. In the Foreign Affairs, William Kristol, editor of the Weekly Standard, and Robert Kagan, a former policy analyst for the Bush Administration, called for an extra $60 billion to $80 billion. This would come on top of defense spending that is already, in real terms, higher than in 1980, when America still faced the Soviet Union, the Warsaw Pact nations and the threat of global Communism.

Mr. Kristol and Mr. Kagan, however, may be pikers compared to Mr. Bob Dole, the Republican National Party chairman. In this new book, “Agenda for America,” Mr. Dole argues that this “is not a radical proposal,” but it is. In effect it would mean, as the historian Francis Fukuyama wrote approving in a letter to Commentary, that “Americans should be prepared, when the time comes, to have their people die for Poland.”

They argue that this “is not a radical proposal” but it is. In effect it would mean, as the historian Francis Fukuyama wrote approving in a letter to Commentary, that “Americans should be prepared, when the time comes, to have their people die for Poland.”

Similarly, Edward Luttwak, a former Reagan policy adviser, waxed nostalgic in Foreign Affairs for the “grand failures of the military families. When they predominated, he wrote: “a death in combat was not the extraordinary and fundamentally unacceptable event that it is now.”
her first few months. Her outstanding leadership did not go unnoticed as she was selected to be the executive officer for the Director, Legislative Liaison. In this position, she received numerous laudatory comments for her travel planning, organizing and execution of travel with the chairman of the House Ways and Means Committee and the House Republican minority whip.

Genette’s most recent position as Chief, Manpower and Personnel Branch, Programs and Legislation Division, is the true testimony of her abilities and the intricacies involved in the legislative processes. She has worked with the House National Security Committee and Senate Armed Services Committee members and staff on some of the most sensitive personnel issues of sexual harassment, promotion policy and quality of life with outstanding results.

It has been my extreme pleasure to have worked with and traveled with Genette Hill in my position as a member of the U.S. Air Force Academy Board of Visitors. Genette has served with great distinction and has earned our respect for her many contributions to our Nation’s defense.

My colleagues and I bid Lt. Col. Genette Hill a fond farewell and wish her and her husband, Lt. Col. Scott Hill, the very best as they begin their assignment to Air War College, Maxwell Air Force Base, Montgomery, AL—Godspeed.

**TAX CUTS FOR EDUCATION**

**HON. LEE H. HAMILTON**

**OF INDIANA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 10, 1996, into the CONGRESSIONAL RECORD.

**TAX CUTS FOR EDUCATION**

There has been a lot of talk about tax cuts in recent weeks, some of it responsible and some not. But one idea that appears to me to have considerable merit is tax cuts for education and skills training expenses—tax cuts that allow workers to pay for middle-class families and are fully paid for so they don’t worsen the budget deficit.

**IMPROVING EDUCATION AND SKILLS**

One of the greatest concerns of families is their long-term job prospects and the prospects for their children. They work hard—often with both husband and wife employed—but they haven’t seen many raises in recent years. So they struggle every month to pay their bills, keep their family healthy, and save a little for education or retirement. They are particularly concerned about the impact of technology in the workplace and foreign competition. They rightly recognize that with many jobs being made obsolete or foreign competition, they need to better master new skills and adjust to new technologies in our constantly changing economy. Workers who don’t develop new skills will lose their jobs and be hard pressed to find new ones. They will find themselves on the wrong side of the demand for employment as we move into the 21st century; those who do not will not. We are already seeing this premium on education and skills. People with college degrees today earn almost twice as much as their counterparts with only a high school diploma.

Yet while many Hoosiers recognize the need for them and their children to upgrade their education and training to get ahead, they find that increasingly expensive to do. The cost of college has risen sharply in recent years, with tuition increasing 27% since 1980. Good programs are available not just at four-year colleges but at community colleges and technical schools, and regional campuses, yet the costs can add up. With tuition increases expected to continue in the years ahead, many families are worried.

**TARGETED TAX CUTS**

So an idea getting attention in Washington is targeted tax relief to help moderate income families improve their education and skills levels. Congress is currently working on restoring the tax exemption for tuition assistance provided to workers by their employer, but some other tax measures have been proposed. One idea is to offer students or their parents a tax deduction of up to $10,000 for college or vocational training. Another proposal is to offer Individual Retirement Accounts (IRAs) and allow them to be used for post-secondary education expenses. A third proposal is to set up Individual Training Accounts to allow workers to continually upgrade their skills. Finally, a $1,500 per year tax credit has been proposed to help pay for the first two years of college tuition. This would basically cover tuition at most two-year community colleges.

I believe targeted tax relief for education expenses makes sense. It addresses a real national priority—improving the education and skills training of our workforce—and it expands opportunity by giving a leg up to people who genuinely want to get ahead and are willing to work hard at it. In addition, it provides some needed tax relief to middle-class families—families who have struggled to get by in recent years while those at the top in America have prospered. Those who want to direct new tax cuts largely to people at the top seem to me to have their priorities wrong.

The U.S. tax code currently provides major tax breaks for a variety of purposes, including the purchase of a home, health care, retirement savings, and business investment in new plants and equipment. But it provides very little for the investment families should be making in improving their education and skills. This is a disparity that needs to be addressed.

**HOW TO SET UP**

But such tax relief should be at the top of next year’s agenda. We need to review the tax code to make it simpler, fairer, and more rational—and one important component of that effort should be expanding targeted tax cuts for education and training.
The youngerst were joined in their out- rage by American Legion family members from Phoenix and throughout the state, who urged the museum to raise the white flag on its controversial exhibit. Museum officials declined the request, adding that to do so would infringe upon the First Amendment rights of artists featured in the exhibit.

"We do not question your citizen’s right to free speech or freedom of expression," says James Phillips, commander of The American Legion Department of Arizona. "In fact, Legionnaires defend the basic rights and freedoms of all citizens as outlined in our Constitution and Bill of Rights. But this particular display is violent and offensive because it highlights obscenity, oppression and desecration of our flag."

Arizona Post 1 member Pete Montoya and his son, Fabian, were among the thousands who visited the exhibit during the early days of its run. When they observed the flag on the floor—a veritable doormat for the disillusioned—they were moved to respond. Onlookers cheered when the father and son picked up the flag, carefully folded it and removed it.

"I didn’t want anyone stepping on it," 11-year-old Fabian told reporters at the scene. Museum curators replaced the flag later that day.

It was clear the museum had no intention of either closing or toning down the exhibit. So Legionnaires and other flag-loving citizens decided to exercise their own First Amendment rights. At high noon on April 28, an estimated 2,500 people gathered outside the museum to show their love and respect for the U.S. Flag and the ideals it represents.

The occasion was an excellent forum to explain publicly why a constitutional amendment is the only legal means by which the flag can be protected from physical abuse.

"We stand firmly with the people of Arizona and across this great land who find this display disrespectful and disrespectful for the flag truly objectionable," said retired Army Maj. Gen. Patrick Brady, board chairman of the Citizens Flag Alliance, Inc. (CFA). The Medal of Honor recipient of the Vietnam War was invited to make remarks at the gathering, along with Arizona Legion leaders and other CFA activists. "Most Americans find this exhibit a slam against the basic values and respect for institutions most hold dear," he said.

The youngsters from Ms. Clinite’s second-grade class were among those in attendance at the Phoenix rally. In an area not known for its rainfall, misty eyes were common as the kids recited the pledge.

"It is heartwarming to know citizens from every walk of life, every age, creed and color consider the American flag a symbol to be cherished, protected and respected," Phillips said after the rally.

Nor was all of the attention confined to Phoenix. Many in Kentucky, Minnesota, Massachusetts and New Jersey opened up their newspapers that Sunday and saw advertisements about the museum exhibit. The ads contained information about how their congressional lawmakers voted on the proposed flag amendment in 1995.

Senators Mitch McConnell, R-Ky., Paul Wellstone, D-Minn., and John Kerry, D-Mass., joined with 33 of their Senate colleagues to defeat the amendment last December. Representatives Torricelli, D-N.J., was among the 120 House members who voted against a similar amendment in June 1995, but that chamber still passed the amendment by the required two-thirds majority.

The advertisement included a toll-free telephone number for readers to call and comment about the exhibit or discuss how they felt about it. More than 75 percent of the callers said they supported the amendment and requested more information.
the local Wampum Furnace. The Wampum mine has supplied a large amount of limestone for steel and cement production, but is better known for its storage capacity. The mine has 2.5 million square feet of storage space. It currently holds various items from 50 industries, most notably 8,000 films from 20th Century Fox and the world’s largest optical mirror.

Athletics has played a large part in Wampum’s history. Wampum High School basketball team won three state championships in 1950’s and 1960’s. In 1955, the team went undefeated, 31–0. The coach, L. Butler Hennon was known for unusual practice techniques, such as players wearing weighted jackets and workmen’s gloves. Hennon’s theory was that such handicaps in practice made things easier in games. His techniques were featured in a Life magazine article and used by the Russian Olympic basketball team. Hennon’s son, Don, was a star at Wampum. Don set a regional scoring record that lasted almost 40 years. Don went on to be an All-American at the University of Pittsburgh.

The Hennons were not the only famous athletic family to call Wampum home. The Allen brothers, Harold, Ron, and Richie, all played major league baseball. Richie was the most proficient of the three. Richie has the distinction of being the first African-American to play in the Philadelphia Phillies organization. In 1972, with the Chicago White Sox, Richie was named the American League Most Valuable Player. Richie led the league with a .308 batting average. Richie also slugged 37 home runs and had 133 runs batted in.

Wampum is certainly a special place with special people. So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Wampum Borough on the momentous occasion of its 200th anniversary.

WELFARE REFORM

HON. LEE H. HAMILTON
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 3, 1996, into the CONGRESSIONAL RECORD.

WELFARE REFORM: NECESSARY AND POSSIBLE

Welfare reform remains a major priority for Hoosiers. I am disappointed that partisan bickering has prevented enactment of meaningful welfare reform that would encourage work and parental responsibility and meet the basic needs of poor children.

The good news is that many states, including Indiana, have been successfully experimenting with ways to reform the welfare system. I believe that states should be given flexibility to adopt innovative reforms. Welfare reform on the national level is still necessary, and state successes can serve as models as Congress prepares once again to consider welfare reform.

STATE EFFORTS

Forty states have been granted waivers of federal regulations in order to proceed with their own reforms. In 1994, Governor Bayh requested several waivers so that Indiana could implement a broad package of reforms. With my strong support, the Clinton Administration granted them.

Hoosiers who receive Aid to Families with Dependent Children (AFDC) must now sign a personal responsibility agreement, which requires them to make sure their children receive immunizations and stay in school. No cash benefits are provided for children born more than 10 months after their parents go on welfare, and cash benefits are stripped from anyone who commits welfare fraud. Teenage mothers who receive welfare must live with their parents or in another adult-supervised setting.

Most importantly, the Indiana plan focuses on moving welfare recipients into work through the IMPACT job placement program. Persons who enroll in IMPACT pledge that they will seek a job and accept any reasonable employment offer and acknowledge that the state will cease AFDC benefits after two years. In return, the state aims to remove barriers to employment by helping IMPACT enrollees to locate available jobs and providing training, child care, transportation, and health care.

The Indiana plan provides incentives for employers to hire welfare recipients. For example, once welfare recipients start a job, their AFDC benefit may be diverted to their employer, who can use these funds for business development and employee benefits. The state also provides funds for on-the-job training of former welfare recipients. Indiana provides one year of transitional child care and Medicaid benefits to families who have moved off the welfare rolls and into work.

The results one year after implementation of these changes are encouraging. From January through September of 1995, the number of households receiving AFDC dropped by 20%. Welfare recipients are being placed into jobs at a rate of 1,000 per month. Since 1993, the number of AFDC recipients has fallen 30%—the greatest decrease of any state in the nation. Indiana now has another request pending for further waivers of federal regulations.

PRINCIPLES FOR REFORM

Without doubt, welfare reform is urgently needed. Welfare still too often conflicts with bedrock American values: it discourages work, promotes out-of-wedlock childbearing, breaks up families, and fails to hold parents responsible.

Most Hoosiers want to help people in genuine need. They are willing to aid people who cannot work because of disability, or who face dire economic distress through no fault of their own. What they oppose is assisting people who are capable of working but unwilling to do so.

The key goal in welfare reform must be to promote self-sufficiency and responsibility without punishing innocent people for the mistakes of their parents. That means that from the moment someone applies for welfare, the emphasis must be on moving that person into a job and eliminating any obstacles that stand in the way. Those who need training to move into the workforce should receive it. Sometimes it’s a matter of providing basic instruction on how to write a resume, interview for a job, or locate job prospects. A time limit on welfare benefits for those able to work can be a useful incentive. Work must pay more than welfare.

Far too many non-custodial parents fail to provide financial support to their children. I have cosponsored a bill which would make it easier to track down delinquent parents and withhold child support payments from their paycheck.

The lack of high-quality, affordable child care is a major problem for many parents, especially those seeking to pull themselves out of poverty. It is a difficult problem to address because child care is expensive and the need is so great. But we must make efforts to ensure that no one is on welfare simply because they cannot find child care. Providing basic health and child care to families for a while after they leave the welfare rolls can be a good investment if it helps families successfully make the transition to long-term financial independence.

I oppose efforts to raise taxes on working families on the edge of poverty, as some in Congress have proposed. I also do not think that cuts in welfare should be enacted in order to provide tax breaks to the well-to-do. Welfare reform should stand on its own merits, apart from the budget debate. We must ensure that welfare provides an adequate safety net during an economic downturn, when more people are likely to need it.

I am also concerned that some proposals would dramatically limit poor children’s access to health care and nutrition programs. Unhealthy, malnourished children have a lesser chance to grow into healthy, self-supporting adults. As a nation we will pay dearly if we fail to meet the basic health needs of children.

There is really more consensus on welfare reform than the political rhetoric suggests. But because welfare reform is such a potent political issue, with each side looking for the advantage, the agreements have been obscured. It’s almost as if politicians from opposite parties are afraid to admit they agree on a lot of these issues.

Saddest of all is that the ultimate victims of a failed welfare system are children. Their needs, which should be the constant focus of the welfare reform debate, have sometimes been lost. I am convinced that if cooler heads prevail we can enact worthwhile reforms. I will work to tone down the rhetoric and turn up the pressure to reform welfare this year.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 11, 1996, may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JULY 16
9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the vulnerabilities of national computer information systems and networks, and Federal efforts to promote security within the information infrastructure.
SD–342

Rules and Administration
To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.
SR–301

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.
SD–138

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to examine the new international threat of “date-rape drug” trafficking.
SD–419

5:00 p.m.
Conferees on H.R. 1617, to consolidate and reform workforce development and literacy programs.
Room to be announced
JULY 17
9:30 a.m.
Commerence, Science, and Transportation
To hold hearings on issues relating to Federal Aviation Administration safety oversight.
SR–253

Energy and Natural Resources
To hold hearings on S. 520, to amend the Alaska National Interest Lands Conservation Act to strengthen the provision that agencies are fairly implementing the Act.
SD–366

Labor and Human Resources
Business meeting, to mark up S. Con. Res. 52, to recognize and encourage the convening of a National Silver Haired Congress, S. 1897, to revise and extend certain programs relating to the National Institutes of Health, and S. 1540, to improve enforcement of Title I of the Employee Retirement Income Security Act of 1974 and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans.
SD–430

10:30 a.m.
Foreign Relations
To hold hearings on Extradition Treaties with Hungary (Treaty Doc. 104–5), Belgium (Treaty Doc. 104–7), Belgium (Treaty Doc. 104–8), Switzerland (Treaty Doc. 104–9), Philippines (Treaty Doc. 104–16), Bolivia (Treaty Doc. 104–22), and Malaysia (Treaty Doc. 104–23), and Mutual Legal Assistance Treaties with Korea (Treaty Doc. 104–1), Great Britain (Treaty Doc. 104–2), Philippines (Treaty Doc. 104–18), Hungary (Treaty Doc. 104–20), and Austria (Treaty Doc. 104–21).
SD–419

JULY 18
9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 988, to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and S. 1905, to provide for the management of Voyageurs National Park.
SD–366

Indian Affairs
Business meeting, to mark up S. 1264, to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, S. 1834, to authorize funds for the Indian Environmental General Assistance Program Act, S. 1899, to make certain technical corrections in the Indian Health Care Improvement Act, and proposed legislation to amend the Indian Child Welfare Act; to be followed by hearings on H.R. 2464, to provide additional lands within the State of Utah for the Goshute Indian Reservation.
SR–485

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review the Federal Reserve’s semi-annual monetary policy report (Humphrey-Hawkins).
SH–216

Commission on Security and Cooperation in Europe
To hold hearings to examine property restitution, compensation, and preservation in post-Communist Europe.
2255 Rayburn Building

JULY 20
9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1678, to abolish the Department of Energy.
SD–366

JULY 24
9:30 a.m.
Rules and Administration
To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.
SR–301

Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

JULY 25
9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1899, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 1737, to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and S. 1809, entitled the “Aleutian World War II National Historic Areas Act.”
SD–366
JULY 30

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a non-profit corporation, for the planning and construction of the water supply system, S. 1564, to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and S. 1719, Texas Reclamation Projects Indebtedness Purchase Act.

SD-366

AUGUST 1

10:00 a.m.
Foreign Relations
To hold hearings to review foreign policy issues.

SD-419

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

POSTPONEMENTS

JULY 11

9:30 a.m.
Governmental Affairs
To hold hearings to examine remedies for Internal Revenue Service (IRS) financial management and modernization problems, including technical problems in the IRS tax systems modernization.

SD-342
HIGHLIGHTS

Senate passed Defense Authorizations and TEAM Act.

Chamber Action

Routine Proceedings, pages S7507-S7677

Measures Introduced: Six bills were introduced, as follows: S. 1937-1942.

Measures Reported: Reports were made as follows:
  S. 483, to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 104-315)

Measures Passed:

Department of Defense Authorizations: By 68 yeas to 31 nays (Vote No. 187), Senate passed 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, as amended.

National Defense Authorizations: Senate passed S. 1762, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Sections 1 and 2 and Division A of S. 1745, National Defense Authorizations, as amended.


Military Construction Authorizations: Senate passed S. 1764, to authorize appropriations for fiscal year 1997 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1745, National Defense authorizations, as amended.

National Defense Authorizations: Senate passed H.R. 3230, 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, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1745, as amended.

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Thurmond, Warner, Cohen, McCain, Coats, Smith, Kempthorne, Hutchinson, Inhofe, Santorum, Frahm, Nunn, Exon, Levin, Kennedy, Bingaman, Glenn, Byrd, Robb, Lieberman, and Bryan.

Pursuant to a unanimous-consent agreement reached on June 28, 1996, with respect to further consideration of S. 1762, S. 1763, and S. 1764 (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of those bills, that the Senate be deemed to have disagreed to the amendment(s) to the Senate-passed bill, that the Senate request or agree to a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Teamwork for Employees and Management Act: Committee on Labor and Human Resources was discharged from further consideration of H.R. 743, to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive and, by 53 yeas to 46 nays (Vote No. 191), the bill was passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 295, Senate companion measure, after taking action on amendments proposed thereto, as follows:
Adopted:
By 61 yeas to 38 nays (Vote No. 190), Kassebaum Amendment No. 4438, of a perfecting nature.
Pages S7614, S7618–19

Rejected:
By 36 yeas to 63 nays (Vote No. 189), Dorgan Modified Amendment No. 4437, of a perfecting nature.
Pages S7614, S7618

Subsequently, S. 295 was returned to the Senate calendar.
Page S7677

National Right to Work Act—Cloture Vote: By 31 yeas to 68 nays (Vote No. 188), 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 motion to proceed to consideration of S. 1788, to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment.
Pages S7612–14

DOD Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1894, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, on Thursday, July 11, 1996, at 10 a.m.
Page S7677

Messages From the President: Senate received the following messages from the President of the United States:
Transmitting a report relative to the People's Republic of China; referred to the Committee on Foreign Relations. (PM–159).
Page S7669

Nominations Confirmed: Senate confirmed the following nominations:
Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.
Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.
Page S7677

Messages From the President:
Messages From the House:
Measures Placed on Calendar:
Communications:
Pages S7669–70
Statements on Introduced Bills:
Page S7669
Additional Cosponsors:
Pages S7675–76
Notices of Hearings:
Page S7676
Authority for Committees:
Page S7676
Additional Statements:
Pages S7676–77
Record Votes: Five record votes were taken today. (Total—191) Pages S7525, S7614, S7618, S7619

Adjournment: Senate convened at 11 a.m., and adjourned at 6:42 p.m., until 9 a.m., on Thursday, July 11, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7677.)

Committee Meetings

(APPROPRIATIONS—AGRICULTURE
Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full committee consideration, with amendments, H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997.

APPROPRIATIONS—VA/HUD
Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies approved for full committee consideration, with amendments, 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.

APPROPRIATIONS—LIBRARY OF CONGRESS/GPO
Committee on Appropriations: Subcommittee on Legislative Branch held hearings on proposed budget estimates for fiscal year 1997, receiving testimony in behalf of funds for their respective activities from James H. Billington, Librarian of Congress; and Michael F. DiMaria, Public Printer, Government Printing Office.
Subcommittee will meet again tomorrow.

NOMINATION
Committee on Armed Services: Committee ordered favorably reported the nomination of Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

ALASKA TIMBER SALE EXTENSION
Committee on Energy and Natural Resources: Committee concluded hearings on S. 1877, to extend for 15 years the long-term timber sale contract on the Tongass National Forest between the United States Forest Service and the Ketchikan Pulp Corporation, after receiving testimony from James R. Lyons, Under Secretary of Agriculture for Natural Resources and the Environment; Phil Janik, Regional Forester, Fred Walk, Director of Timber Management, and Brad Powell, Forest Supervisor, all of the Forest

NOMINATION
Committee on Foreign Relations: Committee concluded hearings on the nomination of Alan Philip Larson, of Virginia, to be Assistant Secretary of State for Economic and Business Affairs, after the nominee testified and answered questions in his own behalf.

TERRORISM: SAUDI ARABIA
Select Committee on Intelligence: Committee continued hearings to examine certain issues surrounding the incidents of terrorism and the recent bombing of United States military facilities in Saudi Arabia, receiving testimony from Lawrence S. Eagleburger, former Secretary of State; Walter L. Cutler, former Ambassador to the Kingdom of Saudi Arabia; L. Paul Bremer, former Ambassador-at-Large for Counter-Terrorism; Richard Haass, former Senior Director for Near East and South Asian Affairs, National Security Council; and Mary Jane Deeb, American University, and Brian Jenkins, Kroll Associates, both of Washington, D.C.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 3767-3781; and 2 resolutions, H. Con. Res. 196-197 were introduced.

Reports Filed: Reports were filed as follows:
- H.R. 2823, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean (H. Rept. 104-665 Part 1); and
- H. Res. 474, providing for consideration of H.R. 3396 to define and protect the institution of marriage (H. Rept. 104-666);

Journal Vote: By a recorded vote of 342 ayes to 53 noes with 1 voting “present”, Roll No. 294, the House agreed to the Speaker’s approval of the Journal of Tuesday, July 9.

Recess—Joint Meeting: The House recessed at 9:04 a.m.

Address by Prime Minister Netanyahu of Israel: The House and Senate met in a joint meeting to receive an address by His Excellency Binyamin Netanyahu, Prime Minister of the State of Israel. Prime Minister Netanyahu was escorted to and from the House Chamber by Senators Lott, Nickles, Mack, Craig, D’Amato, Thurmond, Helms, Hatch, Specter, Daschle, Ford, Boxer, Feingold, Feinstein, Lautenberg, Leahy, Lieberman, Pell, Wellstone, Wyden, and Levin; and by Representatives Armey, DeLay, Boehner, Cox, Paxon, Molinari, Gilman, Livingston, Solomon, Callahan, Schiff, Fox, Gephardt, Bonior, Kennelly, Frost, Hoyer, Hamilton, Yates, Obey, Wilson, Lantos, Berman, and Lowey.

Reconvene—Print Proceedings of Joint Meeting: The House reconvened from recess at 11:30 a.m. It was made in order to print the proceedings had during the recess in the Congressional Record.

Committee to Sit: The following Committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Judiciary, Resources, Science, Small Business, and Transportation and Infrastructure.

Cost of Government Day: By a yea-and-nay vote of 376 yeas to 23 nays, Roll No. 293, the House voted to suspend the rules and agree to H. Con. Res. 193, expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn. The measure was debated on Tuesday, July 9.

Legislative Branch Appropriations: By a yea-and-nay vote of 360 yeas to 58 nays, Roll No. 298, the House passed H.R. 3754, making appropriations for
the Legislative Branch for the fiscal year ending September 30, 1997.

By a recorded vote of 191 ayes to 230 noes, Roll No. 297, rejected the Fazio motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with amendments that reduce House Information Resources funding by $150,000. Pages H7204-06

Agreed To:
The Klug amendment that reduces Government Printing Office full-time equivalent employment by 100;
The Packard amendment that bars contracts or subcontracts to any person who intentionally affixes “made in America” labels or other similar inscriptions to products not made in the United States;
The Smith of Michigan amendment that applies amounts remaining in Members’ Representational Allowances to deficit reductions;
The Castle amendment that requires that mass mailings by Members of the House include a notice that the mailing was prepared, published, and mailed at taxpayer expense and requires the disclosure and cost of the mass mailings for each Member; and
The Campbell amendment, as modified, that allows the use of dynamic economic modeling analysis in addition to static methods to complement budgetary estimates on spending and tax bills (agreed to by a recorded vote of 239 ayes to 181 noes, Roll No. 295).

Rejected:
The Fazio amendment that sought to transfer $4 million from the Office of the Chief Administrative Officer to Members’ Representational Allowances to promote the use of computers and other electronic technologies; and
The Gutknecht amendment that sought to reduce all discretionary spending by 1.9 percent (rejected by a recorded vote of 172 ayes to 248 noes, Roll No. 296).

Withdrawn:
The Volkmer amendment was offered, but subsequently withdrawn, that sought to reduce Government Accounting Office funding by $250,000.

H. Res. 473, the rule providing for consideration of the bill was agreed to earlier by a voice vote.

Labor, HHS, and Education Appropriations: The House completed all general debate and began consideration of amendments to H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997. Consideration of amendments will continue on Thursday, July 11.

Agreed To:
The Velázquez amendment that increases Employment Standards Administration funding by $5 million for sweatshop enforcement in the garment industry and decreases Job Partnership Training funding accordingly;
The Stump amendment that increases Veterans Employment and Training funding by $3.8 million and reduces State Unemployment Insurance and Employment Service Operations funding accordingly;
The Chrysler amendment that increases the Administration for Children and Families funding by $2.399 million for the Battered Women’s Shelter Program and reduces State Unemployment Insurance and Employment Service Operations funding accordingly; and
The Slaughter amendment that increases Pension and Welfare Benefits Administration funding by $300,000 for genetic nondiscrimination enforcement activities and reduces Bureau of Labor Statistics funding accordingly.

Pending when the Committee of the Whole rose was the Pelosi amendment that seeks to eliminate the provision prohibiting funding for the Occupational Safety and Health Administration to develop or issue standards or guidelines regarding ergonomic protection (vote was postponed).

H. Res. 472, the rule under which the bill is being considered was agreed to by a voice vote. Earlier, agreed to order the previous question by a yeas-and-nay vote of 218 yeas to 202 nays, Roll No. 299.

Presidential Message—National Interest re People’s Republic of China: Read a message from the President wherein he transmits his report concerning suspensions under section 902(a) of the Foreign Relations Authorization Act—referred to the Committee on International Relations and ordered printed (H. Doc. 104-242).

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7206-15

Senate Messages: Message received from the Senate appears on page H7162.

Quorum Calls—Votes: Three yeas-and-nay votes and four recorded votes developed during the proceeding of the House today and appear on pages...
H 7169-70, H 7170-71, H 7203, H 7203-04, H 7205-06, H 7206, and H 7215. There were no quorum calls.

**Adjournment:** Met at 9 a.m. and adjourned at 11:51 p.m.

### Committee Meetings

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full Committee action the Energy and Water Development appropriations for fiscal year 1997.

#### ONLINE BANKING

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Online Banking and Technology in Banking. Testimony was heard from public witnesses.

Hearings continue tomorrow.

#### INSPECTOR GENERAL'S REPORT—STUDENT AID PROGRAMS

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on “Split Decision: The Inspector General’s Report on the Divided Management Structure of Student Aid Programs at the Department of Education.” Testimony was heard from the following officials of the Department of Education: Madeleine Kunin, Deputy Secretary; and Thomas R. Bloom, Chief Financial Officer and Assistant Secretary, Administration; and Robert E. Alexander, Chairperson, Advisory Committee on Student Financial Assistance.

#### POSTAL REFORM ACT

Committee on Government Reform and Oversight: Subcommittee on the Postal Service held a hearing on H.R. 3717, Postal Reform Act of 1996. Testimony was heard from Marvin T. Runyon, Postmaster General and CEO, U.S. Postal Service; and Edward J. Gleiman, Chairman, Postal Rate Commission; and public witnesses.

#### CAMPAIGN FINANCE REFORM ACT

Committee on House Oversight: Ordered reported H.R. 3760, Campaign Finance Reform Act of 1996.

#### MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.R. 3564, amended, NATO Enlargement Facilitation Act of 1996; H.R. 3759, amended, Exports, Jobs, and Growth Act of 1996; H. Con. Res. 142, amended, regarding the human rights situation in Mauritania, including the continued practice of chattel slavery; H. Con. Res. 155, amended, concerning human and political rights and in support of a resolution of the crisis in Kosova; and H. Con. Res. 191, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

### MISCELLANEOUS MEASURES


#### DEFENSE OF MARRIAGE ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 3396, Defense of Marriage Act. The rule waives clause 2(l)(6) of rule XI (3 day availability requirement for committee reports) against consideration of the bill.

The rule makes in order only those amendments printed in the report accompanying the rule, to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question. All points of order are waived against the amendments. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Hyde and Representatives Canady, John- son of Connecticut, Hobson, Frank of Massachusetts and Schroeder.

#### CIVILIAN SCIENCE AGENCIES' IMPLEMENTATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT

Committee on Science: Held a hearing on Civilian Science Agencies’ Implementation of the Government Performance and Results Act. Testimony was heard from Ernest Moniz, Associate Director, Science, Office of Science and Technology Policy; Anne Petersen, Deputy Director, NSF; Marc Chupka, Acting Assistant Secretary, Policy and International Affairs, Department of Energy; the following officials of the Department of Commerce: Robert Hebner, Acting Deputy Director, National Institute of Standards and Technology; and Diana Josephson, Deputy Under Secretary, NOAA; Henry Longest II, Deputy Assistant Administrator, Management, EPA; Gary Steinberg, Director, Strategic Management, NASA; and public witnesses.
MISCELLANEOUS MEASURES
Committee on Small Business: Began mark up of the following bills: H.R. 3719, Small Business Programs Improvement Act of 1996; and H.R. 3720, Small Business Investment Company Reform Act of 1996.
Committee recessed subject to call.

MASSACHUSETTS’ REQUEST FOR DISASTER ASSISTANCE FROM SBA
Committee on Small Business: Subcommittee on Government Programs held an oversight hearing on the Massachusetts request for Disaster Assistance from the SBA. Testimony was heard from Bernard Kulik, Associate Administrator, Disaster Assistance, SBA; the following officials of the State of Massachusetts: Bruce Tarr, Senator; Bruce Tobey, Mayor, Gloucester; and Trudy Coxe, Environmental Affairs Secretary, Executive Office of Environmental Affairs; and public witnesses.

AVIATION SAFETY PROTECTION ACT
Committee on Transportation and Infrastructure Subcommittee on Aviation held a hearing on H.R. 3187, Aviation Safety Protection Act of 1996. Testimony was heard from public witnesses.

RAILS TO TRAILS ACT
Committee on Transportation and Infrastructure Subcommittee on Railroads held a hearing on Agency Oversight: Administration of the Rails to Trails Act. Testimony was heard from the following officials of the Department of Transportation: Dan King, Director, Office of Public Services, Surface Transportation Board; and Anthony R. Kane, Executive Director, Federal Highway Administration.

Joint Meetings
RUSSIAN ELECTION
Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine the impact of the recent election in Russia, after receiving testimony from James F. Collins, Ambassador-at-Large for the New Independent States; Michael McFaul, Stanford University, Stanford, California; and Peter Reddaway, George Washington University, and Blair A. Ruble, Kennan Institute for Advanced Russian Studies/Woodrow Wilson Center, both of Washington, D.C.

NEW PUBLIC LAWS
For last listing of Public Laws, see DAILY DIGEST p. D 704
H.R. 2437, to provide for the exchange of certain lands in Gilpin County, Colorado. Signed July 9, 1996. (P.L. 104-158)
H.R. 2704, to provide that the United States Post Office building that is to be located on the 2600 block of East 75th Street in Chicago, Illinois, shall be known and designated as the “Charles A. Hayes Post Office Building”. Signed July 9, 1996. (P.L. 104-159)

COMMITTEE MEETINGS FOR THURSDAY, JULY 11, 1996
(Committee meetings are open unless otherwise indicated)
 Senate
Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues relating to abstinence education, 9:30 a.m., SD-138.
Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate and the Sergeant At Arms, 10 a.m., S-128, Capitol.
Full Committee, business meeting, to mark up H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and 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, 2 p.m., SD-192.
Subcommittee on Energy and Water Development, business meeting, to mark up proposed legislation making appropriations for energy and water development for the fiscal year ending September 30, 1997, 2:30 p.m., SD-138.
Committee on Banking, Housing, and Urban Affairs, to hold hearings on S. 1800, to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, 10 a.m., SD-538.
Committee on Energy and Natural Resources, to hold oversight hearings on competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule (Order No. 888), 9:30 a.m., SD-366.
Subcommittee on Forests and Public Land Management, to hold hearings on S. 1738, to provide for improved access to and use of the Boundary Water Canoe Area Wilderness, 2 p.m., SD-366.
Committee on Foreign Relations, Subcommittee on African Affairs, to hold hearings to examine the emerging role of women in Africa, focusing on barriers to their full participation in their rapidly changing societies, 3 p.m., SD-419.

Committee on the Judiciary, to hold hearings on S. 1740, to defend and protect the institution of marriage, 10 a.m., SD-226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1237-38 in today's Record.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the Dairy and Livestock Producer Protection Act of 1996, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following: Commerce, Justice, State, and Judiciary appropriations for fiscal year 1997; and 602(b) budget allocations for fiscal year 1997, 8 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, to continue hearings on online Banking and Technology in Banking, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on "How Did We Get Here From There?" A discussion of the Evolution of the Budget Process from 1974 to the Present, 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, hearing on the following bills: H.R. 3553, Federal Trade Commission Reauthorization Act of 1996; and H.R. 447, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made, 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, to mark up H.R. 1627, Food Quality Protection Act of 1995, 10 a.m., 2123 Rayburn.

Subcommittee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental relations, oversight hearing on the Department of Labor’s Efforts Against Labor Union Racketeering, 10 a.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on the Western Hemisphere, hearing on the Implementation of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, 1:30 p.m., 2359 Rayburn.

Committee on the Judiciary, hearing on proposals for a constitutional amendment to provide rights to victims of crime (H.J. Res. 173 and H.J. Res. 174), 9:30 a.m., 2141 Rayburn.

Committee on National Security, hearing on H.R. 3237, Intelligence Community Act, 9:30 a.m., 2118 Rayburn.

Committee on Resources, full committee and the Subcommittee on Resource Conservation, Research, and Forestry of the Committee on Agriculture, joint hearing on H.R. 3659, Environmental Improvement Timber Contract Extension Act of 1996, 1 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, hearing on H.R. 3579, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming; followed by an oversight hearing on non-indigenous species, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following: H.R. 2392, to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin; S. 1467, Fort Peck Rural County Water System Act of 1995; H.R. 3258, to direct the Secretary of the Interior to convey certain real property located within the Carlsbad Project in New Mexico to Carlsbad Irrigation District; and a measure to direct the Secretary of the Interior to sell the Sly Park Dam and Reservoir, 2 p.m., 1334 Longworth.

Committee on Rules, to consider H.R. 3756, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, 2 p.m., H-313 Capitol.

Committee on Standards of Official Conduct, executive, to consider pending business, 3 p.m., HT-2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on ISTEA Reauthorization Maintaining Adequate Infrastructure: Federal Funding Distribution Formulas, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on unemployment insurance issues, 10 a.m., B-318 Rayburn.
Next Meeting of the SENATE
9 a.m., Thursday, July 11

Program for Thursday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of S. 1894, DOD Appropriations Act, 1997.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, July 11

Program for Thursday: Complete consideration of H.R. 3755, Labor, HHS, Education, and Related Agencies Appropriations Act for FY 1997 (open rule, 2 hours of general debate); and

Consideration of H.R. 3396, Defense of Marriage Act (modified closed rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Duncan, John J., Jr., Tenn., E1234
Frank, Barney, Mass., E1233
Hamilton, Lee H., Ind., E1234, E1236
Klink, Ron, Pa., E1233, E1235
Maloney, Carolyn B., N.Y., E1235
Meek, Carrie P., Fla., E1235
Peterson, Douglas "Pete", Fla., E1233, E1235

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512-1262; or by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.