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No. 99

## House of Representatives

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Sarah Taylor:

O God of light, Your word, a lamp unfailing, shall pierce the darkness of our earthbound way and show grace, Your plan for us unveiling, and guide our footsteps to the perfect day.

To all the world Your summons You are sending, through all the Earth, to every land and race, that myriad tongues, in one great anthem blending, may praise and celebrate Your gift of grace. 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.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. PEASE] come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE 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.

### THE MORAL CASE FOR TAX CUTS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGRICH. Mr. Speaker, I wanted to start by talking about the moral case for tax cuts, because I think we

don't talk often enough about why tax cuts matter and why we are attempting to not just balance the budget, but to balance the budget with a smaller Government so we can reduce taxes and offer tax relief for the American people.

We start with the premise that taxes are too high, that the Tax Code is too complicated, that it takes too much of the average American's time to earn the money to pay taxes, that it takes too much of the average American's time to fill out their tax forms, to keep the tax records, possibly to pay for an accountant or a tax attorney; and that the effect of our current very complicated Tax Code is to make life harder, particularly harder for small business men and business women who are particularly hard-hit by the complexities.

My older daughter, Kathy Lubbers, runs a little company called the Carolina Coffee Co. in Greensboro, NC, and she called me recently and said that they estimate that they have to have 7 days of sales just to pay their Federal, State, and local taxes, and that does not count the cost of redtape and the cost of filling out all the forms and keeping all the records.

So if we start with the notion that we are very committed to increasing the freedom of the American people, increasing the power that the American people have by allowing them to spend more time working for themselves and their families and less time working for the Government and working to fill out complicated tax forms, I think there is a strong moral case to be made.

I want to make it at three levels: Our role as parents and as children who might have older parents, our role as citizens in our local community, and our role in the economy in helping encourage economic growth. In all three areas, I believe one can make a moral case for reducing taxes to increase the

ability of citizens to do their job as parents, as citizens, and as job creators.

Let us start with the role of parents. As recently as President Harry Truman's time, in 1998 dollars, the tax deduction per child was \$7,500. So if one was married with two children, one had to actually have a \$30,000 income before one paid any income tax. The program was designed to strengthen families and strengthen parents by giving them the take-home pay so that they could take care of their children.

One of the reasons we feel so strongly about the \$500 per child tax credit and about the educational tax breaks that will help people get more education, is that these tax credits and tax breaks put more money in the hands of parents so that they can make decisions about the lives of their children.

It is a very simple choice. We believe that parents are better as providers for their children's future than are bureaucrats, and so we believe that there should be more resources in the parents' hands after taxes, whereas some of our friends believe in higher taxes with more money going to the bureaucracy. That is a very clear-cut choice of two very real differences in approaches.

Second, we believe in an America described by de Tocqueville in "Democracy in America," an America in which voluntarism, charities, private activities, play a major role in the lives of our communities. For example, I wear two pins, a Habitat for Humanity pin and an Earning by Learning pin. Both of those are charities that are engaged in helping the poor.

Earning by Learning helps poor children learn how to read, and Habitat for Humanity is a worldwide organization in 53 countries founded in America's Georgia, committed to the idea that if we help people build a home and we help grow their family, that they will be dramatically better off and be in a better position to lead a fuller life.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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They have to participate also, and in the Habitat model, the person who is going to be helped has to be worthy of being helped. They have to have worked, they have to have proven that they are trying, they have to be prepared to work 100 hours on somebody else's house and 300 hours on their own house, and they have to be prepared to take a 20-hour course on how to be a homeowner, so that they have truly earned the right to move into their Habitat house, and when they move in, they pay a mortgage, it is a no-interest mortgage, but for 20 years they pay every month, just like everybody else does, so that they truly have bought and earned their house. That creates dignity, independence, self-respect, and a sense that they are participating, and it is done by a private charity, which has been a great American contribution to how people organize themselves.

Well, if one has to spend all of one's time working at a second job to pay one's taxes, or as in many families, if the second member of the family has to go to work largely to pay the taxes, then that is time one cannot spend being a volunteer, that is time one cannot spend in a local charity, that is time one cannot spend helping people locally.

So we believe that high taxes, by both taking up one's income and taking up one's time, makes it harder for one to be involved in charitable work, harder for one to be involved as a volunteer, and harder for one to be involved in one's local community.

Third, not only do we believe lower taxes can make one a better parent and lower taxes can help one be a better volunteer, we believe that lower taxes increase economic growth. We think the real engine of economic growth is small business.

Small business is not helped by big government and big bureaucracy. Small business is helped when local people are able to be involved in creating jobs, in going to one's local store or one's local business, and we believe that the smaller the government, the more after-tax take-home pay one has, the greater one's chance to be involved in a small business.

We think this is particularly important to emphasize economic growth through small business at a time when we have welfare reform, because the fact is that our proposal for welfare reform, which is to move people from poverty to prosperity by moving them from welfare to work, that that proposal is very, very important, because it creates an environment in which people can improve their lives by getting off of welfare and working. It requires if one is going to move from welfare to work that one has work to move to.

The largest provider of work in America is small businesses. Small businesses hire far more people than do large businesses. So if we truly want to create a better future for America, we

want to increase the number of small businesses, and that is where people get hired, that is where jobs get created. Remember that companies like Microsoft may start very small, but those baby businesses can grow very rapidly into major creators of wealth and major creators of jobs for Americans.

So we want to have tax reduction, which encourages small business and which encourages people to feel comfortable in leaving a job in a corporation or in government to go out on their own, to be an entrepreneur, to create the next generation of jobs, and the next generation of opportunity.

□ 1515

We think that is another argument for cutting taxes, and in particular we are committed to trying to triple the number of black- and Hispanic-owned small businesses, because we think nothing would do more to improve the quality of life in minority communities than to have a dramatic expansion of the number of people who are out creating jobs, earning a living, meeting the marketplace, serving the customer and, therefore, coming to understand the realities of free enterprise.

In that setting, we believe that it is very, very important that we go through with this process that we are negotiating this week of cutting taxes and that we emphasize that the tax cuts be focused on people who pay taxes.

We do not think it is appropriate to have this begin to be primarily a bill which raises welfare payments to people who are not paying taxes. I think there is a very big difference here, and I want to emphasize this, we do not think it is appropriate for a tax cut bill to be used to increase money to people who are not paying taxes. That would be a welfare bill, and we are perfectly prepared to look at a welfare bill on its own merit. But a tax cut bill should be dedicated to cutting taxes for people who pay taxes, so the tax cut bill should be aimed at the taxpayers of America.

In particular, we think that when it has been 16 years since the last time we had a tax cut, that it is particularly appropriate that we have a tax cut on behalf of the taxpayers who, after all, have seen several tax increases in the last 16 years and have not had any tax relief.

Mr. Speaker, that is why we are committed to negotiating a tax cut bill that we believe will be helpful to working Americans, with a \$500 per child tax cut, and will be helpful to Americans who are going to go to college or graduate school or vocational-technical school, with tax credits and tax deductions; and helpful to family farms and small businesses by cutting the tax on estate when you die; and it will be helpful to creating jobs, to savings and investment, by cutting the tax on capital gains, so we are encouraging people to invest in creating jobs for the future.

All of those steps we think are in the right direction and all of those steps relate to cutting taxes for taxpayers. But I think that is a very, very important thing to realize.

The President for some reason has sent up a proposal which would actually give some people more money than they pay in taxes. Now that is clearly not a tax cut. That is clearly, in fact, a very different situation.

I found it fascinating that last week they had three people that were down at the White House in a press conference about the earned income credit. All three of these folks already are getting money. One was getting \$1,713 from the taxpayer. Another was getting \$1,291 from the taxpayer. The third was getting \$871 from the taxpayer.

Now, it seemed to us in that setting that it was inappropriate to talk about somebody who is already getting, as I said a minute ago, \$1,700 from the taxpayers to now give them more money in a tax cut bill, because they are not paying taxes. In fact, two of the three people, they actually are paying zero taxes at this point in a situation where we felt that it was just not correct.

Conversely, we think that people who are paying income taxes and who have been working hard paying income taxes deserve a chance to have a tax break. We are generally talking about people who are not getting any government money. So on the one hand we have folks who are already getting a thousand or more dollars in the earned income credit. On the other hand, we are talking about people who are not getting any money, but who are paying the taxes, carrying the load in the income tax, and that is why we favor focusing on cutting the income tax for people who are paying income taxes.

But let me make one other point about the earned income credit, because I think it is the largest example of fraud and error in the Federal Government; at least the largest I know of. There was a report by the Internal Revenue Service, which administers it, that the earned income credit had a 26-percent error in 1994. Think of this number. The earned income credit which is a program where if Americans are of very low income, they file a report and the Government sends them a check. So it is pure cash.

The earned income credit, according to the Internal Revenue Service which administers it, in 1994 had a 26-percent-error rate. Now, they have since had a series of reforms and they have improved the program, so today it is their estimate that they have a 21-percent-error rate. This is the reformed version, 21 percent mistakes, either fraud or just plain error. That means that every fifth dollar, \$1 out of every \$5 in the earned income credit program, is either fraud or error. Now, can we ask the taxpayers of America to subsidize a program which is so badly run by the government that it is 21 percent error or fraud?

Mr. Speaker, to put it differently, the current estimate is that \$4 billion a

year of the earned income credit program is fraud or error. That is, literally, we are throwing away \$4 billion a year. That is, over a 5-year period, over \$20 billion in fraud and error just in the earned income credit program.

I had hoped that the President was going to send up a reform proposal to help us get the fraud rate down to what should be the acceptable level, which is 1 or 2 percent. But to suggest that in a program where we have 21 percent fraud and error that we should actually increase the amount of extra money we are sending strikes me as just plain wrong, and it is wrong for the taxpayer.

Why should the taxpayer have to pay higher taxes just to be in a position to transfer money to people in a program where \$1 out of every \$5 that is transferred is going either to somebody committing fraud; that is, they are claiming they should get more money than they should get, or someone who has simply made a mistake?

We think that the earned income credit program needs to be overhauled, reformed, and improved before there is any conversation about shipping more money to people who are currently getting money under that program. But, in addition, we think it is particularly wrong in a tax cut bill to be transferring money to people who are, in effect, getting welfare, when the focus of the tax cut bill should be in cutting taxes.

Let me make one final point about this year's tax cut. There is pretty good reason to believe that because we have been very firm in our position on cutting spending, and because we have been very firm in our position on moving to a balanced budget, that we have had much lower interest rates than people expected. And, as a result, we have had more economic growth, and the result has been that we have more revenue coming into the Government. The more the economy grows, the more people go to work, the more take-home pay there is, the better off people end up being.

In that setting, I think it is very important that we look forward to next year. Not just this year's tax cut, but next year. And I simply want to propose that if the economy continues to grow, and if the Government gets more revenue than the budget agreement calls for, that the first claim on that additional revenue is to return it to the American people who earned it. That is, we should have next year, in 1998, an additional tax cut proposal to further lower taxes, to give tax relief to the American people, and to begin to simplify the Tax Code so that it is easier for small businesses and easier for individuals to fill out their tax forms with fewer regulations, less redtape, and less paperwork.

Mr. Speaker, I believe if we start down that road, that we can have a very dramatic effect and we can begin

to set up a pattern where the more the economy grows, the more we lower taxes, the more free time people have at home, the more time they can spend as parents, the more time they can spend as volunteers, and the more resources they have to invest in local small businesses to create even more jobs to then continue the same cycle.

So I hope we will complete this week, maybe by Friday or Saturday, the tax cut bill, the first tax cut in 16 years. I hope we will focus that tax cut bill on cutting taxes for taxpayers, and I hope that we will then be in a position to turn and begin to prepare for another tax cut and tax simplification bill starting next year to begin a series of annual tax cuts so that as the economy grows and jobs grow and take-home pay grows and revenue grows, we are then able every year to have one more step toward tax relief and tax simplification.

Mr. Speaker, I go back to the beginning. I think there is a moral case for cutting taxes that allows people to spend more time and resources as parents. It allows people to spend more time and more resources as volunteers in local charities. It allows people to spend more time and more resources helping create new jobs and new businesses. And for those three reasons, I think controlling the spending of the Government and returning money back home in tax cuts and having tax simplification and tax relief are morally correct for the country and will make America a better and a more prosperous society.

#### RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2000

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LINDER] at 8 p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-180) on the resolution (H. Res. 184) providing for consideration of the bill (H.R. 2158) 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, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### COMMUNICATION FROM THE OFFICE OF THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Office of the Sergeant at Arms:

OFFICE OF THE SERGEANT AT ARMS,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, July 14, 1997.

Hon. NEWT GINGRICH,  
Speaker of the House,  
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 I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

PATRICIA A. SCHAAP.

#### REVISED ALLOCATION OF ADDITIONAL BUDGET AUTHORITY AND OUTLAYS FOR SECTION 8 HOUSING ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect \$9,200,000,000 in additional new budget authority and \$3,436,000,000 in additional outlays for section 8 housing assistance.

Sec. 203 of House Concurrent Resolution 84 requires that the chairman of the Committee on the Budget make an adjustment " \* \* \* after the reporting of an appropriation measure \* \* \* that includes an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the United States Housing Act of 1937 \* \* \* not to exceed \$9,200,000,000 in budget authority and the appropriate amount of outlays."

The House Committee on Appropriations has reported H.R. 105-2158, a bill making appropriations for the Departments of Housing and Urban Development, Veterans Affairs, and related agencies for fiscal year 1998 which includes \$9,200,000,000 in budget authority for section 8 housing renewals. Outlays are being increased by \$3,436,000,000.

The adjustments are as follows:

## COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

	Discretionary		Current allocation		Change		Revised allocation	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
General purpose .....	511,457	545,940						
Violent crime reduction trust fund .....	5,500	3,592	+9,200	+3,436	520,657	549,376		
Total .....	516,957	549,532	+9,200	+3,436	526,157	552,968		

Aggregate levels for budget authority and outlays for fiscal year 1998 remain unchanged as follows:

[In millions of dollars]	
Budget authority .....	\$1,386,875
Outlays .....	1,371,848

## 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 following Member (at the request of Mr. SOLOMON) to revise and extend his remarks and include extraneous material:)

Mr. KASICH.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PEASE) and to include extraneous matter:)

Mr. GEKAS.

Mr. STOKES.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. PORTMAN.

Mr. HOYER.

## ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 15, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4185. A letter from the Architect of the Capitol, transmitting the report of all expenditures during the period October 1, 1996 through March 31, 1997, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

4186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

4187. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake and Davis Counties Ozone Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, Approval of Related Elements, Approval of Partial NOx RACT Exemption, and Approval of Weber County I/M Program [UT15-1-6775, UT12-2-6728, UT16-1-6776; FRL-5856-8] received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4188. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Deposition of Air Pollutants to the Great Waters"; to the Committee on Commerce.

4189. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision to Amend Part 32, Uniform System of Accounts for Class A and Class B Telephone Companies to Raise the Expense from \$500 to \$750 [CC Docket No. 95-60] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4190. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 97-24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Botswana (Transmittal No. DTC-82-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-54-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-85-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Saudi Arabia (Transmittal No. DTC-62-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Canada (Transmittal No. DTC-63-97), pursuant to 22

U.S.C. 2776(d); to the Committee on International Relations.

4196. A communication from the President of the United States, transmitting a letter notifying Congress that on July 10, 1997, a Joint Task Force of approximately 550 U.S. military personnel from the U.S. Pacific Command began deploying to establish an intermediate staging base at Utapao Air Base, Thailand for possible emergency non-combatant evacuation operations in Cambodia; (H. Doc. No. 105-104); to the Committee on International Relations and ordered to be printed.

4197. A letter from the Regulatory Policy Official, National Archives and Records Administration, transmitting the Administration's final rule—Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives (RIN: 3095-AA55) received June 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4198. A letter from the Assistant General Counsel, United States Information Agency, transmitting the Agency's final rule—Exchange Visitor Program [22 CFR Part 514] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4199. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-99, "Washington Convention Center Authority Collective Bargaining Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4200. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-98, "General Public Assistance Program Termination Temporary Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4201. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-95, "Ivy City Yard Fixed Right-of-Way Mass Transit System Designation Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4202. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-97, "Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4203. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-100, "Business Improvement Districts Temporary Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4204. A letter from the Acting Commissioner, Social Security Administration, transmitting the Administration's draft 1997 strategic plan as required by Public Law 103-62; to the Committee on Government Reform and Oversight.

4205. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements and Shortraker/Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312-7021-02; I.D. 070397E] received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4206. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP); Recreational Measures for the 1997 Summer Flounder Fishery [Docket No. 970318057-7158-02; I.D. 022097C] (RIN: 0648-AJ42) received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4207. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule—Collection of Past-Due Support by Administrative Offset (Financial Management Service) (RIN: 1510-AA58) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Immigrants Under the Immigration and Nationality Act; Validity of Immigrant Visas (Bureau of Consular Affairs) [22 CFR Part 42] received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4209. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting a draft of proposed legislation to direct the Commissioner of Social Security to institute a ticket system and advocacy program designed to facilitate opportunities to work for Americans with disabilities who would otherwise remain dependent upon disability benefits payable under the Social Security or Supplemental Security Income program; to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CALLAHAN: Committee on Appropriations. H.R. 2159. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-176). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1853. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act; with an amendment (Rept. 105-177). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee on Appropriations. H.R. 2160. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-178). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore (Rept. 105-179). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 184. Resolution providing for consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-180). Referred to the House Calendar.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

152. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 41 memorializing the U.S. Congress to amend the United States Constitution to remove Federal Judges for "dereliction of duty" as well as high crimes and misdemeanors; to the Committee on the Judiciary.

153. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 17 requesting that the President, the Congress, and the Secretary of Defense of the United States research the causes and symptoms of Gulf War Syndrome and provide adequate funding for care of veterans suffering from it; jointly to the Committees on National Security and Veterans' Affairs.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. DREIER.  
H.R. 12: Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Ms. LOFGREN, and Mr. WAXMAN.  
H.R. 23: Ms. DELAURO.  
H.R. 165: Mr. DEFAZIO.  
H.R. 337: Mr. NADLER and Mr. LAMPSON.  
H.R. 339: Mr. BONO.  
H.R. 561: Mr. PAYNE.  
H.R. 612: Mr. CLYBURN and Mr. STRICKLAND.  
H.R. 630: Ms. WOOLSEY.  
H.R. 727: Ms. DUNN of Washington.  
H.R. 1126: Mr. SAXTON.  
H.R. 1175: Ms. MILLENDER-MCDONALD.  
H.R. 1349: Mr. WAXMAN.  
H.R. 1698: Mr. RUSH, Mr. LEWIS of Georgia, Mr. TOWNS, and Mr. FROST.  
H.R. 1719: Mr. METCALF and Mr. PETERSON of Pennsylvania.  
H.R. 1749: Mr. BONIOR, Mr. FOGLIETTA, and Ms. WOOLSEY.  
H.R. 1770: Mr. LIPINSKI and Mrs. THURMAN.  
H.R. 1782: Mr. OLVER and Mr. STARK.  
H.R. 1855: Mr. YOUNG of Alaska and Mr. MARKEY.  
H.R. 1970: Mr. OWENS.  
H.R. 2004: Ms. DEGETTE, Mr. LIPINSKI, and Mr. FALEOMAVAEGA.  
H.R. 2020: Mr. JEFFERSON and Mr. YOUNG of Alaska.  
H.R. 2029: Mr. HASTINGS of Washington.  
H.R. 2094: Mr. FILNER.  
H.R. 2121: Mr. STARK.  
H. Con. Res. 55: Ms. PELOSI, Mr. STARK, and Mrs. JOHNSON of Connecticut.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

OFFERED BY: MR. BARR

AMENDMENT No. 2. In the item relating to "TITLE III—INDEPENDENT AGENCIES—ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after third dollar amount, insert the following: "(reduced by \$12,000,000) (increased by \$12,000,000)".

H.R. 2158

OFFERED BY: MR. BARR

AMENDMENT No. 3. In the item relating to "TITLE III—INDEPENDENT AGENCIES—ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", strike the period at the end and insert the following:

: *Provided further*, That, of the funds made available in this paragraph, \$12,000,000 shall be available for carrying out section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) and \$88,000,000 shall be available for carrying out section 319 of such Act (33 U.S.C. 1329).

H.R. 2158

OFFERED BY: MR. BENTSEN

AMENDMENT No. 4: Page 76, and after line 17, insert:

SEC. 422. None of the funds made available in this Act may be used to implement clauses (ii) through (v) of section 761.93(a)(1) of title 40 of the Code of Federal Regulations (relating to the import of PCB's and PCB items at concentrations of 50 ppm or greater for disposal), or to authorize any person to import into the United States (pursuant to an exemption under Section 2605(e)(3)(B) of title 15 of the United States Code or otherwise) any PCB's or PCB items at concentrations of 50 ppm or greater for purposes of disposal or treatment.

H.R. 2158

OFFERED BY: MR. WISE

AMENDMENT No. 5:  
At the end of title III, insert the following:  
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Chemical Safety and Hazard Investigation Board, as authorized by section 112(r)(6) of the Clean Air Act, \$3,000,000, which shall remain available until September 30, 1999, and shall be derived by transfer from amounts made available in the account for "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT".

H.R. 2159

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 1: In the item relating to "TITLE III—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", in the first paragraph, strike the second proviso.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. None of the funds appropriated in this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, MONDAY, JULY 14, 1997

No. 99

## Senate

The Senate met at 12 noon, and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

The PRESIDING OFFICER. The guest Chaplain, the Rev. Paul E. Lavin, pastor, St. Joseph's Catholic Church, Washington, DC, will deliver the opening prayer.

### PRAYER

The guest Chaplain, the Rev. Paul E. Lavin, offered the following prayer:

Let us join with native Americans and others as they honor Blessed Kateri Tekakwitha, and let us listen to the Word of the Lord from the Book of Sirach:

*To the poor man extend your hand,  
that your blessing may be complete;  
Be generous to all the living,  
and withhold not your kindness from  
the dead.*

*Avoid not those who weep,  
but mourn with those who mourn;  
Neglect not to visit the sick—  
for those things you will be loved.—  
Sirach 7:32-35.*

Let us pray.

We praise You Lord for the light of creation; we praise You for the light You give us in Your law, in the prophecies, and the wisdom of the Scriptures.

Lord send Your blessing on these servants of Yours, the Senate and their staffs. Help them work together in this time of need, help them be faithful to the light You have given them, and let them faithfully serve You in their neighbor.

Glory and praise to You forever and ever. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 14, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. ROBERTS thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. LOTT. Thank you, Mr. President. I thought since it is going to be 100 degrees outside today I should wear my all-cotton outfit so it would be a little bit more comfortable inside the Chamber.

### SCHEDULE

Mr. LOTT. Mr. President, today the Senate will begin consideration of the DOD appropriations bill. I urge all Senators who have amendments to notify the chairman and the ranking member. They are here, and they are ready to proceed with this very important legislation. So we need to know what amendments will be offered in order to make substantial progress today.

Under the previous order, at 6 o'clock this afternoon the Senate will proceed to executive session to conduct a cloture vote on the nomination of Joel Klein to be an Assistant Attorney General at the Justice Department. In accordance with the consent agreement,

if cloture is invoked, there will be an additional 3 hours for debate on the nomination before the Senate votes on the nomination of Mr. Klein. That vote may occur tomorrow; therefore, following the cloture vote at 6 p.m., the Senate will resume the Department of Defense appropriations bill.

As previously announced, it is the hope that the Senate will complete action on three or possibly four major appropriations bills this week. Therefore, late sessions can be expected and votes should be anticipated throughout each day of the Senate this week. We hope to conclude the Department of Defense appropriations bill on Tuesday. We would like to then move to the energy and water appropriations bill. I believe next we would try to go to the foreign ops appropriations bill, and then perhaps Friday we would be ready to go to legislative appropriations.

In the interim, we also have a couple of bills that we may want to call up for consideration. One of them is a wildlife refuge bill reported overwhelmingly from the House of Representatives and held at the desk; and another one is having to do with dolphin legislation which has been reported from the Commerce Committee. We may look at an opportunity to begin consideration of that legislation on Friday of this week.

I thank my colleagues for their cooperation.

I yield the floor.

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1005, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1005) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S7401

The ACTING PRESIDENT pro tempore. Who seeks time?

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

#### PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Appropriations Committee staff be granted floor privileges during the consideration of this bill, S. 1005, and also for a legislative fellow on detail to our committee: Steve Cortese, Dona Pate, Jay Kimmitt, Justin Weddle, Michelle Randolph, Mazie Mattson, Mary Marshall, Gary Reese, Susan Hogan, John Young, Sid Ashworth, Kelly Hartline, Charlie Houy, Emelie East, and Mike Morris.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. It includes the request for the minority.

Mr. President, we are now considering the Defense Appropriations Act for the fiscal year 1998. This is the first of the 1998 appropriations bills that will come before the Senate. I am pleased that we can commence this year's work with the focus on national security.

To date, the Appropriations Committee has reported three bills to the Senate; defense, foreign operations, and energy and water.

Tomorrow, our committee will report three additional bills; we believe the legislative branch; Treasury, general Government; and Commerce, State, Justice.

On Thursday, the committee will report the Transportation, Agriculture, military construction, and HUD-VA and NASA bills. That is our hope.

In all, if we can do that, the committee will have reported 12 of the 13 bills prior to the August recess. The District of Columbia bill will await action by the Governmental Affairs Committee on the administration's plan to change the Federal payment program for the District of Columbia.

I state at the outset that this schedule is possible because of the bipartisan approach that Senator ROBERT BYRD and I have developed as we have worked together not only now but over the years and the cooperation between our staffs on all these bills.

I urge the Senate to maintain that bipartisan approach to this appropriations process. We have sought and the leader has pledged to assist in obtaining floor time to move these bills to conference this month.

We will not be able to meet our October 1 deadline to complete action on these spending bills unless we move them expeditiously here on the floor and get them to a conference committee prior to the time we leave in August so that all of our and the staff work related to the conferences may be completed during that period and our staffs also have time to take some needed leave then, too.

This bill was reported by the Appropriations Committee to the Senate by

a unanimous vote of 28 to 0. That again reflects the bipartisan approach that my colleague and friend, Senator INOUE of Hawaii, and I have tried to maintain with regard to this subcommittee.

This bill is within the 602(b) allocation for the Defense Subcommittee. It provides \$247 billion in spending authority for 1998. That is an increase of \$3.25 billion over the President's request and \$3.1 billion over the 1997 appropriations, but it is consistent with the allocation under the budget agreement which was reached with the President.

The 602(b) allocation for the Defense Subcommittee is \$1.1 billion below that provided to the House subcommittee. Consistent with the budget agreement, our Appropriations Committee allocated a larger share of the defense 050 function for defense nuclear energy programs. That is under the energy and water bill chaired by the Senator from New Mexico [Mr. DOMENICI]. Those items are funded in the energy and water development bill that the Senate will consider immediately after this bill.

At the request of Senator INOUE and myself, the Subcommittee on Defense Appropriations recommended a balanced bill to the full committee, and we believe that it addresses key funding needs for personnel, readiness, and modernization at the Department of Defense.

This bill and our report have been available to all Senators since Friday morning of last week. I will not describe the bill in detail but will touch on a few of the key items.

Our bill fully funds the authorized end strength for the military personnel for 1998, including the 2.8-percent pay raise. We have added \$380 million for real property maintenance, with \$100 million set aside for refurbishing Army barracks.

We have increased funding for the request for environmental restoration, particularly at formerly used defense sites. And \$1.9 billion is provided for overseas contingency operations in Southwest Asia and Bosnia, and \$261 million is added to correct a second consecutive failure by the Department of Defense to adequately fund military health care programs. We have adequately funded it to the extent that we have money to do so.

We have added \$437 million to the budget request to meet the minimum spending needs of the Army National Guard. I want to take just a moment, Mr. President, to thank all of my colleagues who joined with Senator BOND, Senator FORD, Senator INOUE, and myself to sponsor legislation last week to elevate the rank and status of the Chief of the National Guard.

The adoption of that legislation as an amendment to S. 936, the National Defense Authorization Act for fiscal year 1998, will help ensure that the National Guard's needs will be met during the formulation of the Department's bud-

et and not solely by the intervention of Congress.

I am going to repeat that. It has taken the intervention of Congress each year to try to get the Guard the money it needs to perform its job. I believe this amendment will go a long way toward changing that status. I ask unanimous consent that the list of cosponsors for the National Guard amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### COSPONSORS FOR THE NATIONAL GUARD LEGISLATION

Senators Stevens, Inouye, Bond, Ford, Cochran, Domenici, McConnell, Burns, Shelby, and Gregg.

Senators Bennett, Campbell, Craig, Faircloth, Hutchinson, Byrd, Hollings, Leahy, Bumpers, and Lautenberg.

Senators Mikulski, Reid, Murray, Dorgan, Boxer, Wyden, Torricelli, Smith of Oregon, Sarbanes, and Murkowski.

Senators Landrieu, Johnson, Jeffords, Feinstein, Enzi, DeWine, D'Amato, Conrad, Bryan, and Breaux.

Senators Bingaman, Akaka, Frist, Roberts, Baucus, Daschle, Sessions, Roth, and Mack.

Mr. STEVENS. Senator INOUE and I have listened closely to the priorities identified by the service chiefs in reviewing the modernization accounts. And \$3.8 billion has been provided over the budget request to address aviation, shipbuilding, munitions, and support equipment needs in the procurement accounts.

Our bill includes an additional \$616 million for research and development and includes an increase of \$474 million for national missile defense and \$175 million for additional breast cancer research.

The bill includes nearly \$700 million for counterdrug missions, and includes funds for the Gulf States initiative, and authority for the National Guard to spend an additional \$50 million for counterdrug missions during fiscal year 1998.

Consistent with the President's request, the bill provides \$300 million for support of the defense missions undertaken by the Coast Guard.

The bill before the Senate reflects 11 hearings undertaken by this subcommittee since February, reviewing all aspects of our defense program. Additionally, many priorities identified in this bill reflect visits by Members to defense bases here at home and abroad.

This year we have taken three committee delegations overseas to evaluate how this money should be spent. In January we visited Israel, Egypt, Jordan, the Gaza, Kuwait, Morocco, Saudi Arabia, Hungary, Italy, and Bosnia.

In March, we met with senior Russian military leaders in Khabarovsk, Sakalin, and Vladivostok and held talks with senior officials of the North Korean Government in Pyongyang. We also visited South Korea prior to that visit.

Last month, we went to Brussels and met with the Secretary-General of



NATO and senior United States commanders to better understand the situation in Bosnia and the potential costs to the United States taxpayer of NATO expansion.

Through these experiences, many of us have drawn a strong impression that we are spending too much overseas, Mr. President, with too little oversight by Congress of commitments made by our regional U.S. commanders whom we call the CINC's.

Senator INOUE and I have discussed these concerns at length with the Secretary of Defense, Bill Cohen. In response to our efforts, DOD is taking steps to reduce forces in Southwest Asia and in the vicinity of Bosnia. Secretary Cohen informed us just prior to the markup of this bill in the full committee that the Department will reduce overseas Joint Chiefs of Staff exercises in 1998 and will reduce the size of joint and unified headquarters overseas.

As a result of these consultations, the committee adopted modest reductions to the budget for programs in these areas. We are indebted to Secretary Cohen for his cooperation with us. I will say I think this bill reflects the relationship he has developed not only with Senator INOUE and myself but with all members of the Defense Subcommittee.

Beyond these operations, the committee has also pressed for greater financial oversight of the regional CINC operation. The Vice Chairman of the Joint Chiefs, Gen. Joe Ralston, has led this effort to increase financial limits and visibility on the deployment decisions that are made by the CINC's.

Mr. President, it is my judgment that no military officer has the unilateral right to commit U.S. forces and taxpayer dollars overseas without the approval of the Secretary of Defense, the President of the United States, and the concurrence of Congress, and, specifically, to spend money, it is required there be express appropriations of funds for that purpose. I am talking about increasing deployment overseas of U.S. forces and increasing and expending from taxpayer dollars by CINC operations.

This committee will not hesitate to reduce the funding available to the Department and severely limit the Department's spending and flexibility unless further progress is made in this area. I want to make certain we have no desire to interfere with the President's role as Commander in Chief, nor do we have difficulty with the role played by the Joint Chiefs of Staff.

But military officers in command in the field cannot obligate our Nation to long-term overseas expenditures or deployments—they have been doing so, Mr. President, and that must come to an end. That is what is increasing the defense budget. Decisions made in the field without proper knowledge being transmitted to Congress on the commitments that are being made abroad, long-term commitments—in one in-

stance, we were told it was a 20- to 50-year deployment that construction was being planned on, and not one word had been said to Congress about a deployment of that length.

Mr. President, there are many other issues in the bill that I could speak about at this time. It is time for me to yield to my distinguished comanager of this bill, my good friend, the senior Senator from Hawaii, Senator INOUE.

Mr. INOUE. Mr. President, may I first thank my distinguished friend from Alaska for his very generous remarks.

Mr. President, I rise this day to offer my complete support for the fiscal year 1998 DOD appropriations bill. As noted by the chairman of this committee, this bill is well within the budget agreement. It is about \$1.2 billion below the amount authorized last week by the Senate for these programs. I should point out to all of my colleagues that the chairman and I are hopeful we will not have to reconsider items that were debated and voted upon last week.

Let me assure my colleagues that we intend to modify this bill to conform to many of the changes that were approved by the Senate last week. We look forward to working with Members and their staffs over the next 24 hours to ensure that their views are heard.

Mr. President, I am pleased to report to my colleagues that this is a good bill. It is a product of a truly bipartisan process. As the chairman pointed out, this bill received unanimous support from members of the Appropriations Committee. For those of us who have had the privilege and great honor of serving in this body for many years, you will know that it is almost impossible to get unanimous support from the members of the Appropriations Committee.

Therefore, I wish to commend Chairman STEVENS and his capable staff in putting this bill together. It is a tough bill, but, Mr. President, it is a fair bill. It protects both the interests of the Nation and those of the individual Members of this body.

It is very clear that the top priority of this bill is supporting our troops, the men and women who are willing to stand in harm's way to safeguard the Nation. Our chairman, Chairman STEVENS, has pointed out in great detail the items that are found in this measure, and included in these items we find the procurement of many necessary weapons systems. Each of these recommendations, I believe, will help improve the capability of the Defense Department to protect and defend our Nation, and, most importantly, it will help to deter aggression against the United States and its interests.

Many of my colleagues have commented, why are we spending all this money? Mr. President, one may think that we are in the business of making war. But essentially and fundamentally, we are in the business of preventing war, and we have learned from ex-

perience, bloody experience, that the most effective way to prevent war is to be prepared for war, and to be prepared for war, we taxpayers will be called upon to spend some money. If given a choice of our citizens dying on the field or spending more money so that this can be prevented, I am certain all of us would go for the latter.

This bill also provides for programs which may not be directly defense in nature, but I think it somehow gives a fuller picture of the Congress of the United States. We have in this measure \$175 million for breast cancer. I am certain most people realize that the women in the military, like women outside the service, may have to face this tragedy with breast cancer.

Though we are not directly responsible for the Coast Guard, as the chairman pointed out, we have \$300 million included in this measure to support the Coast Guard. Mr. President, the Coast Guard is one of the great institutions and services that we do not hear enough about. They are out there 24 hours a day, saving lives. They are out there monitoring the seas in our behalf. But importantly, in times of war and peace, they carry out military missions. They carried out great missions in the gulf war, though you very seldom hear about them. We also have, Mr. President, in this measure, a sum of \$48 million to maintain a program that our National Guard has been carrying on for troubled young people. It has been one of the most successful programs we have had in dealing with troubled teenagers.

We also have added nearly \$40 million above the budget request for drug interdiction. We are in the business of using DOD assets for fighting drugs. We have \$1.3 billion to restore the environment. The Department of Defense is a responsible citizen, a responsible neighbor. Let it not be forgotten, they, like all of us, are concerned about the environment.

So, Mr. President, may I once again advise my colleagues that this is a good bill. It is a tough bill, but it is a fair bill. The Defense Appropriations Subcommittee faced several challenges in fashioning this bill, including reducing funding by \$1.2 billion below the amounts authorized. We wanted to spend the whole amount authorized, but the committee felt at this time in our history that expenditure was not necessary, and other defense-related needs were a higher priority. As a result, this is a tight bill. However, it satisfies the highest priority needs of the Defense Department while living within the constraints of the subcommittee's present allocation.

So, Mr. President, I urge all the Members of this Senate to support this measure. Once again, I thank my chairman, the great Senator from Alaska, for his generous words.



AMENDMENT NO. 837

(Purpose: To provide an additional \$60 million for "Former Soviet Threat Reduction" activities for fiscal year 1998)

Mr. STEVENS. Mr. President, I have an amendment that I send to the desk. The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 837.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 5, strike the number "\$2,431,741,000" and insert in lieu thereof "\$2,411,741,000";

On page 28, line number 9, strike the number "\$2,865,800,000" and insert in lieu thereof "\$2,832,800,000";

On page 20, line number 12, strike the number "\$322,200,000" and insert in lieu thereof "\$382,200,000".

Mr. STEVENS. Mr. President, this will restore \$60 million to the Former Soviet Union Threat Reduction Program. We call it the Nunn-Lugar Program. It will fully fund the program. We had reduced \$60 million in accordance with the Senate Armed Services Committee's original reduction. During debate on the floor last week of the Armed Services bill, this item was increased. Since it is the only one that was really a substantial increase, we seek to have this adopted.

We have no jurisdiction over Department of Energy funds, and we have used different offsets to restore this \$60 million, but we seek to have this amendment adopted because it is a major difference between the Armed Services bill and this bill represented by our committee.

Mr. INOUE. Mr. President, I am pleased to say this matter has the concurrence on the minority.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I want to state to the Senate that while we have been told there are some possible amendments, I have not been informed of any Senator's intent, for sure, to offer an amendment. I do want to tell the Senate I intend to move to go to third reading if there are not amendments brought to us and offered for debate.

We have a very long program for appropriations this week and we hope to finish three, maybe four, maybe even five of the bills this week. If this bill is not going to be the subject of amendments today, we should know that soon. We are obligated to go to debate

on the cloture motion at 6 o'clock, but we could, if the Senators would bring their amendments over here prior to that time, finish the debate on significant amendments and vote on them after the consideration of the cloture motion or as soon as the vote on cloture is over, and enable us to move to another appropriation tomorrow.

It is our hope that Senators will present their amendments now. It is hard to get people to listen, but I hope they will listen because I am going to move to go to third reading if we do not have substantive amendments presented here before that time comes.

Mr. INOUE. If I may, Mr. President, I wish to most vigorously associate myself with the remarks of my chairman. He means what he says. If my colleagues do not have amendments ready, we are ready to go to third reading. This is an important measure and therefore it should not be held up. I hope our colleagues will respond to our chairman's request that amendments be brought up.

Mr. STEVENS. Mr. President, the two of us wish to emphasize to the Senate that this bill came out of our committee by unanimous vote. It has been a long time since that happened. But we have personally reviewed the requests from every Member of the Senate presented to our committee and we have done our best to allocate the monies that were available. Not all of those requests were satisfied, I am sad to state. But under the circumstances, I do not expect substantial disagreement with this bill. But if there is any disagreement, we would like to know it now because we do intend to move forward to other bills, if we can. The energy and water bill is ready to come before the Senate as soon as this one is over.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. STEVENS. Madam President, I understand the distinguished Senator from West Virginia will have a statement to make. Following that statement I ask unanimous consent that the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

#### JOE CAMEL'S DEMISE

Mr. BYRD. Madam President, on Friday, July 11, I read of the retirement of

the giant advertising mogul, the macho, motorcycle-riding, man-beast, popularly known as Joe Camel.

Apparently old Joe is throwing in the towel and forever taking off his black, wrap-around shades to pack his hump and slip quietly off to the anthropomorphic rest home for flashy marketing tools. It is rumored that his bunk mates will be that patch-wearing, black-and-white spotted seller of Budweiser, Spuds McKenzie and Alex, the Golden Retriever who finally wore himself out retrieving bottles of Strohs beer from the refrigerator for his ever-demanding master.

I, for one, will not lament Joe's departure from the American advertising scene. Maybe R.J. Reynolds' decision to retire him from the murky business of luring impressionable young people to "light up" will influence other corporate giants like Budweiser to "kick the habit" and ask their famous monosyllable frogs to croak their last croak. Budweiser might even finally be moved to blow the whistle on the "Bud Bowl."

Our kids are faced with enough temptations through peer pressure, and because of the influence of a fast-paced, morally anemic society without the influence of cute and clever cartoon seducers such as Joe the Camel; the Budweiser frogs; football-helmeted, dancing beer bottles; or pomp and circumstance parading dogs, holding bourbon bottles instead of diplomas in their mouths.

All of these Madison Avenue devices, designed to project harmless or hip images to young impressionable minds, only serve to reenforce the lure of a sterile, pleasure-seeking existence which suggests no goals, but a good time on Saturday night.

I, for one, am delighted with the news of Joe Camel's departure and heartened by the fact that at least some in our attention-fractured, apathetic society have been outraged by the not-so-subliminal attempts to use children to fill up corporate coffers. There is a lesson here for those whose allegiance to profits outweighs any sense of moral obligation. It is, to paraphrase a famous quote, that those who ride the back of the tiger, or the camel for that matter, might just end up inside.

Madam President, I yield the floor.

#### RECESS

Mr. INOUE. Madam President, I ask that the Senate stand in recess until 2 o'clock.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, again, I will state to the Senate we are awaiting any amendments that may be offered to this bill, the Defense appropriations bill for 1998. And if we do not soon have one, we will take that as an indication that there are no amendments and move to third reading.

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. INOUE. Madam President, I ask unanimous consent that further call of the quorum be rescinded.

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

Mr. INOUE. Madam President, what is the pending order of business?

The PRESIDING OFFICER. The pending order is S. 1005, the armed services appropriations bill.

#### AMENDMENT NO. 839

(Purpose: To correct the source of the funding provided in the bill for procurement of digital terrain systems for F-16 aircraft)

Mr. INOUE. Madam President, I send an amendment to the desk in behalf of Senator MIKULSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Ms. MIKULSKI, proposes an amendment numbered 839.

Mr. INOUE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, line 15, strike out "\$6,375,847,000" and insert in lieu thereof "\$6,390,847,000".

On page 33, line 16, strike out "\$14,142,873,000" and insert in lieu thereof "\$14,127,873,000".

Mr. INOUE. Madam President, this amendment was considered by the Senate in the authorizing session. It was cleared by the Senate and I ask the Appropriations Committee to incorporate that in the bill. It has been cleared by both sides.

Mr. STEVENS. Madam President, this corrects the account in which this money was supposed to appear. There is no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 839) was agreed to.

Mr. INOUE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 840

(Purpose: To provide \$4,500,000 for an authorized joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions)

Mr. INOUE. Madam President, I send an amendment to the desk on behalf of Mr. DODD of Connecticut and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. DODD, proposes an amendment numbered 840.

Mr. INOUE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 32, line 25, after "1999" insert the following: "Provided, That, of the amount appropriated under this heading, \$4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions".

Mr. INOUE. Madam President, this amendment was considered during the debate of the authorization bill and it provides \$4.5 million for Persian Gulf illness treatment. It has been cleared by both sides, Madam President.

Mr. STEVENS. There is no objection to this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 840) was agreed to.

Mr. INOUE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 841

(Purpose: To earmark \$5.0 million from the funds appropriated for Research, Development, Test and Evaluation, Defense-Wide for a facial recognition technology program)

Mr. INOUE. Madam President, I send an amendment to the desk for Mr. KENNEDY of Massachusetts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. KENNEDY, proposes an amendment numbered 841.

The amendment is as follows:

On page 34, before the period on line 3, add the following: "Provided, That of the funds appropriated under this heading, \$5,000,000 shall be available for a facial recognition technology program".

Mr. INOUE. This amendment has been cleared by the authorizing committee. It has been cleared by both managers.

Mr. STEVENS. There is no objection to the Kennedy amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 841) was agreed to.

Mr. INOUE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 842

(Purpose: To increase by \$2,000,000 the amount appropriated for research, development, test, and evaluation, Defense, in order to provide for a joint service core research program to develop a prototype hybrid integrated sensor array for chemical and biological point detection)

Mr. STEVENS. Madam President, I send an amendment to the desk in behalf of Ms. SNOWE and Ms. COLLINS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Ms. SNOWE, for herself and Ms. COLLINS, proposes an amendment numbered 842.

The amendment is as follows:

On page 34, line 3 at the appropriate place insert the following: "Provided, That, \$2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection."

Mr. STEVENS. Madam President, this amendment earmarks \$2 million for a project that was inserted into the Defense authorization bill by amendment in this last week's consideration. We ask for its consideration.

Mr. INOUE. No objection.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 842) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I want to thank the chairman of the Defense Appropriations Subcommittee, Senator STEVENS, and the ranking minority members, Senator INOUE, for accepting this very crucial amendment which I have proudly cosponsored with Senator SNOWE.

With the recent proliferation of chemical weapons and the increasing uncertainty of rogue nations' ability to wage chemical and biological war, I strongly believe that this additional \$2 million in funding is essential to properly address this very serious threat.

A joint service core research program will make possible the development of a prototype hybrid integrated sensor array for chemical and biological point detection for personnel use on the battlefield. While it is my hope that some day sensors of this type are not necessary, until such time, I will continue to ensure that our service men and women are not left unaware or unprotected.

Again, I extend my sincere thanks to Senator STEVENS and Senator INOUE for supporting this critical amendment and I thank my fellow Maine colleague, Senator SNOWE, for her leadership on this matter as well.

## AMENDMENT NO. 843

(Purpose: To earmark \$6.0 million of the funds appropriated in Research, Development, Test and Evaluation, Defense-Wide for a conventional munitions demilitarization program)

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SESSIONS, proposes an amendment numbered 843:

On page 34, before the period on line 3, add the following: "Provided, That of the funds appropriated under this heading, \$6,000,000 shall be available for a conventional munitions demilitarization demonstration program".

Mr. SESSIONS. Madam President, this amendment would appropriate an increase of \$6 million to the budget request for the Explosive Demilitarization Technology Program [PE 63104D] to conduct a demonstration program at Anniston Army Depot. This is a much-needed demonstration of current commercial off-the-shelf blast chamber technology as an acceptable alternative to open burning/open pit detonation [OB/OD] by reducing significantly emissions and noise caused by OB/OD. The demonstration has nationwide application if successful and is in keeping with the military's program of continuing technology evaluation of demilitarization methods for existing conventional ammunition as described in the Joint Demilitarization Study, September 1995, page II-4-14, a study prepared for the Director, Environmental and Life Sciences, Defense Research and Engineering, Office of the Secretary of Defense.

Annually we spend millions of dollars on the production of new munitions of all types. At the other end of the pipeline however is the vexing problem of disposing of outdated munitions of all types. The enormity of the problem for this Nation is this: The stocks managed by the Army, DOD's Manager for Conventional Ammunition [MCA], currently stored in 26 States totals approximately 449,308 tons of material and costs over \$12 million annually to store according to a DOD 1995 Joint Demilitarization Study. More serious however is the fact that the study predicts an additional 730,420 tons will be generated into that stockpile by the end of fiscal year 2001.

Let me state again the magnitude of the problem for the Nation: through the end of fiscal year 2001, over 1.2 million tons of material will pass through or reside in the military conventional ammunition account. This is enough ammunition to exceed 2,800 earth-covered magazines and will cost over \$1.2 billion to destroy if we assume that it

costs approximately \$120 million to destroy 107,000 tons of material using fiscal year 1995 projections. The technology in the COTS blast chamber has the potential of mitigating local environmental concerns; the potential of increasing destruction throughput; and is capable of destroying in a safe and environmentally sound manner greater than 98 percent of the explosives the DOD stores utilizing particulate bag house technology at locations in America, Europe, and the Pacific.

Alabama stores in excess of 22,437 tons of material ranking us fifth in size of stockpile. Environmental considerations are of paramount importance to me and to a balanced national level demilitarized program. I think DOD, the Army, and the Joint Ordnance Commanders Group, Demilitarization and Disposal Subgroup, are playing a major role in ensuring that our various storage sites, to include Anniston Army Depot, are in compliance with Federal, State, and local regulations. Likewise, I think the DOD is also quite sensitive to public opinion. While better cost-efficient ways must be found to destroy this seemingly unlimited amount of material, we must take advantage now of new technologies in the R&D stage to compliment the current OM/OD method of destruction, with the view that not in the too distant future those technologies will not only replace aging organic demilitarization facilities, but close the chapter on the risky OB/OD method before the environmental challenges close the book for us.

The JOCG cited three environmental challenges in a study to be considered in life cycle management of the demilitarization program. They are: permitting facilities, disposal of residuals, and cleanup. With new technologies the effects of each can be mitigated and give local communities new hope that their environment will no longer be fouled by OB/OD.

On June 19 Anniston Army Depot received permission from the State of Alabama to proceed with the construction of its chemical weapons disposal facility. This is an emotionally charged issue, but one that will be managed every step of the way with safety of the operation and concern for the community as its highest priorities. Previous plants in our country are proving that this can be done. However, conventional ammunition destruction lags behind, in my opinion, on both counts. For this reason I strongly believe that a demonstration program at Anniston involving COTS blast chamber technology begins the long awaited opportunity to rid north Alabama of another type of munition material, that only grows more unstable with time and will furnish the data upon which the JOCG can make full-scale development decisions for other locations in the country.

Today, TOW missile rounds, currently in storage, are experiencing storage problems and must be dealt

with as a higher destruction priority over older missiles. Storage quantities for TOW missiles reaches nearly 400,000 rounds. I cannot conceive that OB/O, in Alabama or anywhere else in the Nation, is the most efficient and most responsible method of destruction for these missiles. Other methodologies must be utilized and they must be demonstrated now.

The COTS blast chamber I am recommending for this demonstration program is totally enclosed, constructed of steel and consists of a hydraulic chamber door, exhaust fan and overpressure controls. The chamber is large enough to accommodate the TOW missiles I described above and allows the military additional flexibility in destroying some of those munitions even as the demonstration matures. Noise measurement of 0.5 percent of what is allowable by the Occupational Safety and Health Administration are cited by the manufacturer. Emission controls for exhaust rates and temperatures are also controlled. The chamber will work with Anniston's current Subpart X permits, and according to the manufacturer the blast chamber is 80 percent cleaner than OB/OD. These are pluses for any community in our country.

In sum, the people of this Nation should not have to wait for the perfect system to evolve when a very good system is currently on hand and available to demonstrate that it can do the job for which it was designed more efficiently. Our environment will not wait; the munitions will not wait, and the people should not have to wait for the slow wheels of government to find the perfect solution. Let us begin moving now, by bringing this demonstration program on line in fiscal year 1998 and see if we as a country cannot benefit from a simple technology that can get the job done.

Madam President, I would like to personally thank Senator STEVENS for his support and for including this important DOD appropriations bill.

Mr. STEVENS. Madam President, this amendment shifts \$6 million to cover a demonstration project that was authorized by the Defense authorization bill pursuant to an amendment offered by Senator SESSIONS.

Mr. INOUE. This has been cleared on the Democratic side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 843) was agreed to.

Mr. INOUE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 844

(Purpose: To reduce to \$1,000,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations)

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. GRASSLEY, proposes an amendment numbered 844.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VIII, add the following: SEC. . Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended by striking out "\$3,000,000" and inserting in lieu thereof "\$1,000,000".

Mr. GRASSLEY. Madam President, I understand the committee is prepared to accept my amendment on Department of Defense [DOD] disbursements.

My amendment is simple and straightforward.

It says that each disbursement made by the DOD over \$1 million must be matched with the correct obligation before payment is made.

It also says that this threshold must be met by June 30, 1998.

This is the next, logical step in a process that began with section 8137 of the fiscal year 1995 DOD Appropriations Act.

My amendment is fully consistent with the policy first adopted in 1994.

This policy has been developed under the leadership of my friend from Alaska, Senator STEVENS, and my friend from Hawaii, Senator INOUE.

This policy has been incorporated in the last three appropriations bills—fiscal years 1995, 1996, and 1997.

The policy is embodied in section 8106 of the current law.

The current law says that all disbursements over \$3 million must be prematched. That's down from \$5 million the previous year.

What we are trying to do is gradually ratchet down the dollar thresholds. I think there is a general consensus for cranking down the thresholds. The DOD inspector general [IG], Ms. Eleanor Hill, has said we need to do it.

This is what she said in a letter to the committee Chairman:

We agree with the plan to continue lowering the dollar threshold for prevalidation of all contract payments made by DOD.

Mr. Richard Keevey, Director of the Defense Finance and Accounting Service [DFAS] has said exactly the same thing but in stronger terms.

This is what Mr. Keevey said in testimony before the Governmental Affairs Committee on May 1:

To prevent future problem disbursements, the department will require that every disbursement be prevalidated, that is, matched to an obligation before payment is made. . . . Our ultimate goal is to validate all disbursements to zero.

DOD has a plan for meeting the dollar thresholds set in law.

There is one small problem, however. The problem is at DOD's major contract payment center at Columbus, OH. DOD says the Columbus center cannot meet the \$1 million threshold until June 1999. When we launched this policy back in 1994, DOD claimed it would be years before it could make the required matches.

Well, despite all the bureaucratic roadblocks, DOD found a way to get the job done. DOD is making the matches today.

Second, meeting the \$1 million threshold should be no big deal.

With all of DOD's cutting edge technology, it should be a piece of cake. DFAS Columbus processes no more than 11,000 payments annually that exceed the \$1 million threshold.

That's chicken feed, Madam President.

Banks, for example, routinely handle 500,000 account matching operations in a single day. So why can't DOD do it? DOD seems to be working hard to meet the dollar thresholds mandated by Congress. I feel like the momentum is in the right direction.

But recent GAO and IG audits clearly indicate we still have a long way to go. There's still much more work to be done.

My amendment will help to keep the pressure on. It will help the Department reach the ultimate goal: to validate every disbursement prior to payment.

Until we reach that goal, DOD's financial accounts will remain vulnerable to theft and abuse.

Madam President, I thank the chairman and ranking minority member for their leadership and support on this issue.

Mr. STEVENS. Madam President, Senator GRASSLEY and the Defense Comptroller, Mr. Hamre, have been negotiating concerning this subject. It will reduce the deviation ceiling and billing for the Department of Defense on June 30, 1998, to \$1 million. It is being offered by me on behalf of Senator GRASSLEY with the understanding that the Department of Defense does concur in this amendment.

Mr. INOUE. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 844) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, that was the work product of our hotline so far. We are trying to work out amendments as they are received. Again, we urge that Members bring their amendments to the floor and notify us of their intention to do so. At this time, we only know of one amendment that is to be forthcoming. My understanding is that that Senator will

present it soon. Meanwhile, 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

## RECESS

Mr. STEVENS. Mr. President, we are still awaiting the arrival of Senators who have indicated they may have amendments to offer.

I ask that the Senate stand in recess until 4 p.m.

There being no objection, the Senate, at 3:23 p.m., recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, I will shortly offer an amendment to this bill. It is an amendment that many of us are working on. We worked on it last week for the Defense authorization bill. It deals with Bosnia and exactly what our mission is in Bosnia, and the possibility that we are looking at a change to that mission without congressional consultation.

I want to step back and talk about U.S. foreign policy in general over the last 4 years since I have been a Member of the U.S. Senate.

What concerns me is the lack of focus and the lack of stability in our foreign policy that, unfortunately, creates a vacuum that can be filled by either our allies or our adversaries. Since the last 4 years have seen many missions with U.S. troops both under the U.N. umbrella and the NATO umbrella, I think it is important for us to take a step back and look at what happens when there is a vacuum.

As I have observed since President Clinton has been in office, it seems that someone is always wanting the United States to do more. Sometimes it is our allies asking us to send more aid, put more troops on the ground, go into police missions—missions to capture; not kill. If you look at the use of our troops over the last 4 years, we have, in fact, been drawn into conflicts sometimes not really even knowing why we were involved.

Starting with Somalia. Somalia was a U.N. mission. Our mission was to feed starving people and starving children

in Somalia because we heard the reports coming back and saw the pictures of starving people. No one in the world could look at those pictures and not say we have to do something. So under the U.N. auspices, we did go to feed the starving people.

But then there was a mission creep—from feeding starving people to capturing a warlord, Aided. Because we had a mission creep that Congress was not prepared for, we lost 18 Army Rangers without even realizing that the U.S. mission had changed. What was the result? The result is that Aided outlasted the United States. There was not much of a change in Somalia. Yet, we lost 18 Army Rangers.

Then consider Haiti. Under the guise of installing a democratically elected President, United States forces in a U.N. mission invaded the island of Haiti. We spent \$1 billion, American Defense dollars, dollars that we took from other Defense priorities, whether it was training or technology or new equipment.

Today we are seeing the unraveling of the democratically elected President and that regime in Haiti—\$1 billion later.

Then we move to Bosnia. It seems that, since the day I walked onto the Senate floor in 1993, we have been trying to deal with the unrest, the war, and the atrocities in the former Yugoslavia. We started by trying to lift the arms embargo on one part of the population in the former Yugoslavia, because other elements of that population had arms. Some had gotten their arms even though there was an arms embargo. But the Muslim population received very few arms. Many of us in the Senate felt that if we could lift that arms embargo and let the Muslims have a fair fight, perhaps that war would have ended a lot sooner. But the President refused—refused—to provide the U.S. leadership needed to lift the U.N. arms embargo.

Then we saw in 1995 a massacre of Muslim men and boys. We think as many as 10,000 died in Srebrenica and other places. It was clear that the U.N. mission could not do what it was supposed to do, which was to keep some sort of peace in Bosnia. We reached the Dayton peace accords and NATO entered Bosnia. The United States was pushed into putting U.S. troops on the ground. I believe they were pushed to do it because there was a vacuum of leadership and our allies said the only way that we could show our interest and support of Bosnia and peace is to have troops on the ground. Many of us felt that there were other things that we could do besides putting our troops on the ground that would have been helpful to peace in Bosnia—including putting our money into helping the Bosnian people build an infrastructure and economic base that would have led, I think, to a better peace settlement than we are seeing right now. We are seeing a bubbling up of the hostilities in Bosnia despite the fact that our

troops are there. We are seeing the bubbling up of hostilities because there is still no economic base. It is that economic base, I think, that would provide hope for the future.

But, instead, the President said we would put troops on the ground to keep the warring parties apart for 1 year—for 1 year. At the end of 1995, the President said we would be there for 1 year—until the end of 1996. As the end of that year approached, the President said we need to stay there—doing the same thing, not seeing much progress. He said it would be June 30, 1998 before we could withdraw. The Secretary of Defense, Bill Cohen, reiterated when he came into office in his Senate hearing that it would in fact be June 1998.

Just last week in the Senate took up a resolution to confirm that June 30, 1998 will be the end. We did so so all participants can count on it and they can start making plans for it, so that there won't be a vacuum that anyone else could fill with mandates for the United States. But the President has now said that he thinks it would be wrong for the Senate to confirm June 30, 1998 as the withdrawal date.

(Ms. COLLINS assumed the chair.)

Madam President, I think this is the beginning of another muddled message. The President says we are going to be out June 30, 1998. His Secretary of Defense-designate this year said we are going to be out June 30, 1998. Congress proposed for us to start planning for that eventuality by saying we are going to set that limit, it will be in the law, the funding will be cut off. And the President says, no, don't do that. So he must be leaving himself an option, which is a message to both our allies and any adversaries. That leaves room once again for someone else to come in and establish American policy for us.

Now, on top of all of this, we are hearing about a different mission in Bosnia. We hear our Secretary of State talking about capturing the war criminals, seeking the war criminals out.

Once again, I think we need to go back and look at the parameters of the mission very clearly. We must learn from what happened in Somalia. When there is mission creep that Congress does not approve, it is in effect putting our troops into a combat role that Congress has not sanctioned. That is what we are beginning to see in Bosnia. It was clearly stated in the Dayton accords that we hoped that the war criminals, the indicted war criminals, would be apprehended and that it would be done by the three parties to the agreement: the Bosnian Serbs, the Bosnian Muslims, and the Croats.

I want to read a series of statements that confirm what our mission is and what our mission isn't.

On July 3 of this year, State Department spokesman Nicholas Burns stated that a Bosnia Serb television report that NATO peacekeepers had been ordered to arrest Radovan Karadzic and Ratko Mladic on site was "absolutely

and unequivocally false." In support of that position, the Supreme Allied Commander in Europe, Gen. George Joulwan, reaffirmed on Monday, July 7, last week, that the principal responsibility for apprehending war criminals lies with the parties themselves, meaning the Bosnian parties—in accordance with the Dayton accords.

On March 18 of this year, General Joulwan testified before the Senate Armed Services Committee that the military are not policemen.

"I think"—again quoting General Joulwan—"the proper responsibility rests on the parties, the Bosnian parties. That is what Dayton says. . . . If we are not careful, we will go down this slippery slope where the military will be put into hunting down war criminals. This is not within my mandate."

On July 9, last week, the prospective Supreme Allied Commander in Europe, Gen. Wesley Clark, during his confirmation hearing before the Senate Armed Services Committee, acknowledged his understanding of his predecessor's mandate and affirmed his intention to execute the policy in the same way as General Joulwan has.

On November 17 of last year the Secretary of Defense stated, in response to a specific question regarding the apprehension of war criminals in Bosnia, that "the mission is to provide a secure environment so that all of the other civil functions can go on. . . . It is not to perform apprehension functions."

On December 18 of last year, the Secretary of Defense reaffirmed that "the apprehension of war criminals was not an IFOR mission and it will not be an SFOR mission. Locating and arresting the criminals is a mission for a police force."

On March 3 of this year, the Secretary of Defense stated that the apprehension of war criminals was not a part of the mission. It is a police function. It is not a military-type mission.

Madam President, a change in United States and NATO policy regarding alleged war criminals in Bosnia could expose United States and NATO troops to direct combat action and ultimately do what none of us want, and that is jeopardize the peacekeeping progress to date.

United States and NATO forces have made progress in Bosnia. This could allow the situation to deteriorate to the conditions that existed before the NATO IFOR and SFOR missions were established.

Madam President, we cannot let mission creep hurt what we have done so far. We have spent 6 billion American taxpayer dollars on this mission. We have our soldiers on the ground in Bosnia right now. We cannot walk away from this mission prematurely, but we need to set the parameters of this mission and reiterate them. And the parameters are that our troops' work will be done June 30, 1998, and the mission remains the same unless the President comes back to Congress to change it. And that is: if we run across

a war criminal, yes, we would apprehend that criminal. But when we say we are going to be part of a force that is going to go and seek out war criminals, war criminals that have armies still under their control, that is a very different mission. We are beginning to talk about a combat mission that we did not sign up for in the original IFOR and SFOR missions, which were very clear with Congress.

I have seen General Joulwan time after time get out his book that is underlined and earmarked. It is his mission statement, and he has stuck to the mission. If we are going to change the mission, we need to know it, and we need to provide the extra alertness that would be required for changing the mission. Congress should be consulted if we are going to go out and seek war criminals. And I would say to the Serbs that we are not doing that now. We are not doing that. And when I read statements by Serbs that were passed out at the recent funeral of a war criminal, typed in broken English and appearing in Serb-held areas in northeast Bosnia promising a "head for a head" and warning that "Somalia was too gentle for U.S. troops," I am sending a message: There is no change in the mission as far as U.S. troops go.

There should not be such a change without the full accord of Congress. Many of us in Congress did not want to use our troops in this way. All of us admire and respect our troops because they have done a wonderful job fulfilling their mission, but if we are going to change that mission, we must make that decision, and we must do it knowing what the risks are.

Madam President, what we should not do is permit mission creep, something that inches forward without our specific authorization and consultation, but which would put our troops into a different situation, a combat situation, a high alert situation, without understanding the full consequences of doing that.

So I am standing here today saying I hope all of the Senate will be able to agree on language which says that we want the war criminals at the Hague; these people who have been indicted, who have committed atrocities, should be brought to justice. But we cannot change the mission of American troops under NATO auspices without a full airing. We cannot put our troops in the position of being targets unless we go into a different state of high alert.

So I hope that we will stand together on this to say that we want to be part of a plan that determines how those criminals will be brought to justice. But right now, in the Dayton accords, it is provided that the parties, the Bosnian Serbs, the Muslims, and the Croats, will go after war criminals, as they should. It should be an international police force, but it is not a military mission as George Joulwan, as General Clark, and as our Secretaries of Defense have said for the last 2 years. And if we are going into a dif-

ferent kind of mission, we ask the President to come forward. Do not let this mission start creeping without our assent, without our consultation. It is the least we can do for the security of the United States, for the taxpayers of America, for our troops on the ground, and for the integrity of our word and our commitment.

Thank you, Madam President. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I am not sure what else can be said concerning the dilemma we find ourselves in right now. I think the distinguished junior Senator from Texas has really said it all.

It was just last week that we had our defense authorization bill up before this body. We talked at that time about the desirability of putting some type of amendment on to stop the funding for the Bosnia operation for any time after June 30, 1998. Of course, I think we decided that it wasn't going to work out that way because if that happened, it might jeopardize not just the bill but would probably have caused a filibuster, and we didn't want that. We wanted to keep it moving. We need to have our authorization bill. It is imperative to our Nation's defense that we have it.

So I think against the better judgment of several people we agreed to not have that position in. But that is the way it is going to have to be. I don't know any other way we are going to be able to bring our troops back. Clearly, the President has us over a political barrel right now because any time our troops get out of there—I don't care if it is tomorrow, if it is June 30, 1998, or if it is 10 years from now—the fighting will start again, and anyone with any common sense, with any knowledge of history, knows it has happened that way, and it is going to continue to happen that way. And so the question is do you do it sooner or later.

Those of us who were concerned about mission creep back when they made the decision to send troops over to Bosnia back in December of 1995, they were to be there for, of course, 1 year. They kept saying, "They will be home for Christmas December 1996." And all of us knew they would not be home for Christmas in December of 1996. It just didn't make any sense that that promise was made. So they went over there to provide safety for the corridors, to keep people from crossing over them, and supposedly that was going to take care of the problems that existed.

Well, this is not the first time in history that this has happened. Here it is now. We have made a commitment of 2½ years instead of 12 months. Now the President is trying to renege on that and go beyond to an undetermined period of time.

I can remember in history when we sent our Marines into Nicaragua in

1909, and that was supposed to be for a 6-month period in 1909 because there were some problems with the government down there and they felt our intervention would stabilize things, and we did have some national security interests at that time, not as great as they were in other parts of the world, but nevertheless we sent our troops in for that short period of time and they were still there 13 years later. In fact, they never really came back until 1933. That is 24 years.

As to Haiti, the Senator from Texas was talking about the fact that we still have troops in Haiti. People forget about that. We did not have any mission over there in the first place that was strategic to any of our problems in this country and yet we sent troops over to Haiti to supposedly try to clean up their government and run it better than they can run it. And now we have the same problems over there as we had before and we still have troops over there. We sent Marines to Haiti in 1915 and the same problems existed at that time. They were going to help with some of the stability there in Haiti and they stayed there until 1934.

So now we see that we are in the middle of a classic case of mission creep. We are enlarging the mission. We are exposing U.S. troops to a whole new set of risks, and it is all without the permission of the American people or the permission of the Senate, but they are going to do it.

Let's review for a minute the timeline in Bosnia. The President and administration officials pledged on numerous occasions in 1995 and 1996 that the United States military forces would be out of Bosnia by 1996 in the hearings that we had in the Senate Armed Services Committee. The Secretaries of Defense and the Secretary of State, the Chairman of the Joint Chiefs of Staff, John Shalikashvili, all of them said that the IFOR mission would be concluded in 1 year and that there were no plans to extend United States presence in Bosnia beyond a 1-year timeframe. And they kept repeating it.

I can remember, since I serve on the Senate Armed Services Committee, a meeting we had October 17, 1995, Madam President, and that was when General Shalikashvili said, and I am going to quote his words, not my words—this is General Shalikashvili, the Chairman of the Joint Chiefs of Staff. He said on October 17, 1995:

From a military perspective, as I evaluated the tasks we wished this force to accomplish, it was my judgment that it in fact can be done in 12 months or less. Secondly, when tied to the equipping and training issue, it was my judgment that that, too, can be accomplished in less than a year. And so I felt it was important that we, therefore, set a target of one year and then bring the force back. In the absence of that, you just find yourself staying there, and that's how very often mission creep comes in. The force needs to be brought home and they need to resume normal training and be ready for other operations. And I just think one year—

I saw no military justification for that force to stay longer than one year, and that is why that was my recommendation.

This is a guy who is supposed to be running the military, the Chairman of the Joint Chiefs of Staff.

I was over in Bosnia several times, but the last time I talked to Gen. Monte Miggs up in that northeast sector and it is his job—he is doing a great job, by the way, of trying to carry on some type of training during the time that those troops are stationed over there. You have two big problems that exist when you have, when you are leaving troops in an area. One is in the case we are in right now where we have just decimated the military budget, our defense budget, we are spending all of this money. I can remember standing on this floor in November 1995 when the President had made the statement that the cost of the deployment to Bosnia would be somewhere between \$1.5 billion and \$2 billion.

It is now going through \$7.3 billion, and where does that money come from? It comes from readiness, it comes from modernization, it comes from force strength, and it comes from quality of life. That's the only four places it can come from.

Now we have an optempo rate, where our troops are being asked to do things that human beings really can't do. Instead of being deployed for the normal 115 to 120 days a year, in some cases it is twice that. And we keep hearing stories from the field that it is even worse, because with the depleted budget we are now having to cannibalize perfectly good F-15 engines, that's F-100 engines, to get spare parts to keep the ones running that are in planes right now. Of course, that is very labor intensive. So from the field we hear these guys are working, some of them, 15 and 16 hours a day. They cannot keep that up for a period of time.

But I think General Miggs up there, if there is ever anyone who can do it, up in the Brcko area, near the Posavina corridor, he is carrying on training. Of course, to carry on training and perform these humanitarian or peacekeeping or peacemaking missions, whatever they are supposed to be doing over there, it means longer and longer hours. So they are trying to do it. But there is not one general I have talked to who has not said that, if we should need our troops, if something should happen in North Korea at the same time something happened in Iran—not totally inconceivable—or Iraq or anyplace else, but if we were challenged in two regional fronts, we would have to take those people, withdraw them and retrain them, before we could send them into combat. So it's a real serious problem.

In that same Senate Armed Services Committee meeting of October 17, 1995, I might add, Secretary Bill Perry said:

I cannot conceive of the circumstances which would motivate me to come back and ask an extension of that time.

This is an extension, he's talking about, beyond Christmas of 1996.

... 12 months is sufficient to do the job we're describing. And I believe there is a great value, a great management value to putting a definite time scale on it and sticking to that time period.

Again, he said later, in December, this is 6 weeks later, he said:

We believe the mission can be accomplished in 1 year, so we have built our plan based on that timeline. This schedule is realistic because the specific military tasks [which are changing all the time, and that's the justification they are making for leaving them over there] in the agreement can be completed in the first 6 months, and thereafter IFOR's role will be to maintain the climate of stability that will permit civil work to go forward. We expect these civil functions will be successfully initiated in 1 year. But, even if some of them are not, we must not be drawn into a posture of indefinite garrison.

Madam President, we are in a posture of indefinite garrison.

Look at this in yesterday's paper, "Clinton keeps door open to extending U.S. role in Bosnia."

Here's the problem we have. I was disturbed we had to go beyond 12 months. Now they say we will make it 2½ years and we will be out of there on June 30, 1998. I went over to the NATO meeting in Brussels and found we had Members of Congress, Members of the other body, who were walking around telling our NATO friends, whispering to them, "Don't worry, we won't leave you. We'll be there."

There is plenty of time, adequate time now to make this as the policy, which is the accepted policy, that is we are getting out on June 30, 1998. Because there is a lot of time between now and then.

I was watching the Senator from Texas and remembering what happened when we had a resolution of disapproval back in October 1995. Because we knew, once they went over there, it was going to be very difficult to bring them back. Sure enough, we lost that by four votes. It was interesting, because the main argument that was used by the other side was that our troops will be back in 12 months. So who can object to 12 months?

I heard Senator after Senator say to me, and say privately, "Well, I was going to support the resolution of disapproval and not send troops over there, not agree to that, but after all, the President has promised it will be 12 months. He's promised it would not exceed on the outside \$2 billion."

I made a speech on the floor at that time and stated it would be closer to \$8 billion. And sure enough, we are creeping through right now \$7.3 billion. Looking back, I remember what I stated on the floor. And I will repeat that now, because I think it is appropriate now, 18 months later. This is quoting myself in the CONGRESSIONAL RECORD, December 13, 1995.

My conviction that the administration's intention to put troops in harm's way in Bosnia is a huge mistake rests on three broad arguments. First and above all, the conflict in Bosnia imposes no real threat to vital American interests. Simply put there is

nothing in Bosnia that Americans should die for.

Second, the Dayton talks have produced a false peace, that is inherently unstable and politically doomed.

Here I was talking about the fact we go to Dayton and we have all these factions in there, supposedly coming to a peace agreement, but who wasn't at Dayton? Karadzic was not in Dayton, that's the Bosnian Serbs. Sure, Milosevic was there. That's Serbia. But that wasn't where the problem was. Those individuals who were creating the problem were not there. The Bosnian Serbs were not represented. Not only were they not represented, but none of the rogue elements were represented. We still had the mujahidin, the Arkan Tigers, the Black Swans, and the rest of them, who are still over there right now.

So you have a flawed meeting with a flawed attendance making an agreement that we cannot live with.

Finally, quoting from my statement on the floor on December 13, 1995:

The Implementation Force [that's IFOR] plan is self-contradictory, and hopelessly optimistic and will expose our soldiers to unreasonable risk even as they diligently pursue its unrealistic objectives.

So, that is where we are today. I think, if you look and see what they agreed to and what was supposed to have happened in the first 12 months in the Dayton accords, they talked about "we were going to have the elections." They have not had the elections. They had flawed elections. They said, "The refugees would all be able to go home before 12 months." Guess what, the refugees haven't gone home and it's 18 months. We keep finding violations of arms agreements, in the 18 months into the 1-year agreement, and we can't pull out. I am very thankful we have not suffered precious casualties at this time, but I tell you, we predicted on the floor if we continue this mission creep we may not be so fortunate in the future.

I would conclude, Madam President, that we have a responsibility to be responsible. If this were a time when we didn't have the distinguished Senator from Alaska, the chairman of the Appropriations Committee, having a very difficult time coming up with the money to keep America strong enough to meet the minimum expectations of the American people, which we can't, that is to be able to defend America on two regional fronts—if that weren't the case, maybe we could afford to be sending troops around the world on humanitarian missions, on peacekeeping missions. But we can't afford to do that, Madam President.

So I conclude by saying we need to make it very clear that we are going to be out of there, and give a date certain that is still 12 months from now. There is still plenty of time for our allies to make time to make that happen. I have been agonizing with this concern.

This is not a partisan thing, by the way, Madam President. Because when



we sent troops into Somalia, George Bush was President. That was in December. After he had been defeated but while he was still in office, we sent troops over there, if you'll remember, for a period of some 3 months to 6 months. Then, once President Clinton got in, he kept extending it. So we sent resolutions and resolutions, "We want to bring the troops back." Month after month, every month we sent resolutions, and the years started going by, and it was not until 18 of our rangers were brutally murdered and their naked corpses were dragged through the streets of Mogadishu before the American people got concerned enough to force the administration to bring the troops home from Somalia.

Madam President, I don't want that to happen in Bosnia. I don't want our troops to be dragged through the streets of Sarajevo or Tuzla or Brcko or any of the rest of them.

We have experienced mission creep. We are now in a situation where our troops are there for an indeterminate period of time. Now is the time to draw the line and say that June 30, 1998, is our time that our troops will be coming home. Are they going to be safe over there when that happens? No. If we brought them home tomorrow, there would still be fighting once our troops were out, or June 30, or 10 years from now.

Madam President, I yield the floor.

Mr. WARNER. Mr. President, I rise today as an original cosponsor of an amendment which expresses the sense of the Senate that: "The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces."

From the beginning of the NATO mission in Bosnia, particularly the ground element—a mission which I have consistently opposed—the administration has been clear that U.S. forces would be used primarily to implement the military aspects of the Dayton accords, and assist in limited civilian missions at the discretion of the local IFOR or SFOR commander.

On the specific issue of apprehending war criminals, the administration has been unequivocal—NATO troops are not charged with hunting down war criminals. The specific, detailed mission statement is set forth in a classified document; therefore, I can only use as a resource statements made by administration officials on this issue. The following is a compilation of such statements:

Secretary Cohen, before the House National Security Committee, March 20, 1997, in response to a question from Congressman Lantos: "Why aren't we apprehending war criminals? Well, that's not the mission of SFOR."

Ken Bacon, DOD Spokesman, July 3, 1997, in response to a question about whether or not the administration was

considering expanding the authority of NATO troops to arrest war criminals:

There's been no change in our procedures. And those procedures are, first of all the Dayton accord makes it very clear that the formerly warring factions are responsible for turning in war criminals.

And second, our job, because the collection and detention of war criminals is an act of law enforcement for law enforcement activities, our rules have been clear from the beginning, which is that if we encounter war criminals in the course of our patrols, we would detain them and turn them over to authorized law enforcement agencies. There's been no change in that rule.

Sandy Berger, National Security Adviser, July 10, 1997:

Under SFOR's mission they may apprehend indicted war criminals encountered in the course of its duties and if the tactical situation permits. This was such a situation (British action on July 10) . . . SFOR concluded that they could detain these individuals. NATO political authorities agreed with that view. SFOR acted within its mission and mandate.

Background briefing by senior administration official, July 10, 1997.

Rules of engagement and the authority of the SFOR forces permit the commander in a particular situation when he encounters or is encountering war criminals and believes that he has a tactical capacity to apprehend in a way that is not unduly risky to exercise that authority. That continues to be the authority.

The authority here is to apprehend war criminals who are encountered by SFOR where the commander makes the tactical decision that he can do so.

From the above, it is clear that war criminals are to be apprehended only if IFOR or SFOR forces encountered these war criminals, and only if the local NATO commander determined that the tactical situation allowed his troops to safely apprehend the war criminals.

Now that understanding seems to be changing. We hear press reports of the Secretary of State urging for a more proactive role for our troops in hunting down war criminals in Bosnia. We also hear that the Secretary of Defense is opposing this policy change. What is the accurate situation?

Before it is too late, and the policy is changed, it is imperative for the Senate to express its judgment on this important issue.

I strongly support the apprehension of the indicted war criminals so that they may be brought to justice.

The policy of "how"—working with all of the member nations of SFOR—must be carefully coordinated. The current policy, as enunciated above by administration officials, if it is to be changed, such change should beforehand be the subject of the most careful consultation with the Congress.

In the case of Somalia, the Congress witnessed mission creep without taking any action to try to stop it. The results in that case were disastrous—18 dead, over 70 wounded.

We should have learned from history that the military is not an appropriate force for tracking down and arresting individuals. There is no question as to

their capability—but how would that detract from their primary mission? What are the personal risks?

What will be the consequences of an expansion of the SFOR mission to include actively seeking out and apprehending indicted war criminals? While I share the hopes of all that the war criminals in Bosnia will be brought to justice, I question the wisdom of seeing the lives of United States or allied troops jeopardized in an effort to hunt and arrest these individuals. Both IFOR and now SFOR have been able to achieve a measure of success in Bosnia because they have been perceived as even-handed. That will all change if we use our troops to aggressively pursue indicted war criminals. Rightly or wrongly, we will be seen as taking sides. Our troops will become targets, the success they have achieved thus far will be jeopardized.

As I said earlier, I opposed the President's decision to send United States ground troops to Bosnia in December 1995. But that decision is behind us, and the American people have invested \$7 billion into the operations in Bosnia. Precipitous action in this area could well put at risk that investment. As I stated last week, that investment could likewise be jeopardized by Congress forcing a specific withdrawal date. But these are separate issues.

Our request of the administration is simple. Do not allow a significant change in the mission of our troops in Bosnia without first coming to the Congress.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, last week, the Senate expressed in very clear terms its view that the United States' mission in Bosnia should be terminated by next June, which is the administration's stated deadline. This was not a position that was taken without public debate. In fact, the Senate debate regarding the Bosnia operation began last Thursday evening and continued well into Friday morning. A number of Senators were involved in the debate at various times during the consideration of the DOD bill. Quite frankly, Mr. President, as we well know, there were some Senators—including the Senator from Delaware [Mr. BIDEN] and the Senator from Virginia [Mr. WARNER]—who did express their disagreement with having a date certain for termination of U.S. ground troop deployment. Mr. President, they were clearly in the minority on this issue.

The Senate took this action regarding an end date as part of one of the

most important pieces of defense related legislation—the Department of Defense authorization bill for fiscal year 1998. Mr. President, let me remind my colleagues what we did this past Friday. Indeed, one of the reasons that I pressed so hard to have a Bosnia-related provision added to that bill was because of the importance of having this debate on the DOD authorization itself.

Now, today, we have begun consideration of the other key defense bill—the Department of Defense appropriations bill. As in the authorization bill, I do not think we can let the fact that we currently have 8,000 of our troops in Bosnia go unnoticed during a debate on the Department of Defense appropriations.

Just 3 days ago, we passed an amendment to the defense authorization bill that clearly states the Senate's desire to have United States troops out of Bosnia no later than June 30, 1998. The resolution we passed was a modification of an amendment I had introduced that would have imposed a hard, statutory requirement that the administration stick to its announced pullout date of June 30, 1998. My original amendment was virtually identical to the one that passed the other body, the House, on a vote of 278-148 that literally cut off funding for the Bosnia mission after that June 30 date.

The message of the action, Mr. President, in both the House and the Senate is crystal clear: It is the overwhelming desire of the Congress that the administration pull our brave men and women out of Bosnia by June 30, 1998.

In light of these strong messages, Mr. President, I was somewhat disappointed in what I read in the papers over the weekend. Only 1 day after the Senate passed its resolution, President Clinton publicly stated what I am afraid the administration has been thinking all along—the possibility that the deployment of United States troops in Bosnia may well continue after the present mission expires. Let's not forget, this is already a major extension from the original date when it was supposed to terminate, which was approximately the end of December 1996.

The President said, "I believe the present operation will have run its course by then"—referring to the June deadline—"and we'll have to discuss what, if any, involvement the United States should have there." Meanwhile, the White House said that an international presence will be necessary in Bosnia for perhaps a considerable time past June 1998.

Now, Mr. President, I fear these statements send the wrong message. By making these remarks, the administration is hinting that the United States might be willing to sign on to a new mission once the mandate of the NATO-led stabilization force, or SFOR, has run out. Mr. President, I think it frighteningly opens the door for additional U.S. troop involvement after that time. Now, this is contrary to what Congress has said, that the U.S.

troops should be on the way home next June, not starting a new mission. There should be no maybes about the continued involvement of U.S. ground troops past the clear deadline that has been set by the administration and endorsed by both Houses of Congress.

Mr. President, in 1995, President Clinton asked Congress to approve the deployment of United States troops to Bosnia, with an understanding. The understanding was that our military personnel would remain there for just 1 year. Well, as we all know, after the 1 year the original implementation force was turned into a stabilization force and renamed from IFOR to SFOR. It just kept on going. And as a result, the United States has kept 8,000 of our troops in the region under the premise that SFOR was somehow a completely new mission. But it obviously is not.

I also do not need to remind everyone, I hope, of the ballooning costs of the Bosnia mission. This is really quite startling to me. Despite original estimates in the \$2 billion range, we are now committed to pay at least, Mr. President, \$7.7 billion, and it is going up. When I first raised this issue this year on the supplemental bill, the figure I brought to the floor was \$6.5 billion. Now it is already up to \$7.7 billion a few short weeks later. Every time there is an assessment of the cost of this mission, the figure goes up another \$1 billion or \$2 billion.

After this weekend, I have a new fear that when the June deadline rolls around this mission will undergo another name change. Maybe the "stabilization" force will become the "coordination" force, or CFOR. Maybe it will become the "maintenance" force, or MFOR. Whatever the new acronym is, Mr. President, I am afraid the results will be the same—our ground troops will be asked to remain in Bosnia past June under the pretense of a new mission.

Now, I don't doubt for a minute, Mr. President, that United States goals in Bosnia are to maintain the peace and to help the three sides rebuild a united government. While our mission has succeeded in stopping the fighting, we are far behind in preparing for the day when Bosnians will once again have to rule themselves without the benefit of NATO troops. In a May study of the Bosnia mission, the GAO noted there has been little progress in creating a united police force, or on building a functioning parliament, or even setting up offices for a new Bosnian cabinet.

Mr. President, the best way to ensure that something never gets done is to constantly extend the deadline. If a teacher were to give his or her students a term paper assignment and tell them, "try to get it done by this year and, if that's not possible, maybe next year," you can bet that the students will not be rushing off to the library to get the work done. In a way, that is a little like what we are doing in Bosnia. We are saying, "try to comply with the Dayton accords by June, but if you

can't, we'll stick around anyway." It is no wonder the various parties in Bosnia are not making much headway in rebuilding their civilian institutions, given that NATO and the United States seem committed, it appears, to policing this country indefinitely.

Similarly, I do not think that our European allies will take seriously their own responsibilities to the region unless they clearly understand American intentions. I think that's why the compromise resolution the Senate passed last week actually included language that the President should inform our partners in Europe in this exercise of the expression of this Congress—tell them that we are planning to leave by June 30, 1998. I think this is a very important part of the Senate's position on this issue.

The administration, our friends in Europe, and the parties to this conflict must all understand that this Congress does consider the June deadline a firm one. That is not to say that at the end of next June there will be no more American involvement in the region. That is not my position. I don't think that is the position of most Senators. As the Senate resolution indicates, Congress would be open to considering a different kind of supporting role in Bosnia. This could include activities such as airlift, logistics, intelligence, or equipment, for example. As long as such activities do not include the use of ground forces, and as long as the Congress is appropriately consulted, I too am open to considering the United States having such a supportive role for our allies. That is not inconsistent with the notion of making sure ground troops come home.

Mr. President, there are many who feel uncomfortable with Congress actually using its literal "power of the purse" to command a withdrawal of U.S. troops from a military deployment. During the debate last week, some Members who firmly support termination of the Bosnia deployment by the June target date did express concern about the mechanism—a hard funding cutoff—that I had originally proposed. However, I want to point out that the reason Members of Congress turn to these drastic remedies, the reason I proposed it in the first place, and the reason the House passed such a hard date overwhelmingly is precisely because not only the administration but also some leaders in Congress seem oblivious to the calls by other Members of Congress for ending the mission by the target date.

Given the statements we heard this weekend, Mr. President, it is even more imperative than ever that the conferees employ the strongest possible language regarding the June 30 pullout date when we get to the final version of the Defense authorization bill. I originally believed that a hard mandate—nearly 1 year in advance of that date—would give the administration more than enough time to prepare for and to implement an orderly withdrawal of U.S. ground forces.

Unlike the President's remarks, the message from the Congress has to leave no room for interpretation or ambiguity. We should not just say that our ground troops should be back home next year, if possible. I think we have to say, as we have done in both Houses—and we have to say this in the conference report—that our men and women should be out of Bosnia by June 30, 1998, period.

Mr. President, I yield the floor.

AMENDMENT NO. 846

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUE, proposes an amendment numbered 846.

At an appropriate place in the bill, insert:

**SEC. . FINDINGS.**

The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary;

The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members;

The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization;

The United States has contributed more than \$20,000,000,000 since 1952 for infrastructure and support of the Alliance;

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, \$449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance; and

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, \$9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

**SEC. .**

The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997: (1) the amounts necessary, by appropriation account, for all anticipated costs to the U.S., for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002, and; (2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

Mr. STEVENS. Mr. President, I apologize to the reading clerk for not having it drafted properly to start with. But I do ask that these changes be made so that the amendment is as read by the reading clerk.

It is an amendment that is a direction to the Department of Defense to provide the Congress with two specific reports.

First, the amounts necessary, by appropriations account, for all antici-

pated costs to the United States for the admission of three new members to the North Atlantic Treaty Organization, and that report to cover the current budget cycle of fiscal year 1998 through 2002.

Second, a report on any new commitments or obligations entered into or assumed by our Nation in association with the admission of these new members of the alliance, including—it is not limited to—but including deployment of U.S. personnel, the provisions of defense articles or equipment, training activities, and modification and construction of military facilities.

I am one who has still strong reservations about the determination to add new members to NATO. I am not opposed to NATO. I have been a firm supporter of NATO. On the other hand, we are doing some studies now on the history of the expansion of NATO and how United States participation in deployment of forces there has just constantly increased.

We, I think, need to know now what the obligation is that we have undertaken and really what will be the costs of this obligation in connection with the expansion of NATO. This really is, I think, a fairly restrictive list of things that we should have. But, clearly, we should have this information before we proceed with any consideration of ratification of any agreements that have been entered into by the United States in connection with this expansion of NATO.

It is, I think, one of the strange coincidences of history that NATO was entered into—and I will present the documentation on this later—with the firm assurance by the then Secretary of State Dean Acheson to the Senate that would be no obligation at all for the deployment of forces to Europe by virtue of the North Atlantic Treaty that was entered into by the United States at the very beginning of this organization, the NATO organization.

I want to be right upfront about it, that this information may convince Members to go one way or the other concerning the matters that will be presented to us later. But I don't know of anyone who could object to asking for this information for the use of the Congress, and particularly for the use of those of us who have the duty to find and allocate the money to maintain our national defense forces to assure the capability to defend this country.

I am pleased that my friend from Hawaii has cosponsored this amendment in that spirit. This is just seeking information. It will in no way inhibit the administration—either the Department of Defense or the President—in their current course. But I do, as I said, still maintain reservations about that course because of what I perceive to be the costs of that course and its impact on our future ability to maintain our own defense.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, as appropriators, I believe it is the only prudent process that we can follow to at least advise ourselves and our colleagues as to what can be reasonably and rationally anticipated if we are to take this important step.

When NATO was originally organized, I doubt if Members of Congress had any inkling of what the costs would be to the taxpayers of the United States. Whether you are for it or against it, I think it would be well that we enter into this new phase and very important phase with our eyes open.

Mr. STEVENS. Mr. President, it is not a small amount that is in the bill which is before us. As this amendment points out, there is almost \$10 billion in the request of the President for U.S. military expenditures pursuant to the North Atlantic Treaty Organization obligations. I do believe that it is important for us to know to what extent that will be increased by virtue of the cost of action that is proposed due to the enlargement process as far as NATO is concerned.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be set aside so that we may proceed with the program already outlined by the leadership.

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

**NOMINATION OF JOEL KLEIN TO BE ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE ANTI-TRUST DIVISION**

Mr. KOHL. Mr. President, as the ranking Democrat on the Antitrust Subcommittee, let me tell you why I support Mr. Klein's nomination, why he is a good choice for the job, and why we ought to confirm him today.

First, Joel Klein is an accomplished lawyer with a distinguished career. He graduated from Columbia University and Harvard Law School, and clerked for the U.S. Court of Appeals here in Washington, then for Justice Powell. Just as importantly, he is the President's choice to head the Antitrust Division, and I believe that any President—Democrat or Republican—is entitled to a strong presumption in favor of his executive branch nominees.

Second, Joel Klein is a pragmatist, not an idealogue. His answers at his confirmation hearing suggest that he is not antibusiness, as some would claim the Antitrust Division was in the late 1970's, nor anticonsumer, as some argue the Division was during the 1980's. Instead, he will plot a middle course, I believe, that promotes free markets, fair competition, and consumer welfare.

The third reason we should confirm Joel Klein is because no one deserves

to linger in this type of legislative limbo. Here in Congress, we need the input of a confirmed head of the Antitrust Division to give us the administration's views on a variety of important policy matters—defense consolidation, electricity deregulation, and telecommunications mergers, among others. We need someone who can speak with authority for the Division without a cloud hanging over his head.

More than that, without a confirmed leader, morale at the Antitrust Division is suffering. And given the pace at which the President has nominated and the Senate has confirmed appointees, if we fail to approve Mr. Klein, it will be at least a year before we confirm a replacement—maybe longer, and maybe never. So we need to act now; we can't afford to let the Antitrust Division continue to drift.

Finally, Mr. President, I have great respect for the Senator from South Carolina—as well as the Senators from Nebraska and North Dakota. They have been forceful advocates for consumers on telecommunications matters, and I have stood side by side with them in that fight. But we ought to give Mr. Klein our vote today, so he can have the chance to succeed or fail as a confirmed appointee. My hope and expectation is that in a few years—when we look back at Joel Klein's service as head of the Antitrust Division—his accomplishments will surprise his critics, please his supporters, and improve what is already the best free market economy in the world.

Mr. BAUCUS. Mr. President, I rise to express my support for the nomination of Joel Klein to be Assistant Attorney General for the Antitrust Division of the Department of Justice. And while I will vote to bring this nomination to the floor for a vote, I will outline my concerns for the Senate at this time.

Mr. President, a number of my colleagues have expressed their serious concern about this nominee. More importantly, they have detailed the responsibilities of this position. This position has a statutory responsibility to enforce the antitrust authority of the Department of Justice.

As my colleagues have eloquently stated, this is particularly important and timely in regard to the telecommunications reform regulations which are being promulgated to enforce the reforms enacted into law last year. While these reforms should bring great benefits to consumers across the country, the Department of Justice must play an active role to protect the interests of consumers against violations of antitrust authority.

This is also important in the meat packing industry. The mergers which this industry has experienced have left livestock producers at the mercy of precious few meat processors. Just five packers control this industry. Producers and consumers alike need to know that the Department of Justice is enforcing antitrust law.

There have also been a number of mergers in the railroad industry which

have virtually eliminated competition in this transportation sector. For a State like Montana—a captive shipper—this is a problem. Montana farmers pay freight rates that are among the highest in the Nation. It generally is cheaper to ship grain from States east of Montana to the ports of Portland or Seattle, than it is for Montana producers. Without careful attention, I worry that this discrepancy could get worse, not better.

Mr. President, I will be supporting this nomination. I have long relied on a very simple question to determine my support or opposition for a nominee for a Presidential appointment. Is the candidate qualified? In this case, I believe the President's choice is qualified and has no reason we should delay confirmation.

So I will be voting for this nominee. And, when he is confirmed, I will be watching the issues under the jurisdiction of the Antitrust Division very carefully.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF JOEL I. KLEIN, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now go into executive session.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 104, the nomination of Joel I. Klein, to be Assistant Attorney General:

Trent Lott, Orrin Hatch, Kay Bailey Hutchison, John McCain, Olympia Snowe, Dan Coats, Pat Roberts, Rod Grams, R.F. Bennett, Thad Cochran, Jim Inhofe, Sam Brownback, W.V. Roth, Chuck Hagel, J. Warner, Larry E. Craig.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the nomination of Joel I. Klein of the District of Columbia, to be Assistant Attorney General, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. GRAMS], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Alabama [Mr. SESSIONS] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

The yeas and nays resulted—yeas 78, nays 11, as follows:

[Rollcall Vote No. 174 Ex.]

#### YEAS—78

Abraham	Frist	Mack
Allard	Glenn	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grassley	Murkowski
Boxer	Gregg	Murray
Breaux	Hagel	Nickles
Brownback	Hatch	Reed
Bryan	Helms	Reid
Bumpers	Hutchinson	Robb
Campbell	Hutchison	Roberts
Chafee	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Sarbanes
Collins	Johnson	Shelby
Coverdell	Kempthorne	Smith (NH)
Craig	Kerry	Smith (OR)
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Domenici	Landrieu	Stevens
Durbin	Leahy	Thomas
Enzi	Levin	Thompson
Faircloth	Lieberman	Thurmond
Feinstein	Lott	Torricelli
Ford	Lugar	Warner

#### NAYS—11

Akaka	Dorgan	Kerrey
Byrd	Feingold	Lautenberg
Cleland	Harkin	Wellstone
Conrad	Hollings	

#### NOT VOTING—11

Bennett	Dodd	Santorum
Biden	Grams	Sessions
Burns	Kennedy	Wyden
D'Amato	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of unnecessary spending in the defense appropriations bill. I fully understand the pressure facing the chairman and ranking member of the committee, but I would be remiss in my responsibilities were I not to go on record for those items in the bill of truly questionable merit that appear to represent the usual practice of inserting programs primarily for parochial reasons.

The total value of these programs is about \$5 billion, about twice as much as the Congress increased the President's overall defense budget request and, incidentally, about the same amount of wasteful spending added in the defense authorization bill. This amount does not include the \$300 million transferred from the Defense Department to the Transportation Department for Coast Guard activities, a perennial provision in defense appropriations bills.

Let me review some examples of items included in the bill and report that are, in my view, wasteful, unnecessary and designed simply to serve personal interests.

The bill not only funds an oceanographic research ship not requested by the Defense Department, it throws in an extra \$19.5 million for oceanographic and meteorological research. Are we to honestly believe the \$209 million in the budget request for that function is inadequate for the next fiscal year? Of course, the over \$200 million for C-130J aircraft—once again not requested and certainly not needed, as emphasized by the Air Force Chief of Staff—represents a particularly egregious waste of taxpayer money.

I wonder, Mr. President, if some day, some year we will stop buying C-130 aircraft. Many years ago, the Air Force said they didn't need any more C-130 aircraft. It is time—well, I say it every year. It gets a little ridiculous.

An especially troublesome expense, neither budgeted for nor estimated in any accompanying documentation provided by the Appropriations Committee, is the amount associated with the various "Buy America" provisions included in the bill. Such expenses include restricting to U.S. manufacturers procurement of shipboard anchor and mooring chain, carbon, alloy and

armor steel plate, and ball and roller bearings. Consequently, there is an automatic and generally substantial unknown cost tied to this bill that will only become known as contracts are signed with American manufacturers despite the availability of less expensive products from our trading partners.

Lest anyone feel that I am unsympathetic to American manufacturers, I need only point out the protectionist measures our European allies and customers are considering in retaliation for the "Buy America" statutes included in the appropriations bills that are routinely passed by Congress. Britain, a major purchaser of American platforms and systems, is understandably tired of the one-way street we pursue in defense acquisitions. I am fully cognizant of the need to protect certain vital industries for national security reasons, but the items protected in this and other bills hardly qualify.

The costly and unnecessary practice of earmarking appropriations continues: \$35 million for the Kaho'olawe Island Conveyance, Remediation and Environmental Restoration Fund; \$250,000 for a pilot project to "facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards," provided the Jones Act restrictions are rigorously applied to the Hawaiian Islands; \$5.4 million for establishment of a small business development center, which is to focus on agricultural programs in Pacific islands; \$2.7 million to investigate new technologies in such areas as hyperspectral fluorescence imaging, work to be conducted at the Akamai project at Tripler Army Medical Center in Hawaii, with another \$10 million earmarked that the Department will be expected to spend for these programs; \$2.7 million of the oceanographic spending to which I referred earlier at the Naval Surface Warfare Center in south Florida; \$6.9 million for upgrading air traffic control simulators at Keesler Air Force Base in Mississippi; and \$8 million for continued activities at the Pacific Disaster Center.

Mr. President, that barely scratches the surface of what is in this bill: \$3 million is earmarked for the Caribbean radiation early warning system, which is to be spent at the Center for Monitoring Research, which brings me to the issue of Congress' tendency to create new centers for the study of every conceivable subject, research virtually all of which is already performed elsewhere. The defense authorization bill passed last week included \$5 million to establish a center for the study of the Chinese military. I can go to my office or the library and find numerous examples of competent studies on the Chinese military already available, whether from the Rand Corp., the American Enterprise Institute, or various studies published by scholars at various universities. The authorization bill also establishes a Center for Hemispheric Defense Studies for no apparent reason.

The practice of earmarking funds for centers knows no bounds. S. 1005 includes \$7 million for the Center of Excellence for Research in Ocean Sciences, just in case there was any risk of funds being spent for a center of mediocrity for research in ocean sciences; \$4 million for the Southern Observatory for Astronomical Research; \$4 million for the Center of Advanced Microstructure Devices; and on and on it goes. I do not doubt for one second that the sponsors of these programs can come before the Senate and offer an articulate and thoughtful defense of their pet projects. I do doubt very seriously whether any of these items properly belongs in the defense appropriations bill, especially during a period when vital accounts are regularly taxed to pay for ongoing and unforeseen contingencies, like Bosnia and Iraq.

Any time military equipment is prepared for shipment to and from deployment, it is inspected for damage and, in the case of equipment being returned to its home base, for foreign substances like dust that could contain bacteria alien to our country. Do we really need to earmark another \$1 million to expand that research specifically for brown tree snakes, which, to the best of my knowledge, are located only in Guam? Yes, it is true that we base a large number of forces on that island. It is also true that the brown snake is a dangerous snake. I simply find it hard to believe that we need to spend any defense dollars on an issue for which plenty of information already exists and is readily available.

Mr. President, I have touched on the tip of the iceberg. There is plenty more I could point to were time available. I only look forward to the day when my trips to the floor to highlight wasteful and unnecessary spending are no longer necessary.

Mr. President, I ask unanimous consent that a list of objectionable additions in the Department of Defense appropriations bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### OBJECTIONABLE ADD-ONS IN THE FISCAL YEAR 1998 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

##### *Procurement (in millions)*

Army: C-XX .....	\$23.0
Navy:	
SSN-21 <i>Seawolf</i> .....	153.4
NSSN .....	2,599.8
Special Project Aircraft .....	7.0
Oceanographic Ships (TAG-65) .....	73.0
LCAC Landing Craft .....	17.3
Environmental Support Equipment for Oceanography .....	6.0
T-45 Training Aircraft Earmarked for NAS Meridian .....	10.0
Port Security Unit Equipment .....	13.5
Air Force:	
C-17 (MYP) .....	418.5
WC-130 Aircraft .....	177.0
Small CVX (C-37) .....	6.0
Supply Assets Tracking System .....	5.0
Defense-Wide: Automatic Document Conversion System .....	20.0

Reserves and National Guard:	653.0	Oceanographic and Atmospheric Technology:		Pacific Missile Range Facility .....	15.0
Including the following aircraft:		Natl. Oceanographic Partnership Program .....	16.0	Fallon Naval Air Station .....	3.2
C-9 Replacement aircraft .....	(40.0)	NCSW Test Facility .....	2.75	Air Force:	
WC-130 Spares/Support Equip-ment .....	(29.7)	Asbestos Thermochemical Conversion Pilot Plant—Puget Sound Naval Shipyard .....	2.0	Civil Air Patrol .....	4.4
C-130J .....	(95.8)	Freeze-Dried Blood Research .....	2.5	Spacetrack—Maui, Hawaii .....	1.4
EC-130 .....	(70.5)	Photomagnetic Materials Research .....	0.35	Manufacturing Assistance Technology Program .....	2.0
KC-135 Re-Engining .....	(52.0)	Environmental Quality and Logistics Adv. Tech.: .....		B-52 Attrition Reserve Aircraft .....	42.4
<i>Research and Development (in millions)</i>		Permanent Fuel Cell .....	1.75	Defense-Wide:	
Army:		Visualization of Technical Info. Project .....	2.0	Legacy .....	10.0
Projectile detection and Cuing .....	\$2.5	Smart Base .....	6.25	Repairs to Federally-Funded Schools .....	10.0
Shortstop Electronic Protection system .....	3.0	Industrial Preparedness: Mantech .....	50.0	Exercise Northern Edge (PACCOM) .....	5.0
Solid-State Laser Dyes .....	4.0	Center for Integrated Manufacturing Studies .....	4.0	Partnership for Peace .....	44.2
Combat Vehicle and Automotive Technology:		Exploratory Development: Oceanographic and Atmospheric Technology .....	18.75	Civil-Military Programs (Challenge) .....	32.0
National Automotive Center .....	4.0	Industrial Preparedness .....	54.0	National Guard:	
High-Output Diesel Engine Testing .....	1.0	Air Force:		C-130 Force Structure .....	13.0
HMMWV Engine rebuild Program .....	4.0	HAARP .....	5.0	C-130 Operations .....	6.0
Alternative Vehicle Propulsion System .....	5.0	Inorganic/Organic Optical Limiters .....	1.0	<i>Other DOD Approps. (in millions)</i>	
Environmental Quality Technology:		Armstrong Lab Exploratory Development .....	3.0	Defense Health Program:	
Radford Environmental Development Program .....	6.0	Phillips Lab Exploratory Development .....	0.9	Hepatitis A Vaccine .....	\$25.0
Plasma Energy Pyrolysis System .....	8.7	Defense-Wide:		Military Health Service System	
Environmental Compliance Projects (WETO) .....	8.8	U.S.-Japan Management Training—University Research Initiatives ..	10.0	Info. Mgmt. ....	10.0
Pacific Island Ecosystems .....	4.0	Pacific Disaster Center .....	8.0	Uniformed Service Univ.-Health Sciences .....	13.0
Establish Small Business Center .....	5.4	Scorpius Support Technologies .....	10.0	Pacific Island Health Care Program .....	5.0
Bioremediation Science Center—for fragile Pacific Island Isolated Ecosystems .....	4.0	Joint Theater Missile Defense: Advanced Research Center .....	7.0	Brown Tree Snakes .....	1.0
Resource Recovery Technology Center .....	4.0	Kauai Test Facility .....	5.0	Cancer Control Program—Charleston Navy Hospital .....	9.0
Cold Regions Research Lab .....	1.0	Pacific Missile Range Facility upgrades .....	33.4	Army Research Institute .....	5.4
Center for Geosciences Atmospheric Research .....	10.0	Center of Excellence for Rsh. In Ocean Sciences .....	7.0	Military Nursing Research .....	5.0
Medical Advanced Technology:		Materials and Electronics Technology:		Disaster Management Training—Tripler Army Medical Center .....	5.0
Intravenous Membrane Oxygenator technology .....	1.0	Life Support Trauma and Transport .....	4.0	Health Care Cooperation between Military and Civilians—Holloman Air Force Base .....	7.0
MRE Nutrition Research .....	3.6	3-D Electronics .....	5.0	Diagnostic Ctr. of Excellence for Breast Cancer & Prostrate Cancer—Ft. Drum .....	4.0
Mustard Gas Research .....	1.0	Cryogenic Electronics .....	6.0	<i>Related Agencies (in millions)</i>	
Breast Cancer Research .....	175.0	Electric Vehicles .....	15.0	Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund .....	\$35.0
Prostate Diagnostic Imaging .....	5.0	Climate Fuel Cell Program .....	5.0	<i>General Provisions (in millions)</i>	
Electronics and Electronic Devices:		Southern Observatory for Astronomical Research .....	4.0	Shipbuilding Industrial Base Enhancement .....	\$0.25
Rechargeable Coin Cells .....	0.5	HAARP .....	3.0	Mr. McCain. Mr. President, finally, I want to again thank the Senator from Alaska and the Senator from Hawaii for, as always, doing an outstanding and dedicated job in preparation of this very difficult and largest appropriations bill that we consider. We have had debate and discussion over my objections for many years. I am sure that will continue. But that debate and discussion has not been characterized by a lack of respect on my part for the outstanding job that both the Senator from Alaska and the Senator from Hawaii do.	
AA Zinc Air Battery .....	1.3	Advanced Electronics Technologies:		I yield the floor.	
Rechargeable Battery System .....	0.6	Lithographic and Alternative Semiconductor Processing Techniques Ctr .....	23.0	Mr. STEVENS addressed the Chair.	
Reusable Alkaline Manganese Zinc .....	1.0	Point Source X-Ray Lithography Defense Techlink Rural Tech. Transfer .....	3.0	The PRESIDING OFFICER. The Senator from Alaska.	
Virtual Retinal Display .....	2.0	Center for Advanced Microstructures Devices .....	4.0	Mr. STEVENS. Mr. President, I await, sometimes with trepidation, the annual report of my good friend from Arizona. I know of no one who spends more time, other than Senator INOUE and I do, than the Senator from Arizona.	
Low Emissions Natural Gas Boiler Demo .....	2.0	Defense Research Initiatives .....	14.0	His comments are to the point. We do disagree on some of the issues. But I	
Cold Regions Research Lab Repair Management .....	1.3	Agile Port Demonstration .....	10.0		
Akamai Project .....	26.5	Electric Vehicles .....	15.0		
Including:		High Performance Computing Modernization Prgm .....	25.0		
Hyperspectral Floreence Imaging .....	(2.7)	<i>Military Personnel (in millions)</i>			
Theater Medical Infrastructure .....	(10.0)	Air Force: Additional B-52 Force Structure .....	\$4.5		
Aerostat Development .....	10.0	Reserve and National Guard:			
Instrumental factory for Gears Program .....	4.0	C-130 Force Structure (Air Force Reserve) .....	1.4		
Electronic Circuit Board Development Center .....	4.0	C-130 Force Structure (Air National Guard) .....	4.0		
University and Industry Research Centers .....	7.3	<i>Operations and Maintenance (in millions)</i>			
Army Data Analysis Center .....	5.0	Army:			
Battle Integration Center .....	22.0	Rooch Island arsenal Bridge .....	\$5.0		
DoD High Energy Laser Test Facility .....	15.0	North Star Borough Landfill .....	5.0		
Navy:		Saddle Road—Pohakuloa, Hawaii Training Area .....	3.0		
Natural Gas Cooling Systems .....	2.5	Navy:			
PMRF Sensors .....	5.0	Naval Meteorology and Oceanography Command .....	19.5		
LASH Hyperspectral .....	12.0				
Computer Technology:					
Second Source Carbon Fibers .....	2.0				
Photomagnetic Material Research .....	0.35				
Plasma Quench Technology .....	3.0				
Advanced Material Intelligent Center .....	2.5				
Defense Research Sciences:					
Marine Mammal Research Program .....	0.5				

want the Senate to know once again we are grateful to him for the amount of time he puts into the bill. He has led, through his comments from year to year, changes that we have tried to make in subsequent bills to reflect his guidance. We again will examine this bill as we go to conference to make sure that we have done the best we can to accept his advice and counsel. But I deeply, truly am grateful to him for the time he takes on the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Alaska for his consideration of my remarks and the context in which they are intended. I appreciate the degree of cooperation he and the Senator from Hawaii have accorded me and my staff in the examination of the pending amendments. I am grateful for that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the floor situation right now? Is the bill open for amendments?

The PRESIDING OFFICER. A first-degree amendment is currently pending to the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that my amendment be put aside so we can consider the amendment of the Senator from Iowa.

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

#### AMENDMENT NO. 848

(Purpose: To prohibit the use of taxpayer funds to underwrite restructuring costs associated with a business merger)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 848.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VIII, add the following: SEC. . . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after July 15, 1997.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I will take just a few minutes here to describe my amendment and what it does. I appreciate the chairman's willingness to set aside his amendment to take up this one.

Mr. President, this is an amendment similar to one that I offered a year ago to get the Government out of the business of paying defense contractors for exercising their own best business judgment in merging together to form larger corporations, because that is what we are doing right now. Even though defense contractors want to merge—it is in their own best business interest to do so—taxpayers are coming in and subsidizing it.

This is new. We have never done this before. Prior to July 1993, the Department of Defense had a longstanding practice of not permitting defense contractors to charge restructuring costs to flexibly priced contracts that were transferred from one contractor to another as a result of a business combination.

That was the longstanding policy of DOD. The rationale for this practice was that DOD should not have to pay increased costs merely because one contractor is combining with another contractor. That statement comes right out of a recent GAO report.

But in July 1993, DOD changed its longstanding practice and uniformly began permitting defense contractors to charge restructuring costs to the taxpayers of this country.

How did this come about? Did it come about because Congress passed a law permitting it? No. Was there ever any debate on the Senate floor about it? None whatsoever. Was there ever one hearing held on it? No, there was not one hearing held on it.

What happened was that in 1993, then Undersecretary of Defense, Mr. John Deutch by name, was Undersecretary for Procurement. He decided, single-handedly, to change the longstanding policy and made this change.

We raised the point at the time, I and others, that this was a change in the Federal Acquisition Regulations, [FAR]. To get a change like this in FAR, there was a process and procedure that one had to go through. It had to be published in the Federal Register. There had to be hearings on it. Congress had to act on it. None of that took place.

When we raised the point that regulations were not followed in changing the FAR, Mr. Deutch testified that in fact this was not a change in FAR, this was simply an explanation of existing law, that indeed the Department of Defense or any Federal agency had the authority to pay for the costs of mergers and acquisitions. So to get out from underneath violating the law, which I believe is what Mr. Deutch did at that time in terms of not going through the normal process, he then said, well, this really was not a change in FAR, it was simply an explanation of what was existing law.

That raised all kinds of questions, as I pointed out last year in the debate.

If this had been existing law for all these years, then it does not just affect the Department of Defense. It affects every agency of Government. That

means that if hospitals merge, if they have Government contracts, can now come in and say, we want help for our mergers and acquisitions.

This could go back years and years. People could come back from 20 years ago and say, Oh, well, we didn't know that that was existing law, so now we need to be reimbursed for the mergers we made in the past.

So we are hung up on the twin horns of this sort of dilemma. On the one hand, if it was indeed a change in FAR, then Mr. Deutch and the Department of Defense did not go through proper procedures to accomplish that. If, on the other hand, it was not a change in FAR, then we have opened a Pandora's box for providing for taxpayer funding for any merger or combination for any company that has any Government contract.

But I want to point out this is the Department of Defense, DOD, funding bill. And, you know, some of my colleagues argue that we are tight for money in this bill. We tried last week to transfer some money out of DOD to pay for veterans. We were told we did not have enough money in DOD for that. Now we have a subsidy the likes of which we have never seen in this country. I call it the "money for nothing" subsidy because that is exactly what the taxpayers are getting.

Let us look at the mergers and acquisitions that we have had.

Just last week Lockheed Martin announced it would purchase Northrop Grumman for an estimated \$11.6 billion. Well, besides a nice stock boost for Northrop Grumman, which closed up 21.12 cents on the stock market when the merger was announced, these merging companies are also eligible to receive millions of dollars from the American taxpayers just for doing what is in their own best business interest. So that is why I am offering this amendment, a commonsense amendment to prevent these large and profitable companies from receiving taxpayer subsidies simply for merging.

I am not saying they cannot merge. I am simply saying that the taxpayer should not fund it.

For the life of me, I cannot see the wisdom in paying these profitable companies for merging when they are doing it in their own best business interest, when they are making a lot of money on the stock market, and we are paying them with money that we just do not have. I thought we were trying to balance the budget.

Again, this is not money for any goods that we are going to receive at all. I just think that if these companies want to merge, fine—I know the Department of Defense has been urging them to merge for savings to the taxpayers, possible savings to the taxpayers. I do not know whether that is true or not. There may be some savings, but I do not think that has all been documented in terms of real savings. But even if there are savings to the taxpayers, the fact is, these companies are making a lot of money by



merging. These companies would not merge if it was not in their best business interests to do so. There is no one at the Defense Department holding a hammer over their heads saying, Lockheed, you must merge with Northrop Grumman. There is no one holding a hammer over the head of Boeing saying, You must merge with McDonnell Douglas. They are doing it because it is increasing their profits, increasing their bottom line for their stockholders. Otherwise they would never do it.

These mergers, aside from making more money for the companies, are in fact decreasing the amount of competition that we have out there now for Government procurements. But now they say that, well, these mergers are going to save us money.

Let me read a couple of passages from a recent DOD inspector general report, dated June 28, 1996. On page 9—let me read it in its full context:

Contractors' [meaning defense contractors] are submitting cost proposals for activities called concentration, transition, economic planning, and other terms that do not immediately suggest restructuring and make the cost issues difficult for the Government to review, administer, and resolve.

On page 10 of the same IG's report—this is still the DOD inspector general's report—they said that:

One contractor's restructuring proposal projected savings over 10 years. But the contractor's projections are highly speculative since the volume of Government business is not guaranteed. The same contractor also proposed savings based on "synergies in the work force"—

How about that one?

a term that is not defined in the existing procurement regulations, and is difficult at best to substantiate and evaluate.

Not my words, this is the DOD inspector general's words.

On page 16 the same IG report:

Amortization based on the projection of extended savings can almost make a marginal acquisition appear attractive by spreading costs over a long period, and comparing them to the projected savings to determine savings. In all cases, amortization periods were selected for arbitrary reasons. . . .

According to a GAO study of one business combination, they said:

The net cost reduction certified by DOD represents less than 15 percent of the savings projected to the DOD 2 years earlier when they sought support for the proposed partnership.

So DOD said, here is the proposed savings. GAO did the study of it and said the cost reduction was less than 15 percent of the proposed savings.

So, I believe, Mr. President, this practice is clearly an abuse of taxpayers' money. We never passed it in the Congress. I believe that if this had ever come up for a vote in the Senate to say that we are now going to pay for mergers and acquisitions for these companies who are going to make these huge profits, I do not think it ever would have passed.

If these companies are merging for business reasons, why do they need a

handout from the taxpayers? If they are not being ordered to do so by the Government—and they certainly are not; encouraged, yes, not ordered to do so—but if they are good, the mergers will happen anyway, and the taxpayers will receive any savings without paying anything out.

I know that is the point that is going to be made. We know that we can see some savings being made by these mergers. Fine. That is a great savings for the taxpayer if that is happening. But there is no reason we should have to pay for these mergers, because the companies are making much higher profits, much more money than they were before.

So, therefore, we should not have to pay for them. Lawrence Korb, former Under Secretary of Defense, pointed out that defense contracting is still a profitable business. Over the past year, Lockheed Martin stock increased 48 percent in value, Northrop Grumman stock is up 50 percent, and McDonnell Douglas went up a whopping 80 percent last year. That is fine. That is good. But then why do we have to come in and give taxpayers' money to them to merge?

You do not have to take it from me but from a very conservative think tank, the Cato Institute, which said, "The costs associated by mergers should not be absorbed by Federal taxpayers. This is an egregious example of unwarranted corporate welfare in our budget."

Taxpayers for Common Sense said, "It is time for the Pentagon to drop this ridiculous money-for-nothing policy."

The Project on Government Oversight said, "The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars."

Mr. President, it is time for the Pentagon to drop this ridiculous money-for-nothing policy. This policy is unneeded, it allows inappropriate Government intervention in the economy, and is likely to cost more because it will limit competition.

Mr. President, the GAO recently pointed out that in the last round of mergers and acquisitions they found the following: One, GAO was unable to account for savings for the Federal Government due to DOD's subsidies for mergers; second, the GAO reported that the mergers have led to the layoff of 15,000 workers, with an additional 4,000 expected. GAO also offered no evidence that the subsidy had resulted in any savings that would not have been achieved without Federal payments.

There is another effect that we have not factored in here: 15,000 hard-working blue-color Americans lost their jobs, most of them good union people, making pretty good wages—15,000 of them out of work. I suppose they belong to unions like the machinists and

a lot of other good unions, making good money. Fifteen thousand laid off because of these mergers and acquisitions. How many went on food stamps? How many drew unemployment compensation? That is another cost to the taxpayers that was not picked up by these merger and acquisition costs or factored into the studies.

Mr. John Deutch, in 1993, made a big mistake. We should not compound that mistake. Already, we have paid out \$179 million to pay for mergers and acquisitions. There is pending right now on the books about \$817 million that we can see. That is not counting the upcoming Boeing-McDonnell Douglas merger. How many more hundreds of millions of dollars will that add?

My amendment, Mr. President, says simply that all of those that we have—and I want to make sure the managers of the bill understand this—all of those with which we have contractual arrangements, obviously have to be paid. What my amendment says is that those that have not been contractually made, we will not pay for these mergers or acquisitions. So if we have made the contracts, I guess we have to live up to it. But my amendment says none in the future.

It is time to stop this ridiculous policy of paying highly profitable companies to do what is in their own best interests and which they would do anyway even if there were no Government subsidy.

I yield the floor.

Mr. STEVENS. Mr. President, I have discussed this matter with the distinguished Senator. I want to specifically call his attention to two sections that are in our bill that were in the bill the year before and the year before. One says:

None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

- (1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and
- (2) such bonus as part of restructuring costs associated with business combination.

Second, we have a provision in this bill on page 91 section 8090. "None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with business combination of the defense contractor that occurs after the date of enactment"—and it was in last year's bill, also; so it covers all of the mergers and consolidations that the Senator has mentioned—"unless:

- (1) the auditable savings for the Department of Defense resulting from restructuring will exceed the costs allowed by a factor of at least two to one, or
- (2) the savings for the Department of Defense resulting from restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and

(3) the report required by section 818(e) of Public Law 103-337 be submitted to Congress in 1996 is submitted.

Now, what we have done in the past is we have said that if clearly there is a two-in-one savings resulting from the combination, the buildings can be paid associated with restructuring. If it is a situation where the savings and the costs are equal, then the Department can pay costs associated with restructuring where it finds that it is in the interests of the Department and the United States to have the consolidation because of its impact on our industrial base. That is the last part I want to mention to my friend.

We have reduced procurement costs by over 60 percent now of the Department of Defense. In so doing, we faced the problem of what happens to the industrial base. Many people have come to us and talked to us about this, come to the committee and talked to us about it. You have to maintain the industrial base that is necessary to provide this Nation with the systems that will be required in our defense. We have seen it in shipbuilding, in submarine building, in aircraft building, in tanks; we have seen it across the spectrum of procurement.

In order to do that, in some instances, there have been incentives to industry to consolidate in the past. In this time, however, in this go-round, there have been no incentives paid, there has been the right of the Department to pay a portion of the restructuring costs when they meet these two tests. If the savings projected are twice as much as the costs, then the Department may pay the costs.

I say to my friend, the problem of maintaining the industrial base is a very difficult one in a global economy. We are part of a global defense economy now, too. There are enormous entities in other nations that are competing with our people to provide new equipment, military equipment to nations throughout the world, that are able to purchase and maintain sophisticated new technology for their own defense.

Senator INOUE and I have visited nations throughout the Pacific almost annually, and we have seen that. We have seen the desire for the acquisition of new high-performance aircraft for aircraft carriers, for submarines. We have seen that in terms of the purchase from the Soviet Union, some of the nations in the Persian Gulf.

The point I am making is, if we are to be able to maintain the capability that we must have to compete, if necessary, once again, in restructuring our own industrial base and making it possible to expand any of these systems, we have to maintain the minimum amount of industrial base necessary to do that. These restructurings that have taken place, in my judgment, have enhanced the ability of the United States to maintain an industrial base, primarily the ones that my friend is talking about in the field of aviation and

that have happened just recently. Had those mergers, those consolidations not taken place, we would have seen the problem of the industrial basics exacerbated by some of those companies failing when they were under obligation to the United States to complete existing contracts.

These mergers and consolidations have enabled these companies to come together, and they will, in fact, fulfill existing contracts. There is still enough of a competitive structure within our Nation to assure competition for future contracts. I understand the Senator has a GAO report on this matter.

I think it is premature, really, to assess the impact of the laws we passed. By the way, there are other provisions in the authorization bill for the years past, and also in this year. I do not have the knowledge of every one of the items he mentioned on a personal basis, but I have the belief that the Department has before it a series of provisions that prohibit the reimbursement for the bonuses to start with. They are not part of this at all. They cannot be paid. But beyond that, there are limited cases when restructuring costs may be paid by the Department, either when the savings are 2-to-1 over the costs or where the Secretary finds it is at least equal savings to the costs, that those costs are in the interests of the Government in maintaining the industrial capacity to provide for our own defense.

I say to the Senator, I reluctantly have to again oppose his amendment and I will do so. I do not stand here to say that there have not been some excesses in American industry per se over the payment of bonuses and costs upon merger and consolidations, but I do think in terms of those that have taken place within the realm of industrial base and supplies to the Department of Defense we have acted in the past and we are maintaining again this year strict controls over what can be paid by the Department from taxpayers' funds as a result of costs resulting from such restructuring.

Mr. HARKIN. I appreciate my chairman's comments on this. I know that the law was changed last year; Commerce put these provisions in there.

Let me respond by saying that I think the GAO report points out that these are ephemeral, at best. It does say that you have to, if I could just have the chairman's attention, have the savings, the restructuring savings for DOD just has to be projected by at least 2-to-1.

Then here is what the GAO said about estimating these savings. It said:

Restructuring savings, on the other hand, are not recorded in a contractor's accounting records. Therefore, neither the amount nor the nature of the savings can be determined by reviewing the accounting records. Consequently, savings have to be estimated. For example, Northrop-Grumman's estimated 5-year savings from closing the Grumman corporate headquarters of about \$215 million, of which about \$100 million represents the labor

and fringe costs that would be avoided over the 5-year period by laying off approximately 250 workers. These savings are, therefore, an estimate of a cost avoidance over the 5 years, the cost of the additional people that would have been needed had the headquarters not been closed.

The savings from restructuring activities we examined were generally in the form of such future cost avoidances. The initial estimate of restructuring savings is simple in concept because it makes the critical assumption that everything else, except for the restructuring, is the same after a business combination as before. Because things are never the same, it is difficult to precisely identify actual savings several years after the initial estimate is prepared.

Basically, what they are saying is, all of this money is fungible. I know the chairman says that we put a provision in there saying they can't use any of this money to pay bonuses. Fine. But they can go ahead and pay big bonuses and they can shift the cost over somewhere else, and we pay for closing an office and laying off 250 workers, which is a cost avoidance.

So this money is all fungible. The GAO says there is no accounting principle that they can look to to determine that. So these are projected savings, not actual.

I say to my friend from Alaska, the distinguished chairman, projected savings, well, I can tell you, any defense industry that is going to merge is going to show you that the savings to the taxpayers is much more than 2-to-1 over the amount of money we are going to give them for merging. That is an absolute because they are going to be able to show those kinds of savings. That is not the point. The point is, they are going to merge because it is in their best business interest to do so.

Last week, Northrop-Grumman stock went up \$21.12 a share. That is a lot of money. The stockholders or shareholders are happy about this. They have the money to go ahead and merge. This is in their best business interest to do so. If the taxpayers get savings out of it, fine, I am all for it. We should get savings out of it. But why should we pay them to do something that they are going to do anyway? Let us get the savings. Let it be 2-to-1. I hope it is 3-to-1, or 4-to-1, or 5-to-1. But we don't have to give them this money to do it.

So that is in response to what the chairman just said. Yes, they have to project that the savings will exceed the allowed costs—that is the money we give them—by a factor of 2-to-1. Believe me, they are going to show that without any problem whatsoever. But if they can't, there is another loophole because if the projected savings to DOD exceeded the costs allowed, the secretary can determine if the business combination will result in the preservation of a critical capability. So there is another loophole if, in fact, they can't meet that test. Believe me they will meet that test.

My bottom line is still this: These defense contractors are merging because it is in their best business interest to do so. It is not in our best interest, I

don't think—not all the time—because I think we are destroying a lot of competition that was out there. But there is no reason for the taxpayers to subsidize it. That is what this amendment does. It simply stops it.

I yield the floor.

Mr. INOUE. Mr. President, I believe the measure before us has addressed this problem. The problem in issue is rather painful. On one hand, it is our intention, and the intention of our Department of Defense, to maintain and retain an industrial base. How do we maintain an industrial base if there are too many companies involved in one scope of work, adding to the cost of defense? We have found that by encouraging restructuring, they can bring about a definite reduction in costs—a reduction in costs to the taxpayers, a reduction in costs to the Department.

Mr. President, there is no question that when we do achieve cost reduction brought about by restructuring, men and women will find themselves without employment. And so we are faced with this predicament: Do we subsidize a company by paying large sums of money for services and products, knowing that it can be done less expensively, but since we don't want men and women to lose their jobs, we subsidize their company to maintain an overloaded work force?

We have decided that it would be in our national interest, in the interest of the Defense Department, and in the interest of the taxpayers that we bring down the cost of Government. We do have other programs—not in the defense bill, but in other accounts—such as labor, health and human services, Medicare, Medicaid, welfare to help, to the extent possible, those who may have become victims of restructuring. But we have, Mr. President—the chairman and I—the responsibility of presenting to the Senate a measure that we are confident would bring about the best service, the best product, at the least cost.

Mr. HARKIN. 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.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be no further debate on the Senator's amendment and that it not be subject to second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are awaiting the arrival of another Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of this bill, the DOD appropriations bill, and that the following be the only remaining amendments in order with relevant second-degree amendments in order:

First, there is a managers' package that we will offer;

There is a pending amendment, No. 846;

We have the Hutchison amendment on war criminals;

McCain amendment to strike section 8097;

The McCain amendment; we will call it the "Buy America" amendment;

The Dorgan amendment on flood relief;

A second Dorgan amendment on re-engineering authority;

A Feinstein amendment on land transfer;

A second amendment on NATO expansion cost cap;

Graham amendment, which I believe is cosponsored by Senator MACK, on electronic combat testing;

The Harkin amendment, which is the second pending amendment for which the yeas and nays were just ordered on, amendment 848;

Senator INOUE may have a managers' amendment in addition to mine;

The Robb Marc card amendment;

And that, following the disposition of those amendments, S. 1005 then be read a third time, the Senate proceed to vote on the passage of the bill;

That further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration.

I further ask that all after the enacting clause be stricken, and the text of the Senate bill S. 1005 be inserted in lieu of the House-passed bill, the bill be read a third time, and passed.

I further ask that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that, other than those amendments that have now been qualified under this unanimous-consent agreement, no further amendments will be in order.

It will be our intention to try to move as quickly as possible once we are on the bill tomorrow morning at 11 o'clock to dispose of the amendments I have listed. And I would ask that all staff be notified that we shall seek time agreements on those amendments when they are called up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 11, 1997, the Federal debt stood at \$5,355,085,035,915.18. Five trillion, three hundred fifty-five billion, eighty-five million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents.

Twenty-five years ago, July 11, 1972, the Federal debt stood at \$429,654,000,000—four hundred twenty-nine billion, six hundred fifty-four million—which reflects a debt increase of nearly \$5 trillion; \$4,925,431,035,915.18—four trillion, nine hundred twenty-five billion, four hundred thirty-one million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents—during the past 25 years.

#### CONGRATULATIONS TO VERA FAIRBANKS CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Vera Fairbanks of Blue Springs, MO, who will celebrate her 100th birthday on August 2, 1997. Vera is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Vera's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Vera's celebration of 100 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join her friends and relatives in wishing Vera health and happiness in the future.

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 14, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on January 14, 1997, during the adjournment of the Senate by the Acting President pro tempore (Mr. ROBERTS).

#### MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 40003 of Public Law 105-18, the minority leader appoints the following individuals to the National Commission on the Cost of Higher Education: Dr. Blanche Touhill of Missouri and Dr. Walter Massey of Georgia.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1997 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

EC-2485. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2486. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Conditional Exemption from Terminology Section of the Care Labeling Rule" received on July 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2487. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2488. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2489. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Abandonment and Discontinuance of

Rail Lines and Rail Transportation" received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2490. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1997-1998" received on July 10, 1997; to the Committee on Labor and Human Resources.

EC-2491. A communication from the Director of the Office of Public/Private Initiatives, the Commercial Service of the U.S.A., International Trade Administration, transmitting, pursuant to law, a rule entitled "Federal Register Notice" (RIN0625-XX07) received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2492. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2493. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Present State of Knowledge of the Upper Atmosphere 1996: An Assessment Report"; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-178. A resolution adopted by Manistee County Board of Commissioners, Manistee Michigan relative to the English language; to the Committee on Governmental Affairs.

POM-179. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION 4

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1988; and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by prompting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be imple-

mented in a manner that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts," and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

*Resolved, by the Senate and House of Representatives in General Court convened,* That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

POM-180. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION No. 53

Whereas, the integrity of Tennessee's infrastructure is dependent upon the continued support of the federal government and its funding mechanisms; and

Whereas, the Chickamauga Lock plays a significant role in the Tennessee Valley economy, serving as a getaway for the transporting of goods into and out of the Tennessee Valley; and

Whereas, located upstream from Chattanooga on the Tennessee River, the Chickamauga Lock is an integral part of the river's navigational system; and

Whereas, in recent years, the Chickamauga Lock has developed serious structural problems, which have caused it to deteriorate at a rapid pace, and, despite close monitoring by the Tennessee Valley Authority, the lock has now deteriorated to the point that repairs are ineffective; and

Whereas, TVA's final congressionally appropriated budget contains language prohibiting TVA from using 1997 funds for the new lock and from moving forward with detailed engineering and construction activities this fiscal year; and

Whereas, TVA estimates that, if left unchecked, the structural problems will cause the Lock to be closed to traffic by 2005, forcing the abandonment of over 350 miles of navigable waterway above Chattanooga; and

Whereas, closing the Chickamauga Lock would also result in the loss of several thousand jobs, an increase in the cost of alternative modes of transportation, a forfeiture of \$25 million annually in transportation savings, and pose serious problems for water-dependent industries and burgeoning waterfront development projects; and

Whereas, it is incumbent upon the members of this legislative body to ensure the continued welfare of all Tennesseans and to maintain the state's prominent position as a leader in the Southeast's economic development; now, therefore, be it

*Resolved by the Senate of the one-hundredth General Assembly of the State of Tennessee, the House of Representatives concurring,* That this General Assembly hereby supports the construction of a new Chickamauga Lock and memorializes the Congress of the United States to proceed expeditiously with engineering studies and to fund the replacement of the Chickamauga Lock on the Tennessee River; be it further

*Resolved,* That copies of this resolution be transmitted to the President and Secretary of the United States Senate, the Speaker and the Clerk of the House of Representatives of the United States, and to each member of the Tennessee Congressional Delegation.

POM-181. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 17

Whereas, men and women of the United States Armed Forces fought valiantly in the Persian Gulf in 1991 to protect the interests of their country; and

Whereas, more than 10,000 of these soldiers who fought for their country in the Persian Gulf are now suffering severe health problems believed to be a direct result of their service in the War and referred to as "Gulf War Syndrome," and by the end of 1993 the Secretary of Veterans Affairs had approved only 79 of 2,500 claims for disability compensation benefits from veterans whose symptoms have been attributed to Gulf War Syndrome; and

Whereas, the Department of Defense has recently acknowledged that United States soldiers were exposed to Iraqi chemical weapons during the War and nerve gas during a military operation after the War; and

Whereas, experts agree there should be more research into Gulf War Syndrome and its link to chemical agent exposure; now therefore be it

*Resolved,* That the General Assembly of the State of Ohio requests the Secretary of De-

fense to adequately research the cause and symptoms of Gulf War Syndrome and the President and Congress to adequately fund the care and relief of those veterans who have been exposed to the causes of the disease; and be it further

*Resolved,* That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the Secretary of Defense of the United States, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM-182. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION No. 38

*Whereas,* the biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

*Whereas,* over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

*Whereas,* this Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

*Whereas,* the Department of Environmental Protection estimates it will cost more than \$15 billion to reclaim and restore abandoned mine lands; and

*Whereas,* the Commonwealth now receives about \$20 million a year from the Federal Government to do reclamation projects; and

*Whereas,* there is now a \$1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

*Whereas,* Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

*Whereas,* the Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

*Whereas,* Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

*Whereas,* making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

*Whereas,* the Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

*Resolved,* That the Senate of Pennsylvania urge the President of the United States and Congress make the \$1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM-183. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 14

Whereas, The maintenance of a high quality road network is vital to the economic health of our state. As the home of the city that put America on wheels, we in Michigan appreciate this relationship instinctively. Roads of less than excellent quality impede commerce, discourage job formation, and diminish our quality of life. Road maintenance is simultaneously one of the least glamorous of tasks and one of the most important responsibilities that the state carries out; and

Whereas, We in Michigan levy a tax on the purchase of gasoline in order to repair and improve our system of roads and highways. As a tax on those who use the highways, it is one of our fairest means of raising revenue. Just as the states levy a tax on gasoline purchases, so too does the federal government. One consequence of the federal government's taxation of gasoline is the effective limit it places on states that need additional revenue for road repair. As maintenance costs rise and as cars become more fuel efficient, the ability of gasoline tax revenue to fund road work is diminished. In addition, increases in federal gasoline taxes effectively block states from raising state taxes on fuel due to the need to avoid too steep of an increase that might stifle economic growth; and

Whereas, If the federal government used its revenue from the federal gasoline tax to help states maintain their roads, this dual taxation might not be harmful in practice because the tax money would still repair our roads regardless of who collected the funds. Unfortunately, the 1993 federal gasoline tax increase of 4.3 cents per gallon has been devoted to deficit reduction. While deficit reduction is a valid and admirable goal, utilizing revenue from a source which should be earmarked for road maintenance effectively deprives the states of an adequate means to repair and expand their roads; now, therefore be it

*Resolved by the House of Representatives (the Senate concurring)* That we memorialize the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; and be it further

*Resolved,* That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-184. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Appropriations.

#### HOUSE RESOLUTION No. 25

Whereas, the men and women who served our country in the Persian Gulf War suffered significant economic losses when they were mobilized into active duty from reserve status. Many of these individuals, especially the self-employed, faced great personal difficulties upon their return to civilian life. Some lost businesses, which caused others to lose jobs and wages as well; and

Whereas, in recognition of the economic hardship to reservists called to active duty, the Congress included in the 1996 Defense Authorization Act provisions for the Ready Reserve Mobilization Income Insurance Program (RRMIIP). This initiative allows members of the ready reserve not already on active duty the option of buying insurance to provide coverage for income lost when and if they are called to leave their jobs to serve the country; and

Whereas, since its establishment, the RRMIIP has been a frustrating experience.

The reservists have been faced with confusion in signing up for the coverage. For those administering the program, administrative requirements have created a nightmare of paperwork, especially those mandating verification that those declining the program were indeed offered the opportunity to participate; and

Whereas, a glaring example of the problems with the RRMIP is the question of when a person can sign up and if coverage can be changed. A sixty-day window for enrollment was opened October 1, 1996. Due to administrative complications, another window for enrollment was opened later. However, reservists from the initial sign-up period were not allowed to enhance their coverage, and

Whereas, it is unfair to prevent those who signed up for coverage during the initial enrollment period the option of increasing coverage when this opportunity is presented to others. This is certainly not the practice when enrollments for insurance are opened for employees in other governmental agencies or institutions. This worthwhile program needs to be improved to better serve our reservists and their families. Failure to provide these needed improvements is an affront to those who have put themselves in peril for our nation, as well as to everyone who values the sacrifices our military reservists make on behalf of every American; now, therefore, be it

*Resolved*, That the Congress of the United States appropriate sufficient funds to ensure that the obligation to current enrollees is satisfied; and be it further

*Resolved by the House of Representatives*, That we memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 39. 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.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 1011. A bill for the relief of Marina Khalina and her son, Albert Miftakhov; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 1012. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. LOTT, Mr. BURNS, and Ms. SNOWE):

S. 1013. A bill to provide for the guarantee of the payment of interest on loans to certain air carriers for the purchase of regional

jet aircraft to improve air transportation to underserved markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1014. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

### HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to authorize and direct a land exchange which will greatly benefit the community of Sitka, AK. This bill will: ensure that an important water system now currently under an easement will be conveyed to the city of Sitka in order to provide its residents with an assured water supply into the future; provide for a spectacular inholding encompassing approximately 50 acres on Admiralty Island to be added to the Admiralty Island National Monument; extinguish a reversionary interest on land owned at Sitka by the Alaska Pulp Corp. In return for the extinguishment of the reversionary interest, the corporation will convey the 50-acre inholding on Admiralty Island to the Forest Service to be included in the monument, as well as the water system lands to the city of Sitka.

Mr. President, Admiralty Island is an area with outstanding conservation values. The land exchange authorized in the bill I am sponsoring will ensure that this private inholding is included in the monument and in the wilderness area as appropriate.

This exchange is supported by the city and borough of Sitka, and the city administrator has requested me to sponsor this legislation and expedite the exchange.

This exchange is truly in the best interests of all involved. The U.S. Government even comes out ahead on value. Recent appraisals for the various lands and interests exchanged show that the Admiralty Island land is valued at more than the reversionary interest which will be exchanged. As a condition of my legislation, the corporation is required to waive its right

to any compensation for this difference in value.

In summary, as a result of this exchange the Admiralty Island Monument land ownership pattern will be consolidated, the city of Sitka will receive valuable lands in fee ownership on which parts of its water system are located, and the corporation will be free of a problematic reversionary interest in its property. As a bonus, the Federal Government realizes a net benefit in the value of the exchange. This is a sound deal in the best interests of all parties.

It is my hope that this legislation can pass this body and the Congress in the near future.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

### LEGISLATION TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. LAUTENBERG. Mr. President, today I am introducing legislation reauthorizing the New Jersey Coastal Heritage Trail Route. The New Jersey Coastal Heritage Trail is the crown jewel of the Jersey Shore and my bill will provide the necessary funding to complete the trail and preserve it for future generations of New Jersey residents and visitors.

The Coastal Heritage Trail Route was first authorized in 1988 through Public Law 100-515, legislation authored by former Senator Bill Bradley. I was proud to cosponsor. The legislation allowed the Secretary of the Interior to design a vehicular route that would enable the public to appreciate, enjoy, and work to protect, the nationally significant natural and cultural sites along the New Jersey coastline and the Delaware Bay. When completed, the trail system will include five self-discovery theme trails which travel along the coast of New Jersey. The 275 miles of the trail which will travel through eight counties, will begin north in Perth Amboy, continue down the Atlantic Coast to Cape May in the south, and head northwest along the Delaware Bay shoreline to Deepwater. The trail will be accessible from the Garden State Parkway and Route 49, and well-marked routes will lead from the corridors to regional welcome centers which will include interpretative information.

The National Park Service, through a partnership with the State of New Jersey, the Pinelands Commission, and local communities, recorded nearly 400 sites and developed alternative concepts for trail protection and interpretation. These activities were documented in the "Resource Inventory and Study of Alternatives", released in November 1990. In April 1991, after public review and comment of this document, the Park Service established an overall trail concept.

The Maritime History Trail, which opened in 1993, celebrates and explores the coastal trade, defense of the Nation, and the fishing and ship building industries. Visitors to this trail can stop, for example, at the Belford Seafood Co-op, a cooperative commercial fishing operation located on the shores of Sandy Hook Bay. The community of Belford is over 200 years old and is reported to be the oldest fishing port on the east coast, with many third- and fourth-generation fishers.

The Coastal Habitats Trail, which opens this year, explores barrier islands, wetlands, estuaries, and other habitats from sandy beaches to maritime forests that provide homes to many plants and animals. Also opening this year is the Wildlife Migrations Trail, which explores places along the Atlantic Flyway, a critical nesting and feeding area for many species of birds. It also celebrates the habitat of the horseshoe crab along the Delaware Bay.

The Historic Settlements Trail explores historic communities whose economies were based on local natural resources such as the bog iron community at Allaire State Park, the cranberry and timber industry located at Double Trouble State Park, and the glassmaking communities in Cumberland and Salem Counties.

The Relaxation and Inspiration Trail will explore how people used their leisure time, and includes the religious retreats of Ocean Grove and Cape May's historic district and boardwalks, and visits the artists who were inspired by the Jersey shore.

Mr. President, the New Jersey Coastal Heritage Trail Route exemplifies how successful the National Park Service has been in forging partnerships with State and local governments, and private individuals and organizations. Since its beginning in 1988, the Park Service has received less than \$1 million in Federal assistance. The authorizing legislation appropriately called upon the Park Service to match 50 percent with non-federal funds. The Park Service has gone well beyond that target, raising over \$818,000 in non-federal funds. Yet in fiscal year 1998, the authorization ceiling of \$1.25 million will have been reached. My bill would increase the authorization level for the trail to \$4 million, and extend the authorization to the year 2004, which would give the Park Service the additional time it needs to complete the trail. This is a small investment, I believe, to preserve the richness of New Jersey's and the Nation's history.

The Coastal Heritage Trail Route has brought national recognition and stature to many of New Jersey's special places, and helps to contribute to New Jersey's second largest industry, tourism. I invite my colleagues to join me in support of this legislation which will ensure that many more of these gems of New Jersey and the Nation are understood, celebrated, and protected.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "\$1,000,000" and inserting "\$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

#### ADDITIONAL COSPONSORS

S. 775

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

#### SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the names of the Senator from New York [Mr. D'AMATO], the Senator from North Dakota [Mr. CONRAD], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

#### SENATE RESOLUTION 106

At the request of Mr. ROBB, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 106, a resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

#### AMENDMENT NO. 830

At the request of Mr. KERRY his name was added as a cosponsor of Amendment No. 830 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 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.

#### AMENDMENTS SUBMITTED

#### THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1998

#### STEVENS AMENDMENT NO. 837

Mr. STEVENS proposed an amendment to the bill (S. 1005) making appro-

priations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 30, line number 5, strike the number "\$2,431,741,000" and insert in lieu thereof "\$2,411,741,000";

On page 28, line number 9, strike the number "\$2,865,800,000" and insert in lieu thereof "\$2,832,800,000";

On page 20, line number 12, strike the number "\$322,200,000" and insert in lieu thereof "\$382,200,000".

#### HUTCHISON (AND WARNER) AMENDMENT NO. 838

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1005, supra; as follows:

At the appropriate point, add the following (and conform the table of contents accordingly:)

#### SEC. . SENSE OF CONGRESS REGARDING MISSION CREEP IN BOSNIA.

(a) FINDINGS.—Congress finds the following:

(1) NATO forces have begun various military operations in Bosnia aimed at capturing other alleged war criminals, including the capture of a Bosnia Serb police chief in northwest Bosnia. In this altercation, at least one British soldier was injured.

(2) On July 3, State Department spokesman Nicholas Burns stated that a Bosnian Serb television report that NATO peacekeepers had been ordered to arrest Radovan Karadzic and Ratko Mladic on sight was "absolutely and unequivocally false."

(3) In support of that position, the Supreme Allied Commander in Europe, General George Joulwan, reaffirmed on Monday, July 7, that "the principal responsibility for [apprehending war criminals] lies with the (Bosnian) parties themselves."

(4) On March 18, 1997, General Joulwan testified before the Senate Armed Service Committee that "the military are not policemen. And I think, again, the proper responsibility rests on the parties. That is what Dayton says . . . [I]f we are not careful we will go down this slippery slope where the military will be put into hunting down war criminals. That is not within my mandate."

(5) On July 9, 1997, the prospective Supreme Allied Commander in Europe, General Wesley Clark, during his confirmation hearings before the Senate Armed Services Committee, acknowledged his understanding of his predecessor's mandate and affirmed his intention to execute the policy in the same way as General Joulwan has.

(6) On November 17, 1996, the Secretary of Defense stated in response to a specific question regarding the apprehension of war criminals in Bosnia that "the mission [in Bosnia] is to provide a secure environment so that all of the other civil functions can go on . . . It is not to perform [apprehension] functions."

(7) On December 18, 1996, the Secretary of Defense reaffirmed that the apprehension of war criminals "was not an IFOR mission, [and] it will not be an SFOR mission . . . [L]ocating and arresting the criminals is a mission for a police force."

(8) On March 3, 1997, the Secretary of Defense stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission."

(9) An expansion of the U.S. mission in Somalia (that expansion being an element of "nation-building") specifically being the



mandate to hunt down and arrest specific individual(s), resulted in the deaths of 18 U.S. Special Forces in October 1993 and precipitated the subsequent withdrawal of all American forces without the primary mission having been accomplished.

(10) A change in U.S. and NATO policy regarding alleged war criminals in Bosnia could expose U.S. and NATO troops to direct combat action and ultimately jeopardize the peacekeeping progress, to date, of U.S. and NATO forces in Bosnia and could allow the situation to deteriorate to the conditions that existed before the NATO IFOR/SFOR mission was established.

(b) SENSE OF CONGRESS.—It is the sense of Congress that U.S. policy in Bosnia, as that relates to the use of our forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

#### MIKULSKI AMENDMENT NO. 839

Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 29, line 15, strike out "\$6,375,947,000" and insert in lieu thereof "\$6,390,847,000".

On page 33, line 16, strike out "\$14,142,873,000" and insert in lieu thereof "\$14,127,873,000".

#### DODD AMENDMENT NO. 840

Mr. INOUE (for Mr. DODD) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 32, line 25, after "1999" insert the following: "': *Provided*, That, of the amount appropriated under this heading, \$4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions".

#### KENNEDY AMENDMENT NO. 841

Mr. INOUE (for Mr. KENNEDY) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, before the period on line 3, add the following: "': *Provided*, That of the funds appropriated under this heading, \$5,000,000 shall be available for a facial recognition technology program".

#### SNOWE (AND COLLINS) AMENDMENT NO. 842

Mr. STEVENS (for Ms. SNOWE, for herself and Ms. COLLINS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, line 3, at the appropriate place insert the following: "': *Provided*, That, \$2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection."

#### SESSIONS AMENDMENT NO. 843

Mr. STEVENS (for Mr. SESSIONS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, before the period on line 3, add the following: "': *Provided*, That of the funds appropriated under this heading, \$6,000,000 shall be available for a conventional munitions demilitarization demonstration program".

#### GRASSLEY AMENDMENT NO. 844

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:  
SEC. . Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended by striking out "\$3,000,000" and inserting in lieu thereof "\$1,000,000".

#### CONRAD (AND DORGAN) AMENDMENT NO. 845

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 1005, supra; as follows:

At the appropriate place, add the following:

#### SEC. . AIR FORCE AIRCRAFT ENGINE MODERNIZATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out a program to replace existing engines on Air Force aircraft in active service with commercial aircraft engines. Any such replacement engine may only be an engine that is a commercial item described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquisition of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 30 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract,

include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall not be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's

intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

STEVENS (AND INOUE)  
AMENDMENT NO. 846.

Mr. STEVENS (for himself and Mr. INOUE) proposed an amendment to the bill, S. 1005, *supra*; as follows:

At an appropriate place in the bill insert:  
**SEC. . FINDINGS.**

The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary;

The President, on behalf of the United States endorsed an advocated the expansion of the North Atlantic Treaty Organization to include three additional members;

The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization;

The United States has contributed more than \$20,000,000,000 since 1952 for infrastructure and support of the Alliance;

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, \$449,000,000 has been requested by the President for expenditures in direct support of United States Participation in the Alliance; and

In appropriations Acts likely to be considered by the Senate for Fiscal year 1998, \$9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

**SEC. .**

The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997: (1) the amounts necessary, by appropriation account, for all anticipated costs to the U.S., for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002, and; (2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

ROBB AMENDMENT NO. 847

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 1005, *supra*; as follows:

At the end of title VIII, add the following:

**SEC. 8099.** Of the total amount appropriated under title IV for the Navy, the Secretary of the Navy shall make \$36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

HARKIN AMENDMENT NO. 848

Mr. HARKIN proposed an amendment to the bill, S. 1005, *supra*; as follows:

At the end of title VIII, add the following:

**SEC. .** None of the funds available to the Department of Defense under this Act may

be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after July 15, 1997.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, July 23, 1997, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to broadly examine three aspects of natural gas issues into the next century. Specifically, the committee will want to look at world energy supply and demand to 2015, what percentage of that will be filled by natural gas and how this could be impacted by other large scale energy projects, such as nuclear, that are being developed in Asia. Second would be to explore the role of Government in large scale gas projects in foreign countries, what type of assistance the U.S. companies competing for overseas projects receive from the U.S. Government and what can be done in the United States to make American gas more competitive worldwide. Third would be to examine the emerging technologies in gas field development that are making natural gas more economical to market.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

ADDITIONAL STATEMENTS

EXPLANATION OF SELECTED  
VOTES ON SPENDING PORTION  
OF THE BALANCED BUDGET ACT  
OF 1997

• Mr. ABRAHAM. Mr. President, recently, the Senate considered historic changes to preserve Medicare for future generations. I think it is important to outline my views in detail on a few of the key votes cast regarding these issues.

I believe, as legislators, a chief concern must be protecting Medicare solvency for the long term. The Medicare Program is in a crisis situation. As reported in the most recent Medicare trustees report, the hospital insurance trust fund will be bankrupt by the year 2001. Hence, immediate action must be taken to save this vital program.

The change contained in the bill would bring Medicare's eligibility age

in line with the Social Security's eligibility age and would do it over a long period of time. Importantly, the increased eligibility age does not begin to phase in until 2003 and then increases slowly over 24 years. In essence, this position will not be fully in place for 30 years. This means that the full 2-year increase would only apply to individuals currently 36 years old and younger.

This was, for me, a close question. However, as noted, this provision will not begin to be phased in for 6 years. For that reason—to launch a process that can lead to a positive, permanent solution—I voted in support, but with significant hesitations. If, in the next several years, my concerns can be alleviated, I will continue to support the proposal. If not, I will withdraw my support well in advance of 2003. Especially relevant will be the findings of the Medicare Reform Commission, created by this legislation, on how best to maintain the long-term solvency of this program. Specifically, will the Commission support an increase in the Medicare eligibility age? If the report rejects this idea I would withdraw my support. In addition, well before any change in age, we need to fully address how the health care needs of low-income seniors between the ages of 65 to 67, will be met once this provision is implemented. Failure to do so would also be grounds for rejecting the proposal. And finally, we must develop ways by which middle-income seniors will be able to purchase and maintain their insurance under such a provision. This may be through medical savings accounts or other means, but we must ensure that viable alternatives are available to all seniors. If, in the next 2 to 3 years, these concerns are not addressed, or the Medicare Commission disagrees with our actions, I will withdraw my support for increasing the eligibility age.

Another long-term reform proposal debated concerns the bill's plan to means test Medicare part B premiums. Currently, seniors pay 25 percent of their part B premium while the Federal Government pays 75 percent of their premium. The bill would require seniors with incomes starting at \$50,000—for a single senior—to pay a larger percent of this premium, with seniors making \$100,000 a year required to pay the entire portion of their premium—up to \$2,160 a year. Senator KENNEDY offered an amendment to strike the means testing of premiums that was included in the Medicare bill. I supported the effort to strike this provision.

Unlike the eligibility age issue, the means testing proposal would have immediate effect. I was concerned that before such a fundamental change took place, the issue should be reviewed and the consequences closely examined. We have not had hearings on this issue and I believe that hearings and closer review are necessary before a change of this magnitude is made to the Medicare Program. Further, I do not believe

we should consider a proposal such as means testing until we have other viable alternatives in place such as medical savings accounts, to give middle-income seniors a way to better afford their Medicare and health services. In my judgment, to immediately implement the proposal in the bill would unfairly pull the rug out from under middle-income seniors without adequate notice or the provision of a legitimate option. This isn't fair.

To me, a \$50,000 income isn't wealthy. Moreover, many seniors who would have their premiums dramatically increased have carefully prepared and planned their retirements. Their incomes may already be committed to maintaining the mortgage and upkeep of a home, support of relatives, or saving for special nursing home care and so on. To change the rules this substantially and in the middle of the game, with no time for adjustment is wrong.●

#### HARRISVILLE ELEMENTARY SCHOOL, A 1997 NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE

● Mr. ROCKEFELLER. Mr. President, I would like to take this opportunity to recognize Harrisville Elementary School of Harrisville, WV. This fine public school was recently selected as a 1997 National Blue Ribbon School of Excellence by the U.S. Department of Education. It was 1 of 7 elementary schools in my State to receive this prestigious award, and 1 of 38 West Virginia schools that have been recognized since the National Blue Ribbon School Program began in 1982.

Schools are judged on curriculum, leadership, teaching environment, student performance on standardized tests, parent and community support, graduation rates and post graduation pursuits. Harrisville Elementary's goal is "to educate all students to their maximum abilities." Although 65 percent of the students are from low socioeconomic backgrounds, a high level of achievement is expected of all students. Along with Principal Marion Roby; teachers, support staff, parents, and community members work together to provide students with quality learning experiences. This dedication to student success and academic excellence is evident in the remarkable growth the students have achieved. Student total battery scores on the CTBS/4 test have increased from the 47th percentile to the 88th percentile.

Located in the north-central part of the State, Harrisville Elementary School was the first school in Ritchie County to have a networked computer lab where all students have daily scheduled class. The students also participate in STARS (Special Time with At-Risk Students) and take part in GATORS (Guiding Attitudes Toward Outstanding Responsible Students). These two staff designed programs promote life-long decisionmaking skills and build self esteem. The school piloted a comprehensive health program,

Know Your Body, which was later adopted by the rest of the country. The school's staff is one of the best in the State with four Ritchie County Teachers of the Year, including the 1996 honoree.

As a National Blue Ribbon School, Harrisville Elementary School is a role model for other schools across the country on how teachers, administrators, parents and students can work together to create an educational environment that helps children excel. Everyone in the Harrisville community should be proud of the notoriety that their local institution has achieved. It is my pleasure to publicly congratulate this school for its commitment to academic success. I know that this school will continue its good work and represent West Virginia proudly on a national level.●

#### OREGON STATE UNIVERSITY SUMMER AGRICULTURAL INSTITUTE

● Mr. SMITH of Oregon. Mr. President, it is with considerable pride I share with you today an educational program that is bringing hope and insight to students in Oregon. It is characterized by voluntarism, authentic educational programs, and community involvement. The program itself, and its individual parts, serves as a model for educational reforms throughout our Nation.

The Oregon State University Summer Agricultural Institute, which is currently in its 8th year, consists of teachers taking a week long course designed to enhance their understanding of agriculture in Oregon. After a day of initial study at the university, teachers are immersed in authentic, hands-on learning. They visit actual working farms and ranches, processing plants, forestry sites, and dairy farms. Additionally, each teacher spends 1 night with a family that owns and operates a farm or ranch. Teachers in the program also experience a day of role reversal as they become the students of boys and girls involved in Future Farmers of America. The teachers learn how relevant and meaningful learning takes place in the lives of these young people as they farm and raise animals.

Teachers must pay a small fee for the class but the overwhelming majority of costs are met through donations. These gifts of money, time, and resources by agricultural communities in Oregon provide the financial backbone of the program.

The institute ends with a dinner where teachers are given the opportunity to share their reflections on the week. During this evening it is common for teachers to share an increased sense of appreciation for agriculture. The advanced level of education possessed by farmers and ranchers, their commitment to responsible stewardship of the land, and their incredible work ethic leave the teachers not only impressed but touched. One teacher tearfully remarked, "Oregon's land is in good hands. Thank you."

Teachers leave the week with the necessary knowledge and motivation to develop meaningful curricula related to agriculture in Oregon. Lafona Jensen, the chairwoman of the program, Karen Stephenson, the coordinator of the program, and Dr. Lee Cole, the instructor of record, are individuals making a genuine difference in the lives of young people in Oregon.

I strongly encourage States with similar agricultural interests as Oregon to look closely at this program. The Oregon State University Summer Agricultural Institute is a model for communities desiring to design educational programs that promote authentic learning and an appreciation for the important role agriculture plays in our society.●

#### NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 80, Senate Resolution 63.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 63) proclaiming the week of October 19 through 25, 1997, as "National Character Counts Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear in the RECORD at this point.

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

The resolution (S. Res. 63) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 63

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good

character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

*Resolved*, That the Senate—

(1) proclaims the week of October 19 through October 25, 1997, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

#### AUTHORIZATION TO CORRECT ERRORS IN ENGROSSMENT OF S. 936

Mr. STEVENS. Mr. President, on behalf of Senator THURMOND, I ask unanimous consent that the Secretary be authorized to correct errors in the engrossment of the act, S. 936, the Defense authorization bill for the fiscal year 1998, which I send to the desk.

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

The material follows:

On page 487, after line 3, insert the following:

#### SEC. 1091. REVIEW OF EXISTING ENVIRONMENTAL CONSEQUENCES OF THE PRESENCE OF THE ARMED FORCES IN BERMUDA.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on any remaining environmental effects of the presence of the Armed Forces of the United States in Bermuda.

On page 569, strike out line 3 and all that follows through line 10 on page 570 and insert in lieu thereof the following:

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army may convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to one parcel of land, Tract No. 404-2, containing approximately 157 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational purposes.

(b) SALE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army may convey, at fair market value, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to one parcel of land, Tract No. 404-1, containing 137 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon.

(c) TERMS AND CONDITIONS.—The conveyance or sale by the United States under this section shall be subject to the following conditions to protect the interests of the United States:

(1) The County shall pay all costs associated with the conveyance or sale authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) Notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed or sold, and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(d) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to subsection (a) is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsections (a) and (b) shall be determined by a survey or surveys, the costs of which the County shall bear.

#### ORDERS FOR TUESDAY, JULY 15, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of

10 a.m. on Tuesday, July 15. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to a period of morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes with the following exceptions:

Senator MURKOWSKI, 15 minutes;

Senators HAGEL and CLELAND sharing 20 minutes.

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

Mr. STEVENS. Mr. President, I also ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 1005, the Defense Department authorization bill.

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

Mr. STEVENS. I further ask unanimous consent that from 12:30 p.m. until 2:15 p.m. the Senate recess for the weekly policy luncheons to meet.

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

#### PROGRAM

Mr. STEVENS. Mr. President, the leader asked that all Members be informed that tomorrow the Senate will be in a period of morning business until the hour of 11 a.m.

By previous consent, at 11 a.m. the Senate will resume consideration of S. 1005, the Department of Defense appropriations bill with only those amendments listed this evening under our unanimous-consent agreement being in order. Following the disposition of those amendments the Senate will proceed to a vote on final passage of the Department of Defense appropriations bill. Hopefully that will be by early afternoon. By consent, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons to meet. Following that recess, the Senate will hopefully begin consideration of the energy and water appropriations bill.

Senators should keep in mind that the Senate hopes to complete action on three to four major appropriations bills this week. Therefore, late sessions can be expected, and votes should be anticipated throughout each day of the Senate session. On behalf of the leadership, we thank our colleagues for the cooperation of the Senate today.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if my friend from Hawaii has no further business to raise, and if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment as under the previous order.

Thereupon, the Senate, at 7:43 p.m., adjourned until Tuesday, July 15, 1997, at 10 a.m.

# EXTENSIONS OF REMARKS

## A TRIBUTE TO BEV ROSS SNYDER

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 14, 1997*

Mr. PORTMAN. Mr. Speaker, the month of July marks the official birthday of our Nation, and I would like to acknowledge the outstanding work of a patriotic American, Bev Ross Snyder of Owensville in Clermont County, OH.

Ms. Snyder is a descendant of Betsy Ross, who was credited with the creation of our national flag—the Stars and Stripes. She has been the driving force behind the “Glorifying Our Flag—Through Education” campaign—an effort to educate students about the history, importance, and use of our national emblem. As a result of her efforts, students in grades 3 through 12 in Clermont County have been encouraged to learn more about the flag and have participated in very competitive art and essay contests. And, she has been an outspoken advocate of legislation in the Ohio General Assembly to encourage school districts to educate students about the proper respect, use, and display of the flag.

Ms. Snyder is making her first visit to Washington this week. I commend her on her work, and encourage all Americans to take an active role in learning more about the national symbol of freedom—our flag.

## YES, APOLOGIES WOULD BE IN ORDER

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 14, 1997*

Mr. STOKES. Mr. Speaker, in an article that appeared recently in the Cleveland Plain Dealer, the question of whether or not the Government should issue an apology for slavery in the United States was answered with a heartfelt, personal response. The article is entitled, “Yes, Apologies Would Be In Order.”

In the article, Afi-Odelia E. Scruggs, a columnist for the Plain Dealer, tells a touching story of tracing her family lineage back to a time when America allowed the slave trade to thrive. Through her experience, she illustrates why an apology for American slavery is so important to those who ancestors bore the burden of forced labor and dehumanization. Also, Scruggs recognizes that an official apology can help close that chapter of America's past many would like to forget, yet still lingers at the forefront of the memories of African-Americans today.

Mr. Speaker, in my opinion this writer has written one of the best articles I have read on this subject. I believe that it is crucial for those currently debating this issue to hear from both sides of the argument, and for that reason I would like to share this excellent article with my colleagues and others across the Nation.

## YES, APOLOGIES WOULD BE IN ORDER

(By Afi-Adelia E. Scruggs)

For reasons I don't quite understand, I am intellectually and emotionally drawn to the antebellum period. Maybe it's because of my interest in genealogy. I've already written about finding my great-great-grandfather on a slave inventory.

But the connection grew stronger about five years ago, when I attended a traveling exhibit on slave life commissioned by the Museum of the Confederacy. The artifacts included a list of slaves from a South Carolina plantation. There, on the last line, I saw my own first name. Both experiences showed me how the past seeps into the present, how history can reveal itself with stunning immediacy.

Within the past week, the past has come alive again. This time, the catalyst is a possible presidential apology for slavery.

I would welcome it. The proposal has made me realize how much I need to hear it. I don't know whether I stand with the majority or the minority. I've seen a variety of reactions to the idea.

Some blacks, such as Baltimore Sun columnist Gregory Kane, shrug off the apology as a cynical political gesture. They say mere words will not lay 300 years of history to rest.

On the other hand, my colleague Joe Dirck points out that his family didn't have anything to do with slavery because the Dircks came to America shortly before the start of the Civil War.

I wouldn't expect an apology from the Dircks; that would be meaningless. I wouldn't expect an apology from the Kelly family of Williamson county, Tenn. They are descended from the man who owned my ancestors.

I talked to the Kellys years ago. My genealogical quest brought me to them; most blacks who track down their family history must inevitably knock on the slave owner's door.

Our conversation was cordial and brief. I was looking for information about Ed Scruggs' family. I told them, especially records of his plantation operation. If this sounds familiar, it is. “Roots” author Alex Haley made an identical request to the descendants of his family's masters.

Haley found a trove of information. But my call turned up nothing. I'd already traced Ed Scruggs as far back as possible, I was told. I could try the Williamson County court records. It seems Ed Scruggs' nine children were notorious for suing each other. We chuckled over that one. I got an invitation to call again if they could be of help. I haven't spoken to any of the Kellys since.

If the Kellys contacted me as a way of erasing the family's debt to history, I would be touched. If the Kellys wanted to talk about the part our ancestors played in this racial drama, I would agree. But I don't desire an apology from the Kellys, or any individual white person, because slavery wasn't a personal transgression.

It was a societal sin.

Slavery was an institution, a peculiar one that turned human beings into commodities. Because of that, people were treated no better than dogs, or horses, or any other piece of replaceable property. Slaves were sold, bartered, used as collateral for loans, and taxed as personal property.

Slaves were passed down as heirlooms and given as gifts. Five of my maternal ancestors, for example, were included in their mistress' dowry. When she married and moved to Tennessee, they left South Carolina with her. If fate hadn't intervened, in the guise of the Civil War, my name might be included today on someone's inventory list.

I need to hear an apology for such a dehumanizing system. I need to hear this country admit the corruption in a way of life that placed my ancestors in a trust fund for their master's children.

I need to hear President Clinton, as this country's leader, assure us all that Americans will never again be reduced to entries in an accounting ledger.

I need to hear all that, so that I can release my rage over the way my people were treated.

I must hear it so I can continue to forgive the society that allowed slavery to happen and resists acknowledging the depths of slavery's dehumanization.

And if an apology is given, I will accept.

## THE DELETION OF HARRISBURG INTERNATIONAL AIRPORT FROM SUPERFUND

**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 14, 1997*

Mr. GEKAS. Mr. Speaker, exactly 2 weeks ago, during the recent Fourth of July recess, at 2 p.m., on Monday, June 30, 1997, I participated in a brief ceremony which was the culmination of an effort that spanned nearly my entire career in the House of Representatives. That event was the removal, or deletion, of the Harrisburg International Airport from the U.S. Environmental Protection Agency's National Superfund List, the nationwide priority list of hazardous waste sites. Very few things in which I have participated during my tenure as the Member of Congress from the 17th District of Pennsylvania will have the stunning regional impact as the seemingly small and bureaucratic action of this Superfund list removal.

In addition to me, those participating in the deletion ceremony included Bradley L. Mallory, Pennsylvania's secretary of transportation; Elizabeth S. Voras, deputy secretary for aviation and rail freight [PADOT]; Timothy Fields, Acting Administrator for Solid Waste and Emergency Response for the U.S. Environmental Protection Agency; Maj. Joseph Hand, Deputy District Engineer, U.S. Army Corps of Engineers, Baltimore District; M. Joel Bolstein, deputy secretary for special projects, Pennsylvania Department of Environmental Protection; and, many of those who toiled for years to accomplish this goal.

In 1983, hazardous contamination was discovered in the soil and groundwater on and around the land of the Harrisburg International Airport [HIA] forcing the inclusion of HIA on the Superfund list in June 1986. The HIA Superfund site included not only the airport,

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but also Penn State Capital Campus and adjacent industrial areas. And, for the next 14 years, I and my staff worked to achieve the end that is this deletion—the action that formally notes that the site has been cleaned of contaminants to EPA's satisfaction—and also to foster the beginning of a potentially huge increase in investments and jobs in the area. The removal of this land from the purview of the EPA umbrella opens the area, now free from the onerous legal and regulatory restraints which abound under Superfund, to massive business development.

Mr. Speaker, this site has become a Superfund "how to" example for formerly used defense sites [FUDS], one which we hope both the Department of Defense and EPA will replicate nationwide. The HIA effort yielded a model participant advisory panel which held monthly status/action meetings; it offered the concept of parceling out noncontaminated land for development, now an EPA standard guideline; and, it showed how a success oriented, versus regulation oriented, effort could cut red-tape and yield faster and easier results. All in all, the people of central Pennsylvania can again be quite proud of how they have handled a major problem with a successful resolution.

At the end of these remarks I would like to enter into the RECORD three items related to the HIA Superfund deletion: the EPA Public Comment Notice for the deletion; the final statement of deletion signed by Secretary Malory, Assistant Administrator Fields, Major Hand, Deputy Secretary Bolstein, and myself; and, the statement I made at the deletion event. Finally, Mr. Speaker, may I offer my thanks to all of those whose hard work have led to this moment: my staff, current and past; the MAC group, in particular Nick DiNaro of EPA; and the citizens who live in and around Harrisburg International Airport whose lives have been so long affected by this 14-year adventure.

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ANNOUNCES A PUBLIC COMMENT PERIOD FOR THE MIDDLETOWN AIR FIELD SITE, MIDDLETOWN, PA, ON A PROPOSAL TO: REMOVE THE SITE FROM THE SUPERFUND LIST

The public comment period will last 30 days from the published date of this announcement.

The cleanup of a former Air Force military base located in Middletown, PA has been determined to be completed by the U.S. Environmental Protection Agency (EPA). The Site has been on EPA's Superfund list since June 1986, after trichloroethylene was found in the Harrisburg International Airport water supply. The EPA is now proposing to remove the Middletown Air Field Superfund Site from its Superfund list since a health threat no longer exists. The property was initially established Camp George Gordon Meade by the Army on rolling farmland as a basic training camp in response to the Spanish-American War in July, 1898. In less than a year, the tent camp reverted to a pickle farm operated by H.J. Heinz, Company until May 15, 1917 when ground was broken for what eventually became known as the Olmsted Air Force Base in September 1947. Activities throughout the history of the Site included: warehousing and supply of parts, equipment, general supplies, petroleum, oil and lubricants (POL) for the Northeast Procurement District; complete aircraft overhaul including stripping, repainting, engine overhaul, reassembly, and equipment replacement; engine and aircraft testing; and

The Air Force runway and most of the Air Force industrial buildings (approximately 625 acres) are currently owned by the Pennsylvania Air National Guard and the Pennsylvania Department of Transportation (PA DOT), which maintains and manages the Harrisburg International Airport (HIA). HIA conducts general airport operations and maintenance, and leases buildings to fixed base operators and industrial tenants. Operations performed by tenants at this Site include:

- aircraft maintenance operations, aircraft paint stripping and repainting, and parts cleaning,
- aircraft instrument overhaul and repair, fabric dyeing,
- machine shop operations,
- typewriter ribbon inking and cartridge assembly.

Approximately 218 acres of former administrative and housing facilities north of Route 230 are owned by the Harrisburg Campus of the Pennsylvania State University. An additional 93 acres of former Air Force warehouse facilities just south of the Pennsylvania Turnpike (I-76) were sold to First Industrial Realty Trust, Inc. in 1995 by Fruehauf Industries, which still retains ownership of the North Base Landfill. Fruehauf was involved in the manufacturing of truck trailers with Site activities including welding, punching, fastening, foaming and painting.

Based on the results of site investigations, EPA has determined that:

No further action, except for institutional controls, is necessary to address soils at the Site.

On-going monitoring of surface water and sediment in the Susquehanna River is required. In addition, selected storm drains are also to be sampled and evaluated in five years. The sampling frequency may be modified by the Pennsylvania Department of Environmental Protection (PADEP) after one year.

On-going monitoring of the sentinel wells at the North Base Landfill Area is required. No other actions for this area are deemed necessary at this time.

No action is required for surface water or sediment in Meade Heights.

In the event that the HIA should cease or reduce the pumping of the production wells, PADEP will assess the potential for currently contained hazardous substances to migrate towards the Susquehanna River and may impose a sampling and review period (not to initially exceed 5 years), to assess whether any impact is occurring regarding the Susquehanna River. After the initial review, PADEP will again review the Site's status and determine if additional action is warranted.

Ground water use will be restricted in the event any new wells or modification of usage to existing wells are to be implemented at the Site. Ground water use at the Site will require a permit or approval by PADEP prior to use.

Based on the results of the supplemental study investigation (SSI) and BRA, no additional action, than that already required by the 1987 ROD and the 1990 ROD, as modified by the 1992 Explanation of Significant Differences (ESD), is required at the Site. It should also be noted that based upon the SSI, the objectives of the Harrisburg Airport Master Plan can be realized within the requirements of the "No Further Action" alternative by utilizing engineering and institutional controls.

All necessary design and construction activities have been approved by EPA and completed. EPA is proposing to remove the Middletown Air Field site from the Superfund list since no further actions, other than in-

stitutional controls and monitoring are required.

Documents relating to the investigation and cleanup leading to this proposed deletion are available for public review at: Middletown Public Library, 20 North Catherine Street, Middletown, PA 17057, (717) 944-6412 and U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107, (215) 566-3157.

For further information please contact: Nick Di Nardo, Remedial Project Manager, U.S. EPA Region III, (215) 566-3365 or (800) 553-2509; or William Hudson, Community Involvement Coordinator, U.S. EPA Region III, (215) 566-5532 or (800) 553-2509.

[From the Federal Register]

NATIONAL OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN; NATIONAL PRIORITIES LIST UPDATE

40 CFR PART 300

Agency: Environmental Protection Agency.

Action: Notice of Deletion of the Middletown Air Field site from the National Priorities List.

Summary: The Environmental Protection Agency (EPA) announces the deletion of the Middletown Air Field Superfund site in Middletown, Pennsylvania from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

Effective Date: June 30, 1997.

For further information contact: Nicholas J. DiNardo, Remedial Project Manager, U.S. Environmental Protection Agency, Regional III, (215) 566-3365.

Supplementary information: The site to be deleted from the NPL is: Middletown Air Field, Middletown, Pennsylvania.

A Notice of Intent to Delete for this site was published May 23, 1997 (53 CFR 30452). The closing date for comments on the Notice of Intent to Delete was June 23, 1997. EPA received no comments.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP state that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

LIST OF SUBJECTS IN 40 CFR PART 300

Hazardous Waste

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.C. 11735, 38 FR 21243.

## APPENDIX B [AMENDED]

2. THE NPL Part 300; Appendix B, is amended as follows

Remove: Middletown Air Field, Middletown, Pennsylvania

TIMOTHY FIELDS, JR.,

ACTING ASSISTANT ADMINISTRATOR FOR

*Solid Waste and Emergency Response.*

This Notice of Deletion of the Middletown Air Field site from the National Priorities List is hereby concurred by:

HON. GEORGE W. GEKAS,

U.S. REPRESENTATIVE,

*17th District, Pennsylvania.*

BRADLEY L. MALLORY,

SECRETARY,

*Pennsylvania Department of Transportation.*

MAJ. JOSEPH T. HAND,

DEPUTY DISTRICT ENGINEER,

*U.S. Army Corps of Engineers, Baltimore District.*

M. JOEL BOLSTEIN,

DEPUTY SECRETARY FOR SPECIAL

PROJECTS,

*Pennsylvania Department of Environmental Protection.*

STATEMENT OF CONGRESSMAN GEORGE W. GEKAS AT THE HIA DELETION CEREMONY ON JUNE 30, 1997

In 1898, the land on which we stand was irrevocably transformed when it became Camp George Gordon Meade of the United States Army in response to the needs of the ongoing Spanish-American War.

Now, nearly 100 years later, with the signing of this deletion agreement, this site will benefit from yet another major transformation: from an EPA Superfund site to a PA super-development site.

In the intervening century between these two monumental episodes, Olmsted Air Force Base, as the area became known, served as a pickle plant, and then as a major Air Force depot for engine overhauling. During WWII and the Korean War, Olmsted pro-

vided critical support for the Air Force. Employment at the base during the peak years topped 17,000. But, in 1964, in a force downsizing reminiscent of today, Olmsted Air Force Base began a three-year phaseout. The action was a devastating one, substantially reducing the size of the Middletown community. And 30 years ago tomorrow—July 1, 1967—the Commonwealth of Pennsylvania took ownership of the former Olmsted base.

But the community and the region did not give in when the Air Force gave up. In the intervening years, the once-thriving military base became an international airport, and civilian, not military production took over the vacant acreage. The site and region were moving towards major redevelopment, turning a brownfield site, desolate from neglect, into a job site, flush with entrepreneurial prospects poised to create thousands of new jobs. That is, until May, 1983.

In May, 1983, job creation's forward movement ceased when the discovery of volatile organic compound (VOC) contamination was found in supply wells in and around the Harrisburg International Airport, the now former Olmsted AFB. Through the Pennsylvania Department of Environmental Resources, testing revealed a broader scope of groundwater contamination than previously thought, extending to surrounding homes, the Sunset Golf Course, Lisa Lakes Trailer Park, and other areas.

With the assistance of the late Senator John Heinz, Senator Arlen Specter, then State Senator John Shumaker and State Representative Rudy Dininni, my office contacted and worked with DER, PA-DOT, the U.S. Air Force, the Environmental Protection Agency, and many others, to determine the course of action to be taken. In October of that year we requested of the EPA that the Harrisburg International Airport be included on the newly-passed National Priorities List for Hazardous Sites (NPL) which

would qualify the area for funding through EPA's Superfund. Three years later, in June of 1986, HIA was added to the NPL, the Superfund list.

From 1986 through 1992, many meetings were held with the related local, state, and federal entities in an effort to determine the proper course of action for the cleanup and deletion of the site. A major step forward in the effort to create an effective cleanup policy was the formation of the Middletown Advisory Committee (MAC), made up of representatives from the affected parties. The MAC group began monthly meetings to work through the many problems associated with Superfund sites and devise solutions. The cleanup/deletion goal, shared by all parties, created an originality of thought that certainly benefited HIA, and we think was very useful to EPA at other sites as well.

While moving forward, the cleanup process was not without problems. And many of those problems related to money: the more cleanup done, the more it cost. And with other sites to contend, and the responsible party—the Air Force—was not a limitless source of funds. New funding, totaling over \$9 million, had to be specifically appropriated for cleanup at HIA through the United States Congress. My office became the focal point for those appropriations requests.

Successes began to be tallied: by 1994 the cleanup of HIA was well underway; Sunset Golf Course was nearly finished. In 1996 the sale of a valuable parcel of uncontaminated land (but still located on the grounds of the former Olmsted AFB and thus the current Superfund site) on the Fruehauf Trailer Corporation property occurred, spurring growth and thousands of new jobs. And, by early 1997, the cleanup was all but finished, leaving little but regulatory requirements and paperwork.

Which brings us to today. To this ceremony about an end and a beginning.



## 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 Tuesday, July 15, 1997, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 16

9:00 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine the importance of alternative fuels in addressing future national security concerns, focusing on agriculture's vulnerability to energy price volatility, the contribution of home-grown renewable alternative fuels, and the role of new technologies in making agriculture more energy efficient while increasing yields.

SR-332

9:30 a.m.

## Environment and Public Works

To hold hearings on the nomination of Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service, Department of the Interior.

SD-406

10:00 a.m.

## Appropriations

## District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia Department of Corrections and the Metropolitan Police Department.

SD-192

## Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## Judiciary

To hold hearings to review the Global Tobacco settlement.

SD-226

2:00 p.m.

## Foreign Relations

## Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings to examine the threat of drug cartels and narco-violence in the United States.

SD-419

## Judiciary

## Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on S. 539, to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws.

SD-226

2:30 p.m.

## Rules and Administration

To resume a briefing on the status of the investigation into the contested U.S. Senate election held in Louisiana in November 1996.

SR-301

## JULY 17

9:30 a.m.

## Banking, Housing, and Urban Affairs

## International Finance Subcommittee

To hold hearings on proposed legislation authorizing funds for the Export-Import Bank of the United States.

SD-538

## Commerce, Science, and Transportation

To hold hearings on S. 625, to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, and to provide for more adequate and timely compensation for accident victims.

SR-253

## Energy and Natural Resources

To hold hearings on the nominations of Patrick A. Shea, of Utah, to be Director of the Bureau of Land Management, and Robert G. Stanton, of Virginia, to be Director of the National Park Service, both of the Department of the Interior, Kneeland C. Youngblood, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation, and Kathleen M. Karpan, of Wyoming, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

SD-366

10:00 a.m.

## Environment and Public Works

To resume hearings to examine issues relating to climate change.

SD-406

## Foreign Relations

Business meeting, to mark up S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change, a proposed concurrent resolution expressing the sense of the Congress that the OAS-CIAV Mission in Nicaragua is to be congratulated for its defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua, and to consider the Agreement with Hong Kong for the Surrender of Fugitive Offenders (Treaty Doc. 105-3), and pending nominations.

SD-419

## Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## Judiciary

Business meeting, to resume markup of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime.

SD-226

2:00 p.m.

## Appropriations

Business meeting, to mark up proposed legislation making appropriations for fiscal year 1998 for the Department of Agriculture, rural development, and related agencies, proposed legislation making appropriations for fiscal year 1998 for military construction programs, proposed legislation making appropriations for fiscal year 1998 for the Departments of Veterans Affairs and Housing and Urban Development and related agencies, and proposed legislation making appropriations for fiscal year 1998 for the Department of Transportation and related agencies.

SD-106

## Banking, Housing, and Urban Affairs

## Financial Institutions and Regulatory Relief Subcommittee

To hold oversight hearings on the implementation of the HUD Rebuilding and Loan Guaranty Program for financial institutions.

SD-538

## Energy and Natural Resources

## National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 895, to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake", S. 931, to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, and S. 871, to establish the Oklahoma City National Memorial as a unit of the National Park System and to designate the Oklahoma City Memorial Trust.

SD-366

## Foreign Relations

## European Affairs Subcommittee

To hold hearings to examine the status of Bosnia non-compliance with the Dayton Accords.

SD-419

## Judiciary

## Immigration Subcommittee

To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

SD-226

## Labor and Human Resources

To hold hearings to examine the quality of child care.

SD-430

2:30 p.m.

## Agriculture, Nutrition, and Forestry

## Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings on the implementation of the Northern Forestry Stewardship Act.

SR-332

## JULY 18

10:00 a.m.

## Appropriations

## Interior Subcommittee

Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

SD-124

## JULY 21

2:30 p.m.

Governmental Affairs  
International Security, Proliferation and Federal Services Subcommittee  
To hold hearings to examine the Department of Defense compliance review process to determine whether theater missile defense and systems comply with treaty obligations.

SD-342

emerging technologies in gas field development that are making natural gas more economical to market.

SD-366

tee's special investigation on campaign financing.

SH-216

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 268, to regulate flights over national parks.

SR-253

## JULY 22

9:00 a.m.

Energy and Natural Resources

To hold hearings to review the Department of the Interior's handling of the Ward Valley land conveyance, S. 964, proposed Ward Valley Land Transfer Act, and related matters.

SD-366

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine certain clean air issues with regard to agriculture.

SR-332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Labor and Human Resources

To hold hearings to examine women's health issues.

SD-430

2:30 p.m.

Appropriations

Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies, and the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1998.

Room to be announced

## JULY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety, and Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

SR-332

Veterans' Affairs

To hold hearings on pending legislation.

SR-418

9:00 a.m.

Energy and Natural Resources

To hold hearings to examine natural gas issues, focusing on the world energy supply and demand to the year 2015, the role of government in large scale gas projects in foreign countries, and

## JULY 24

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on title IV.

SD-430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.

SD-366

Labor and Human Resources

Public Health and Safety Subcommittee  
To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.

SD-430

## JULY 28

1:00 p.m.

Special on Aging

To hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care.

SD-562

## JULY 29

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the proper role of the Federal government to manage volatility and protect the integrity of agricultural markets.

SR-332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the commit-

## JULY 30

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the management and operations of concession programs within the National Park System.

SD-366

## JULY 31

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.

SR-332

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## CANCELLATIONS

## JULY 15

9:15 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

Business meeting, to mark up an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1998.

SD-192

## JULY 16

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Monday, July 14, 1997

# Daily Digest

## Senate

### Chamber Action

#### *Routine Proceedings, pages S7401–S7428*

**Measures Introduced:** Six bills were introduced, as follows: S. 1011–1016. Page S7423

**Measures Reported:** Reports were made as follows:

S. 39, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, with an amendment in the nature of a substitute. Page S7423

#### **Measures Passed:**

**National Character Counts Week:** Senate agreed to S. Res. 63, proclaiming the week of October 19 through October 25, 1997, as “National Character Counts Week”. Pages S7427–28

**Department of Defense Appropriations:** Senate began consideration of S. 1005, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows:

Pages S7401–13, S7415–20

#### **Adopted:**

Stevens Amendment No. 837, to provide an additional \$60 million for “Former Soviet Threat Reduction” activities for fiscal year 1998. Page S7404

Inouye (for Mikulski) Amendment No. 839, to correct the source of the funding for procurement of digital terrain systems for F-16 aircraft. Page S7405

Inouye (for Dodd) Amendment No. 840, to provide funds to establish a program to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness. Page S7405

Inouye (for Kennedy) Amendment No. 841, to provide funds for a facial recognition technology program. Page S7405

Stevens (for Snowe/Collins) Amendment No. 842, to provide funds for a joint service core research program to develop a prototype hybrid integrated sensor array for chemical and biological point detection. Page S7405

Stevens (for Sessions) Amendment No. 843, to provide funds for a conventional munitions demilitarization program. Page S7406

Stevens (for Grassley) Amendment No. 844, to reduce to \$1,000,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations. Pages S7406–07

#### **Pending:**

Stevens/Inouye Amendment No. 846, to require a report to Congress on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO. Pages S7413, S7415–17

Harkin Amendment No. 848, to prohibit the use of taxpayer funds to underwrite restructuring costs associated with a business merger. Pages S7417–20

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Tuesday, July 15, 1997. Page S7420

A further consent agreement was reached providing that when the Senate receives the House companion measure, all after the enacting clause be stricken and the text of S. 1005, as passed by the Senate, be inserted in lieu thereof, that the bill be passed, the Senate insist on its amendment, and the Chair be authorized to appoint conferees on the part of the Senate. Page S7420

**Nomination Considered:** Senate resumed consideration of the nomination of Joel I. Klein, of the District of Columbia, to be an Assistant Attorney General. Pages S7413–15

During consideration of this nomination today, Senate also took the following action:

By 78 yeas to 11 nays (Vote No. 174), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the nomination. Page S7414

**Messages From the House:** Pages S7420–21

**Communications:** Page S7421

**Petitions:** Pages S7421–23

**Statements on Introduced Bills:** Pages S7423–24

**Additional Cosponsors:** Page S7424

**Amendments Submitted:** Pages S7424–26

**Notices of Hearings:** Page S7426

**Additional Statements:**

Pages S7426–27

**Record Votes:** One record vote was taken today.  
(Total—174)

Page S7414

**Adjournment:** Senate convened at 12 noon, and adjourned at 7:43 p.m., until 10 a.m., on Tuesday,

July 15, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7428.)

**Committee Meetings**

No committee meetings were held.

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## House of Representatives

**Chamber Action**

**Reports Filed:** Reports were filed as follows:

H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998 (H. Rept. 105–176);

H.R. 1853, to amend the Carl D. Perkins Vocational and Applied Technology Education Act, amended (H. Rept. 105–177);

H.R. 2160, making appropriations for the Departments of Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–178);

H.R. 765, to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore (H. Rept. 105–179); and

H. Res. 184, providing for consideration of H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998 (H. Rept. 105–180).

Page H5183

**Recess:** The House recessed at 3:25 p.m. and reconvened at 8:00 p.m.

Page H5181

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H5183.

**Quorum Calls—Votes:** No quorum calls or recorded votes developed during the proceedings of the House today.

**Adjournment:** Met at 3:00 p.m. and adjourned at 8:03 p.m.

**Committee Meetings****PROTECTING RELIGIOUS FREEDOM AFTER BOERNE v. FLORES**

*Committee on the Judiciary:* Held a hearing on Protecting Religious Freedom after *Boerne v. Flores*. Testi-

mony was heard from Jeff Sutton, Solicitor, State of Ohio; and public witnesses.

**VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS**

*Committee on Rules:* Granted a rule, by voice vote, providing 1 hour of debate on H.R. 2158, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI (relating to the three day availability of the report); clause 7 of rule XXI (relating to the three day availability of printed hearings on appropriations bills); or Section 306 of the Budget Act (relating to the prohibition on including matters within the jurisdiction of the Budget Committee in a measure not reported by it).

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations and legislative provisions in an appropriation bill) and clause 6 of rule XXI (prohibiting reappropriations in an appropriations bill), except as specified in the rule.

The rule waives all points of order against the amendments printed in the report of the Committee on Rules which may only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to further amendment or a demand for a division of the question. The rule permits the Chairman of the Committee of the Whole to accord priority in recognition to those Members who have pre-printed their amendments in the Congressional Record prior to their consideration. The rule allows the Chairman to postpone recorded votes and reduce to five minutes the voting time on any postponed question, provided that the voting time on the first in any series of questions is not less than 15 minutes. Finally, the rule provides

one motion to recommit, with or without instructions. Testimony was heard from Representatives Lewis of California and Stokes.

## COMMITTEE MEETINGS FOR TUESDAY, JULY 15, 1997

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations*, Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting, to mark up an original bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1998, 9 a.m., SD-138.

Full Committee, business meeting, to mark up proposed legislation making appropriations for fiscal year 1998 for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, proposed legislation making appropriations for fiscal year 1998 for the Department of the Treasury, U.S. Postal Service, and General Government, and proposed legislation making appropriations for fiscal year 1998 for the Legislative Branch, 9:30 a.m., SD-106.

Subcommittee on Transportation, business meeting, to mark up an original bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1998, 2 p.m., SD-116.

Subcommittee on VA, HUD, and Independent Agencies, business meeting, to mark up proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development for the fiscal year ending September 30, 1998, 4 p.m., SD-124.

*Committee on Banking, Housing, and Urban Affairs*, Subcommittee on Financial Institutions and Regulatory Relief and Subcommittee on Housing Opportunity and Community Development, to resume hearings on problems surrounding the mortgage origination process and the implementation of the Real Estate Settlement Procedures Act and the Truth in Lending Act, 10:30 a.m., SD-538.

*Committee on Foreign Relations*, to hold hearings on the nominations of A. Peter Burleigh, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, David J. Scheffer, of Virginia, to be Ambassador at Large for War Crimes Issues, Richard Sklar, of California, to be Representative of the United States to the United Nations for U.N. Management and Reform, with the Rank of Ambassador, and Linda Jane Zack Tarr Whelan, of Virginia, for the rank of Ambassador during her tenure of service as United States Representative to the Commission on the Status of Women of the Economic and Social Council of the United Nations, 10 a.m., SD-419.

Full Committee, to hold hearings on the nominations of James Franklin Collins, of Illinois, to be Ambassador to the Russian Federation, Marc Grossman, of Virginia,

to be Assistant Secretary of State for European and Canadian Affairs, John Christian Kornblum, of Michigan, to be Ambassador to the Federal Republic of Germany, and Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States, 2 p.m., SD-419.

Full Committee, to hold hearings on the nomination of Gordon D. Giffin, of Georgia, to be Ambassador to Canada, 4 p.m., SD-419.

*Committee on Governmental Affairs*, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH-216.

*Committee on the Judiciary*, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on assessing the impact of judicial activism, 10 a.m., SD-226.

Full Committee, business meeting, to resume markup of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, 2 p.m., SD-226.

### NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1422-23 in today's Record.

### House

*Committee on Agriculture*, hearing on Review of Wildfire Management in the United States, 10 a.m., 1300 Longworth.

*Committee on Appropriations*, Subcommittee on Labor, Health and Human Services, and Education, to mark up appropriations for fiscal year 1998, 10 a.m., 2358 Rayburn.

*Committee on Commerce*, Subcommittee on Energy and Power, hearing on the Economic and Environmental Impact of the Proposed International Global Climate Change Agreement, 1 p.m., 2123 Rayburn.

*Committee on Education and the Workforce*, Subcommittee on Postsecondary Education, Training and Life-Long Learning, hearing on the Education of the Deaf Act and Title V of the Higher Education Act, 9:30 a.m., 2175 Rayburn.

*Committee on International Relations*, Subcommittee on Africa and the Subcommittee on International Operations and Human Rights, joint hearing on the Impact of Radio on African Democracy, 1 p.m., 2172 Rayburn.

*Committee on the Judiciary*, Subcommittee on Immigration and Claims, to mark up the following bills: H.R. 1109, to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; H.R. 1348, Expanded War Crimes Act of 1997; and H.R. 2027, to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision; to consider a motion to request a report on a private immigration bill; followed by

an oversight hearing on the Institutional Hearing Program, 9:30 a.m., 2226 Rayburn.

*Committee on Resources*, oversight hearing on the Administration's Proposal regarding the American Heritage Rivers Initiative, 10 a.m., 1324 Longworth.

*Committee on Rules*, to consider H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, 5:30 p.m., H-313 Capitol.

*Committee on Science*, Subcommittee on Technology, hearing on Meeting the Needs of People with Disabilities

Through Federal Technology Transfer, 2 p.m., 2318 Rayburn.

*Committee on Small Business*, Subcommittee on Tax, Finance, and Exports, hearing on Does Ex-Im Help Small Business Exporters? 2 p.m., 311 Cannon.

*Committee on Ways and Means*, Subcommittee on Trade, to mark up the following bills: H.R. 2133, to authorize the extension of nondiscriminatory treatment-most-favored-nation treatment-to the products of Mongolia; and H.R. 2132, to extend nondiscriminatory treatment-most-favored-nation treatment-to the products of the Lao People's Democratic Republic, 2 p.m., 1100 Longworth.

*Next Meeting of the SENATE*

10 a.m., Tuesday, July 15

## Senate Chamber

**Program for Tuesday:** After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 1005, Department of Defense Appropriations, 1998.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)*

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10:30 a.m., Tuesday, July 15

## House Chamber

**Program for Tuesday:** Consideration of measures from the Private Calendar;

Consideration of three Suspensions:

1. H.R. 1818, Juvenile Crime Control and Delinquency Prevention Act of 1997;

2. H.R. 765, Shackleford Banks Wild Horses Protection Act;

3. H.R. 2035, Authorize the transfer of naval vessels to certain foreign countries;

Complete consideration of H.R. 2107, Interior Appropriations Act for FY 1998 (open rule); and

Consideration of H.R. 2158, VA/HUD Appropriations Act for Fiscal Year 1998 (subject to a rule).

*No recorded votes are expected before 5:00 p.m.*

## Extensions of Remarks, as inserted in this issue

## HOUSE

Gekas, George W., Pa., E1419  
Portman, Rob, Ohio, E1419  
Stokes, Louis, Ohio, E1419



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