I would urge the Senator to consider withdrawing this amendment and sitting down with Treasury representatives to work out language that meets the Senator's needs but also addresses some very legitimate concerns of the Department.

Let me repeat, this is identical to legislation that has been scheduled for markup this coming Monday in the Foreign Relations Committee, on which the Senator from Colorado sits, and contributes a great deal.

While I understand the Senator's desire to have this legislation acted on quickly, I think it would be a very unfortunate precedent to preempt the Committee markup in this way.

We also have the point that this is, after all, authorizing legislation being attached to an appropriations bill. So I hope that this could be withdrawn with the understanding that it would be taken up again next week or the week after.

Mr. BROWN. Madam President, I appreciate the very thoughtful comments of the Senator from Rhode Island. He, as always, makes such a valuable contribution in the Senate's deliberations. I think he makes a very valid point with regard to the deliberations of the committee and certainly that would be the normal process that I would want to follow. Indeed, my observation is correct that it is scheduled for markup in committee.

There are several factors that make me want to move ahead with the process right now. That is, first of all, the urgency of getting this information while billions of dollars of American taxpayers' money is being committed. My sense is it is very important in terms of timing to get this enacted as quickly as possible. But I want to pledge to the Senator that any adjustments that are made in markup, I will—along with, I know, others and I hope many will be active in—be urging the conferees to adopt so that, first, the deliberations of the committee are not overlooked but are incorporated in this by the conferees; and second, that we move along quickly.

The second aspect I might note here is that we have been working with the Treasury people. I want to pledge myself to work with them in terms of fine-tuning reporting requirements.

But most of all, I want to know also another factor. This obviously involves more than simply the Foreign Relations Committee. The bulk of the bill is really the work of Senator D'AMATO and his Banking Committee. He has been a guiding light in the effort to get the facts out in this area.

So it is my sense that it is appropriate to move ahead with the legislation at this time simply because it is so urgent to be getting accurate answers and accounting while literally billions of dollars are flowing out of U.S. coffers.

Madam President, I ask unanimous consent that Senator GREGG be added as a cosponsor of the amendment.

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

VISIT TO THE SENATE BY PRIME MINISTER JOHN BRUTON OF THE REPUBLIC OF IRELAND

Mr. BROWN. Madam President, at this point I would like to yield to the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Madam President, I thank the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I ask unanimous consent that the Senate stand in recess for 5 minutes so that Senators may pay their respects and extend their welcome to the distinguished Prime Minister from Ireland.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair welcomes the Prime Minister.

RECESS

Thereupon, the Senate, at 4:09 p.m. recessed until 4:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 340

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think the arguments have been pretty well outlined here. I am prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 340) was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AGREED FRAMEWORK WITH NORTH KOREA

Mr. SPECTER. Madam President, during the first hearing of the Senate Intelligence Committee, which I chair, back on January 10 of this year, I expressed a concern about what was happening with the arrangements between the United States and North Korea on the deal where North Korea would have a 5-year window without inspection of used fuel rods, which is the best way on an inspection line of determining what is happening with respect to the potential for North Korea to build a nuclear weapon.

During the course of the next several weeks, and in discussions with a number of my colleagues, it seemed to me preferable to have that so-called agreement, the United States-North Korea agreed framework for resolving the nuclear issue, submitted to the United States Senate for ratification, because it really was, in effect, a treaty even though the administration had denominated it as an agreed framework, not even, according to the administration, rising to the level of an executive agreement which would activate certain congressional review.

On February 24, I prepared a letter, which was submitted under the signatures of Senator HELMS, in his capacity as chairman of the Foreign Relations Committee; Senator MURKOWSKI, in his capacity as the chairman of the Energy and Natural Resources Committee; and myself, as chairman of the Senate Select Committee on Intelligence, to Senator DOLE setting forth our request that the Senate handle as a treaty under the constitutional ratification process the United States-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The letter set forth that the Clinton administration was seeking to proceed under this so-called agreed framework without submitting it as a treaty, which it really was, for Senate ratification.

We submitted at that time to Senator DOLE a legal memorandum prepared by the Congressional Research Service, the Library of Congress, dated February 8, 1995, which set forth the criteria for considering whether an arrangement was a treaty.

In our letter, we noted that, while the memorandum specifies that ''there are no 'hard and fast rules,' we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons),'' that the document ''constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance,'' all of which were criteria for an evaluation as to whether the arrangement was in fact a treaty.

We concluded our letter to Senator DOLE noting that ''The formal treaty ratification process will enable us''—that is, the Senate—''to undertake a detailed factual analysis to determine whether this agreement is in the national interest.''

Madam President, it is my view that, on both substantive grounds and constitutional grounds, this matter ought to be handled as a treaty.

The Constitution of the United States provides for ratification by the Senate on treaties. There are a whole series of criteria, some of which I have just referred to, which indicate, suggest, provide evidence for the conclusion that this agreed framework is in fact a treaty.

If you take a look at some of the items which we have handled as treaties in the Senate through the treaty ratification process, you will note the great difference between the importance of this United States-North Korean arrangement, contrasted with other matters which have been submitted to the full Senate ratification process. For example, Treaty 102–7, which is a Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific; or Treaty Document Exhibit EE 96–1, an International Convention on Standards of Training Certification and Watch Keeping for Seafarers; or Treaty Document 100–7, Agreement for Medium Frequency Broadcasting Service in Region Number II; or Treaty Document No. 101–15, Amendments to the 1928 Convention Concerning International Expositions, as Amended.

On some occasions, as is well known, in the Senate, we handle as many as six treaties at one time in a single vote, with notification being given to Senators that if they miss that one vote, it will be counted as a half dozen absences, because the treaties do not rise to the level of any individual identification or individual voting, but are very, very much pro forma.

So that it is indeed surprising, when a matter comes before the international forum and is the subject of a document between North Korea and the United States, that it is denominated only as an agreed framework for resolving the nuclear issues.

Following receipt of our letter, Senator DOLE, by letter dated March 10, wrote to Secretary of State Christopher asking a series of specific questions which set out the criteria for determining whether or not such a matter is or is not a treaty.

It had been my intention to offer a sense-of-the-Senate resolution early on as soon as a legislative vehicle arose. I had notified the managers of this legislation that I would be offering that sense-of-the-Senate resolution at this time. But I have decided to defer doing that because Senator DOLE's letter, dated March 10, 1995, is now outstanding and, as of this date, March 16, there has not been an adequate opportunity for the Secretary of State to respond to the majority leader's letter.

I make the statement at this time to put the administration on notice that it is my intention—and there are a number of cosponsors who are prepared to join with me on this important matter, including the distinguished Senator from Texas who is the Presiding Officer, was asked a series of questions in closed session before the Intelligence Committee on this matter. I state for the RECORD because the camera may have been on me rather than her, and might have missed her acquiescing nods.

There are a number of colleagues who agree with the seriousness of this matter. In dealing with North Korea, while it is my hope that they will abide by the international commitments, there is good reason for concern as to whether they will abide by their commitments.

Nobody said it better than President Reagan when he made the comment about trust but verify. There is a chronology on North Korea's activities which raises very, very, considerable grounds for concern as to whether North Korea will, in fact, comply with their commitments under this statement of agreed principles.

Madam President, at this time I ask unanimous consent that the text of the United States-North Korea Agreed Framework for Resolving the Nuclear Issue be printed in the RECORD except as to a confidential part which cannot be disclosed publicly at this time; that a copy of the legal memorandum from the Congressional Research Service, dated February 8, 1995, be printed in the RECORD; that a copy of the joint letter submitted by Senators HELMS, MURKOWSKI, and myself, be printed in the RECORD; as well as an unclassified document prepared by the State Department on the North Korea nuclear timeline, showing many actions by the North Koreans which raise real issue as to whether there has been compliance by North Korea, and raising real issues as to what might be expected in the future.

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

U.S.-DPRK AGREED FRAMEWORK FOR RESOLVING THE NUCLEAR ISSUE

The attached package includes: (1) the Agreed Framework between the U.S. and the DPRK, signed October 21, 1994, in Geneva; (2) a Confidential Minute, signed the same day, which should be treated as confidential for classification purposes; and (3) a letter of assurance from President Clinton to the DPRK's Supreme Leader, Kim Jong-II, which was delivered in Geneva in connection with the signing. These documents create a framework of political decisions and practical actions to be taken by each side in order to resolve the nuclear issue in North Korea.

AGREED FRAMEWORK BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, GENEVA, OCTOBER 21, 1995

Delegations of the Governments of the United States of America (U.S.) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the U.S. and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the U.S. and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The U.S. and the DPRK decided to take the following actions for the resolution of the nuclear issue:

I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

(1) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S. will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

The U.S. will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The U.S., representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.

The U.S., representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.

As necessary, the U.S. and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

(2) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S., representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR unit.

Alternative energy will be provided in the form of heavy oil for heating and electricity production.

Deliveries of heavy oil will begin within three months of the date of this Document and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

(3) Upon receipt of U.S. assurances for the provision of LWR's and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

The U.S. and the DPRK will cooperate in finding a method to store safely the spend fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

(4) As soon as possible after the date of this document U.S. and DPRK experts will hold two sets of experts talks.

At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.

At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

(1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

(2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

(3) As progress is made on issues of concern to each side, the U.S. and the DPRK will upgrade bilateral relations to the Ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

(1) The U.S. will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S.

(2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

(3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear nonproliferation regime.

(1) The DPRK will remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

(2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze. Pending conclusion of the supply contract, inspections required by the IAEA for the continuity of safeguards will continue at the facilities not subject to the freeze.

(3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

ROBERT L. GALLUCCI,
Head of the Delegation of the United States of America, Ambassador at Large of the United States of America.

KANG SOK JU,
Head of the Delegation of the Democratic People's Republic of Korea, First Vice-Minister of Foreign Affairs of the Democratic People's Republic of Korea.

THE WHITE HOUSE,
Washington, October 20, 1994.

His Excellency KIM JONG IL,
Supreme Leader of the Democratic People's Republic of Korea, Pyongyang.

EXCELLENCY: I wish to confirm to you that I will use the full powers of my office to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK, and the funding and implementation of interim energy alternatives for the Democratic People's Republic of Korea pending completion of the first reactor unit of the light-water reactor project. In addition, in the event that this reactor project is not completed for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such a project from the United States, subject to approval of the U.S. Congress. Similarly, in the event that the interim energy alternatives are not provided for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such interim energy alternatives from the United States, subject to the approval of the U.S. Congress.

I will follow this course of action so long as the DPRK continues to implement the policies described in the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea.

Sincerely,

BILL CLINTON.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 8, 1995.

To: Charles Battaglia, staff director, Senate Select Committee on Intelligence.

From: Louis Fisher, Senior Specialist in Separation of Powers.

Subject: Agreed Framework with North Korea.

This memorandum responds to your request for an analysis of certain issues that have surfaced in the U.S.–DPRK Agreed Framework for Resolving the Nuclear Issue. Among the issues: (1) this agreement was entered into as a ''political agreement'' rather than an ''executive agreement,'' which would have to be reported to Congress under the Case Act; what are the precedents for this type of political agreement?; (2) should this agreement have been entered into as a treaty rather than as a political agreement?; (3) what is the legally binding effect of the economic commitments in this agreement?; (4) does the current funding of this commitment, especially through the reprogramming process, encroach upon congressional prerogatives over the purse?; (5) what are possible legislative responses by Congress to this agreement?

EXECUTIVE REPORTS TO CONGRESS UNDER THE CASE ACT

Hearings by the Symington Subcommittee (of the Senate Foreign Relations Committee) in 1969 and 1970 uncovered a number of secret executive agreements that administrations had made with South Korea, Thailand, Laos, Ethiopia, and Spain, among others. In response, Congress passed legislation in 1972 to keep itself informed about such agreements. The statute, known as the Case Act, requires the Secretary of State to transmit to Congress within sixty days the text of ''any international agreement, other than a treaty,'' to which the United States is a party. If the President decides that publication of an agreement would be prejudicial to national security, he may transmit it to the Senate Foreign Relations Committee and the House International Relations Committee under an injunction of secrecy removable only by the President. 86 Stat. 619 (1972), 1 U.S.C. 112b (1988). Although the Case Act was broadly written to capture all international agreements, State Department regulations and subsequent administration practices have created a number of exceptions to the general requirement to report executive agreements to Congress.

EXCEPTIONS TO THE CASE ACT

During consideration of the Case Act, executive officials in the Nixon administration suggested that ''certain kinds of agreements'' might not be transmitted under the Act. Senator Clifford Case sought a written statement from the State Department as to whether there were any categories of agreements that might not be covered by the statute. The State Department's Acting Legal Adviser, Charles N. Brower, prepared a memo stating that the Case Act is intended to include ''every international agreement, other than a treaty, brought into force with respect to the United States after August 22, 1972 [enactment date for Case Act], regardless of its form, name or designation, or subject matter.''[1]

In subsequent years, however, certain types of international agreements were not submitted to Congress under the Case Act. In 1976, the Legal Adviser to the State Department wrote to Senator John Sparkman, chairman of the Foreign Relations Committee, recommending that only the international agreements entered into by the Agency for International Development at a level of at least $1 million would be submitted under the Case Act. AID agreements less than $1 million would be reported under the Case Act if they were ''significant for reasons other than level of funding.'' The dollar threshold was later raised to $25 million.[2]

Moreover, agreements concluded in a ''nonbinding'' form and determined by the executive branch to be legally non-binding on the United States are not referred to Congress under the Case Act, although the executive branch may voluntarily provide information about them to Congress. Non-binding international agreements are viewed as involving political or moral obligations but not legal obligations. One example is the 1975 Final Act of the Conference on Security and Cooperation in Europe (CSCE), known as the Helsinki Agreement.[3]

Regulations issued by the State Department to implement the Case Act identify political agreements as outside the reporting requirements of the statute. Parties to an international agreement ''must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements.'' 22 CFR § 181.2 (1994). However, these regulations also state that examples of arrangements that ''may constitute international agreements'' are agreements that:

(i) Are of political significance;

(ii) involve substantial grants of funds or loans by the United States or credits payable to the United States;

(iii) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations;

(iv) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment, or the pooling of data. 22 CFR § 181.2(2).

Another group of international agreements not reported under the Case Act are those that the State Department views as contracts—usually commercial in nature and involving sales or loans. As a result of the State Department's interpretation of a provision in the Food, Agriculture, Conservation, and Trade Act of 1990, international agreements entered into by the Secretary of Agriculture for financing the sale and exportation of agricultural commodities are not reported under the Case Act either.[4]

SHOULD THIS AGREEMENT HAVE BEEN SUBMITTED AS TREATY?

Although the State Department provides guidelines on what should be transmitted to Congress as an executive agreement, a bill, or a treaty, there are no hard and fast rules. This issue arose last year with the GATT bill.[5] Constitutional scholars offered different views on whether that should have been submitted as a bill or a treaty. On October 18, 1994, hearings were held by the Senate Committee on Commerce, Science, and

Transportation, with Professor Bruce Ackerman testifying in favor of Congress acting on the bill through the regular legislative process, and Professor Laurence Tribe testifying in favor of the Senate acting through the treaty process. Professor Tribe later wrote that he could not say ''with certainty that my prior conclusions should necessarily be adopted by others or are ones to which I will adhere in the end after giving the matter the further thought that it deserves.''

No clear guidelines are available from parliamentary practice or federal court decisions on the issue of whether to submit international matters in bill form or as a treaty. The enclosed CRS report, ''GATT and Other Trade Agreements: Congressional Action by Statute or by Treaty?, by Louis Fisher, November 17, 1994, summarizes the basic issues. Also included in this report are criteria offered by the State Department to distinguish between what should be submitted as a bill or as a treaty. The decision to submit a matter in treaty form depends on the President's judgment. Congress can apply political pressure and retaliate in other ways, but the basic call remains presidential.

In his statement on December 1, 1994, to the Senate Foreign Relations Committee, Ambassador Robert L. Gallucci said that the administration did not submit the Agreed Framework as a treaty because ''we would not have been able to bind ourselves legally to the delivery of that $4 billion project [for light water reactors].'' That is not a full answer. If an administration decides that it cannot make a unilateral commitment and must depend on Congress, there is no reason why it cannot submit a treaty that makes clear that the extent of the assistance promised depends on Congress through its authorization and appropriation processes. That understanding has been incorporated in previous treaties.

ECONOMIC COMMITMENTS IN THE AGREED FRAMEWORK

The Agreed Framework, signed October 21, 1994, offers assistance in replacing the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants. The United States will organize an international consortium to finance and supply the LWR project and provide alternative energy in the form of heavy oil for heating and electricity production. Delivery of heavy oil is scheduled to begin within three months of the date of the document and reach a rate of 500,000 tons annually. Upon receipt of ''*U.S.* assurances'' (emphasis supplied) for the provision of LWR's and for arrangement for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities. The Framework also provides that the United States and the DPRK will cooperate in finding a method to store safely the spent fuel from the graphite-moderated reactors. Although some of the financial commitments depend on organizing an international consortium and securing financial support from other governments, several of the key commitments—including U.S. assurances to provide for LWR's and for arranging interim energy alternatives, as well as disposing of spent fuel—fall exclusively on the United States. The United States expects to fully bear the cost of storing and disposing of spent fuel.

In his letter of October 20, 1994, to DPRK President Kim Jong II, President Clinton confirmed that he would use ''the full powers of my office'' to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK and the funding and implementation of interim energy alternatives pending completion of the first reactor unit of the light-water reactor project. In addition, if the reactor project was not completed for reasons beyond the control of the DPRK, President Clinton would use ''the full powers of my office'' to provide, to the extent necessary, such a project from the United States, ''subject to approval of the U.S. Congress. Furthermore, in the event the interim energy alternatives are not provided, for reasons beyond the control of the DPRK, President Clinton promised to use ''the full powers of my office'' to provide, to the extent necessary, such interim energy alternatives from the United States, ''subject to the approval of the U.S. Congress.''

As explained in President Clinton's message, the effect of the Agreed Framework is to make political and moral, not legal, commitments. In his statement to the Senate Foreign Relations Committee, Ambassador Gallucci explained that the administration decided to call the agreement an ''Agreed Framework'' because it ''did not want to take on the obligation of providing a light water reactor or two light water reactors, to be precise.'' To the extent that completion of the light-water nuclear reactor project or supplying interim energy alternatives depend on congressional action, Congress must provide approval through its authorization and appropriation processes. Absent statutory authority, President Clinton has no independent constitutional power to provide that assistance, although his political and moral commitment puts pressure on Congress to act in a supportive manner through the statutory process.

DOES THE FRAMEWORK ENCROACH UPON CONGRESSIONAL PREROGATIVES?

According to the statement by Ambassador Gallucci to the Senate Foreign Relations Committee, initial implementation of the Agreed Framework resulted in the United States in the first three months providing 50,000 tons of heavy oil at a cost of between $5 million and $6 million, and there ''will be heavy oil shipments, up to 100,000 tons, by the end of October 21, 1995.'' Ambassador Gallucci testified that the Defense Department can provide the initial assistance of $5 million to $6 million ''under existing authorities.'' We do not have the specific legal authorities referred to by Ambassador Gallucci, but legislation governing DOD activities and funding expenditures does not include restrictions regarding North Korea. Section 127 of Title 10, however, authorizes the Secretary of Defense, secretaries of a military department, and the DOD Inspector General, to ''provide for any emergency or extraordinary expense which cannot be anticipated or classified.'' The amounts available for expenditure are subject to limitations in appropriations acts and must be reported to Congress quarterly. The Defense Department Appropriation, 1995 (P.L. 103–335), includes the following amounts out of operation and maintenance accounts for such emergencies: Secretary of Defense, $23.768 million Army, $14.437 million; Navy/Marines, $4.301 million; and Air Force, $8.762 million.

With regard to the need to clarify the water in which spent fuel is placed, Ambassador Gallucci testified that the Department of Energy estimates the cost to be a ''couple of hundred thousand dollars [and] is something they can do before the end of this year and really ought to for safety reasons.'' Again, we have no information regarding the legal authorities available to the Energy Department to perform this work. Ambassador Gallucci discussed other activities by the Energy Department, including the recontainment or recanning of the fuel, which ''could take some millions of dollars, less than $10 million, maybe more than $5 million—in that range. This would involve a reprogramming and they would follow the normal practice of coming to the Congress for confirmation of reprogramming authority. This would happen after January 1.''

It is unclear from this statement whether the administration would simply be notifying designated committees about the reprogramming or seeking their prior approval. Nor is it clear whether the administration's initial funding commitments are authorized by law. At this point we have no citations to examine that issue. There are other questions about the statutory authorities that might be invoked to fulfill the initial funding commitment. If the administration tapped a general contingency fund to provide this initial assistance to North Korea, there may be adequate authority in allocating emergency funds to do so. But if it is a case of Congress appropriating funds with the expectation that they will be used for a specific purpose, as justified in agency budget requests, there is a substantial issue of the administration reallocating those funds to a purpose never justified to Congress. Ambassador Gallucci testified that the administration expects ''the $4 billion burden [for light water reactors] to be borne centrally by South Korea, and this we understand.''

LEGISLATIVE RESPONSES TO THE AGREED FRAMEWORK

The Senate could respond to the Agreed Framework by insisting, either through political pressure or a Senate resolution, that it be submitted as a treaty and made subject to full legislative debate. Whether Senators want to be in a position of having to approve, reject, or amend the administration's agreement is a question they need to decide individually. Some Senators may decide that it is better for the President to make non-binding promises, with the understanding by all nations that under our constitutional system it is Congress, not the President, that has the power of the purse. To the extent that the President has acted unilaterally and finds himself politically isolated, that presently is the administration's problem, not Congress's. In any case, the decision to submit the matter by treaty is in the hands of the President.

Because of the funding implications and the need to obtain appropriations from both chambers, if legislative action is required it may be more appropriate to act by bill or joint resolution. If Congress decides that it does not want to act at this time by treaty or by bill, it could adopt non-binding simple or concurrent resolutions to enunciate the policy and constitutional concerns at stake for Congress as an institution, many of which have been identified above.

I trust that this memorandum is helpful to you. If I can be of any further assistance, please contact me at 7–8676.

FOOTNOTES

[1] *Treaties and Other International Agreements. The Role of the United States Senate*, a Study Prepared for the Senate Committee on Foreign Relations by the Congressional Research Service, S. Prt. 103–53, 103d Cong., 1st Sess. 178 (November 1993)

[2] Id. at 181.

[3] Id. at 190.

[4] Id. at 192.

[5] The GATT bill differs from the dispute over the Agreed Framework. In the case of GATT, Congress had authorized the use of the regular legislative process (action by both Houses on a bill) and had extended this authority for completion of the Uruguay Round.

U.S. SENATE,
Washington, DC, February 24, 1995.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR BOB: We request that the Senate handle as a treaty under the constitutional ratification process the U.S.-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The Clinton Administration is seeking to proceed on this agreement without submitting it for Senate ratification.

For your review, we enclose a memorandum from the Congressional Research Service, The Library of Congress, dated February 8, 1995.

While the memorandum notes that there are ''no hard and fast rules,'' we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons), constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance.

The formal treaty ratification process will enable us to undertake a detailed factual analysis to determine whether this agreement is in the national interest.

Sincerely,

ARLEN SPECTER,
Chairman,
Select Committee On Intelligence.

FRANK H. MURKOWSKI,
Chairman,
Energy and Natural Resources Committee.

JESSE HELMS,
Chairman,
Foreign Relations Committee.

Enclosure

NORTH KOREA NUCLEAR TIMELINE

EARLY 1980'S

North Korea begins construction of 5 MW reactor in Yongbyon.

1985

Dec.—North Korea signs the NPT.

1986

Jan.—5 MW reactor begins operations.

1988

Dec.—First U.S.–DPRK official contacts in Beijing.

1989

Spring—Extended outage of 5 MW reactor.

1991

May—North Korea joins the United Nations.

Sept.—U.S. announces intention to redeploy tactical nuclear weapons worldwide.

Dec.—North-South finalize non-aggression agreement and North-South Denuclearization Declaration.

1992

Jan.—ROK announces suspension of Team Spirit '92.

North Korea signs IAEA fullscope safeguards agreement.

U.S.–DPRK high-level talks (U/S Kanter in New York).

Mar.—North-South set up Joint Nuclear Control Committee for implementing the Denuclearization Declaration.

Apr. 10—North Korea Supreme People's Assembly ratifies IAEA safeguards agreement.

May 4—DPRK submits initial inventory of nuclear material.

First IAEA ad hoc inspection.

July—Second IAEA ad hoc inspection; first evidence of ''inconsistencies.''

Sept.—Third IAEA ad hoc inspection.

Oct.—U.S. and ROK announce Team Spirit.

Nov.—Fourth IAEA ad hoc inspection.

High-level IAEA-DPRK consultations in Vienna on discrepancies; IAEA requests ''visits to two suspect waste sites.''

Dec.—Fifth IAEA ad hoc inspection.

1993

Jan.—IAEA team travels to Pyongyang to discuss discrepancies in DPRK declaration.

Sixth IAEA ad hoc inspection.

Feb. 9—IAEA requests special inspection of the two suspect sites.

Feb. 20—Further DPRK-IAEA consultations, DPRK rejects special inspections.

Feb. 25—IAEA Board of Governors passes resolution calling for the DPRK to accept special inspections within one month.

Mar. 12—North Korea announces its intention to withdraw from the NPT.

Mar. 18—Special Board meeting passes a second resolution calling on the DPRK to accept special inspections by March 31.

Apr. 1—IAEA Board of Governors adopts resolution finding the DPRK in non-compliance with its safeguards obligations; reports to UNSC.

May 11—United Nations Security Council passes Resolution 825. It calls upon the DPRK to comply with its safeguards agreement as specified in the February 25 IAEA resolution, requests the Director General to continue to consult with the DPRK, and urges Member States to encourage a resolution.

May—IAEA inspectors allowed into Yongbyon to perform the necessary work relating to safeguards monitoring equipment.

June 11—U.S.–DPRK high-level talks in New York; in a joint statement, the DPRK agrees to suspend its withdrawal from the NPT and agrees to the principle of ''impartial application'' of IAEA safeguards. We told the DPRK that if our dialogue was to continue they must accept IAEA inspections to ensure the continuity of safeguards, forego reprocessing, and allow IAEA presence when refueling the 5MW reactor.

July—U.S.-DPRK high-level talks in Geneva; DPRK agrees to resume discussion with the ROK and the IAEA on the nuclear issue, U.S. agrees to in principle to support DPRK conversion to Light Water Reactors.

Aug.—IAEA inspectors allowed into Yongbyon to service safeguards monitoring equipment but, incomplete access to reprocessing plant.

U.S.-DPRK working-level talks in NY begin.

Sept. 1–3—IAEA consultations with DPRK in North Korea on impartial application of safeguards.

Oct. 1—IAEA Geneva Conference meeting adopts resolution urging the DPRK to fully implement safeguards.

Nov. 1—United Nations General Assembly adopts a resolution expressing grave concern that the DPRK has failed to discharge its safeguards obligations and has widened the area of non-compliance. It also urges the DPRK to cooperate immediately with the IAEA in the full implementation of its safeguards agreement.

Nov. 14—DPRK withdrawal suspends North-South talks.

Dec.—U.S. Commander in Chief, U.S. forces Korea, General Luck, requests Patriot Missile Battalion to counter North Korean Scud threat.

Dec. 5—IAEA Board of Governors Meeting. Blix states that he can not give meaningful assurances about continuity of safeguards, and that the possibility that nuclear material has been diverted cannot be excluded.

Dec. 29—U.S.-DPRK agree in NY talks on an arrangement for a third round. The North agreed to accept IAEA inspections needed to maintain continuity of safeguards at seven declared sites, and to resume North-South working-level talks in Panmunjon. In exchange, U.S. agrees to concur in a ROK announcement to suspend Team Spirit '94 and set a date for a third round of U.S.-DPRK talks, which would be held only after DPRK steps are completed.

1994

Jan.—North Korea begins talks with the IAEA in Vienna to discuss the scope of inspections necessary to provide continuity of safeguards.

Jan. 26—White House announces plans to send Patriot Missile Battalion to South Korea.

Jan. 31—DPRK Foreign Ministry Statement accuses the U.S. of overturning the December 29 understanding; threatens to ''unfreeze'' its nuclear program.

Feb. 15—IAEA–DPRK reach an understanding on a comprehensive list of safeguards measures which are to be performed to verify that no diversion of nuclear material has occurred in the seven declared nuclear installations since earlier inspections.

Feb. 21—IAEA Board of Governors meeting.

Feb. 25—U.S.-DPRK Joint statement outlining terms of December agreement.

Feb. 26—DPRK authorities issue two week visas to the IAEA inspection team.

Mar. 1—IAEA inspectors arrive in DPRK.

Mar. 3—Official ''Super Tuesday'' announcement—IAEA inspections begin, N–S talks begin, suspension of TS '94, and set date for a third round of U.S.-DPRK talks.

Mar. 9—2nd North-South meeting.

Mar. 12—3rd North-South meeting; DPRK and ROK reach an agreement in principle on an exchange of envoys.

Mar. 15—IAEA inspection team leaves Pyongyang having proceeded with inspections without difficulty at all facilities except the Radiochemical Lab.

Mar. 16—IAEA DG Blix calls a special session of the Board of Governors to informally report on the March 3–14 safeguards inspections in the DPRK. Blix announces that the IAEA inspection team was unable to implement the DPRK–IAEA Feb. 15 agreement, and as a result the Agency is unable to draw conclusions as to whether there has been diversion of nuclear material or reprocessing since earlier inspections.

4th North-South meeting.

Mar. 19—5th North-South meeting; DPRK walks out of meeting, threatens to turn Seoul into a sea of fire; Team Spirit '94 back on.

Mar. 21—IAEA Board of Governors pass a DPRK resolution finding the DPRK in further non-compliance and referring the issue to the UNSC with 25 approvals, 1 rejection, and 5 abstentions, including China.

Mar. 21—Administration announces Patriot Missile Battalion will be sent to ROK.

Mar. 31—UNSC unanimous Presidential Statement calling on the DPRK to allow the IAEA to complete inspection activities per the Feb. 15 agreement, and inviting IAEA DG Blix to report back to the Council within six weeks.

Apr. 4—President Clinton directs the establishment of a Senior Policy Steering Group (SSK) on Korea with responsibility for coordinating all aspects of U.S. policy dealing with the current nuclear issue on the Korean Peninsula. A/S Gallucci is asked to Chair the group.

ROK announces Team Spirit '94 will be held during the November time frame.

ROK drops North-South special envoys as a precondition to the Third Round.

Apr. 18—Patriot Missile Battalion arrives in ROK.

Apr. 28—DPRK claims the 1953 Armistice Agreement is invalid and announces its intent to withdraw from the MAC.

May 4—DPRK begins reactor discharge campaign.

May 18–23—IAEA inspectors complete March inspections and maintenance activities for the continuity of safeguards knowledge.

May 20—IAEA reports to the UNSC that the DPRK decision to discharge fuel from the 5 MW reactor without prior IAEA agreement for future measurement ''constitutes a serious safeguards violation.''

May 25–27—IAEA-DPRK consultations in Pyongyang re: fuel monitoring.

May 27—IAEA Director General Blix sends a letter to UNSC Syg Boutros-Ghali stating the IAEA-DPRK talks have failed, DPRK fuel discharge is proceeding at a faster rate, and the IAEA's opportunity to measure the spent fuel in the future will be lost within days if the fuel discharge continues at this rate.

May 30—UNSC issues a Presidential Statement ''strongly urging the DPRK only to proceed with the discharge operations at the 5 MW reactor in a manner which preserves the technical possibility of fuel measurements, in accordance with the IAEA's requirements in this regard.''

June 3—IAEA Director General Blix reports to the UNSC on failed IAEA efforts to preserve the technical possibility of measuring discharged fuel from the DPRK 5 MW reactor.

June 9—IAEA BOG resolution is passed calling for immediate DPRK cooperation by providing access to all safeguards-related information and locations and suspends nonmedical IAEA assistance to the DPRK. 28 for, 1 opposed (Libya), 2 absent (Saudia Arabia, Cuba) and 4 abstentions (China, India, Lebanon, Syria.)

June 13—North Korea officially withdraws from the IAEA.

June 15–18—Former President Carter visits North Korea and receives assurances that the DPRK is willing to freeze the major elements of the nuclear program (no reprocessing, no refueling, and no construction) in order to continue dialogue with the U.S.

June 20–22—The DPRK's intention to reestablish the basis for dialogue by freezing the major elements of its nuclear program was confirmed in an exchange of letters between FM Kang and A/S Gallucci.

June 27—Agreement reached to hold the third round starting July 8.

June 28—North-South Korean summit between DPRK President Kim Il-Sung and ROK President Kim Young-Sam announced for July 25–27.

July 8—Third Round of U.S.–DPRK talks in Geneva begins in a businesslike atmosphere and confirms the DPRK's desire to convert to light water reactor technology.

July 9—President Kim Il-Sung's death was announced and accordingly, the third round was postponed until after the mourning period and the planned July 25–27 North-South summit was postponed indefinitely.

July 21—U.S.-DPRK agree on the resumption of the third round on August 5.

July 19–28—A/S Gallucci-led delegation visits capitals (Seoul, Tokyo, Beijing, Moscow) to discuss the provision of and solicit support for the conversion of DPRK's graphite-moderated reactors to light water reactors (LWR) that are more proliferation resistant.

Aug. 5–12—Resumed third round in Geneva and signed an agreement between the U.S. and the DPRK showing substantial progress towards an overall settlement. As part of the final resolution of the nuclear issue: the U.S. will provide LWRs to the DPRK, make arrangements for interim energy alternatives, and provide an assurance against the threat or use of nuclear weapons;

the DPRK will remain a party to the NPT, allow implementation of its safeguards agreement, and implement the Joint North-South Declaration on the Denuclearization of the Korean Peninsula; the U.S. and DPRK will begin to establish diplomatic representation, hold expert-level on the technical issues in the coming weeks, and recess the talks with resumption scheduled for Sept. to resolve the remaining differences.

Sept. 23—Third round, Session two begins in Geneva

Oct. 21—U.S. and DPRK sign an Agreed Framework (a final settlement to the North Korean Nuclear issue) based on the Aug. 12 agreement.

U.S. hands over Presidential Letter of Assurance and U.S. and DPRK sign a Confidential Minute to the Agreed Framework.

Nov. 14–18—U.S. team of experts visits North Korea to discuss safe storage and disposition of spent fuel.

Nov. 23–28—IAEA team of experts visits North Korea to discuss details related to the monitoring and verification of the freeze on DPRK nuclear facilities.

Nov. 30—Experts from the U.S. and DPRK meet in Beijing for preliminary discussions on the LWR project.

Dec. 6–10—DPRK team of experts visits Washington, D.C. to discuss technical and consular issues related to the planned exchange of liaison offices.

Jan. 9—DPRK announces lifting of restrictions on imports of U.S. products into the DPRK and restrictions on portcalls by U.S. vessels into DPRK ports.

Jan. 17–24—U.S.–DPRK spent fuel talks in Pyongyang—Second Session.

Jan. 19—First shipment of 50,000 metric tons of heavy fuel oil is delivered to the DPRK.

Jan. 20—U.S. announces sanctions easing measures against the DPRK in four areas: telecommunications and information, financial transactions, imports of DPRK magnesite, transactions related to the future opening of liaison offices and other energy related projects.

Jan. 23–28—IAEA-DPRK discussion continue in Pyongyang on implementation and verification of the freeze on DPRK nuclear facilities.

Jan. 28—U.S.-DPRK LWR Supply Agreement Talks in Beijing—Second Session.

Jan. 29—U.S. experts arrive in Pyongyang to survey property sites for the future opening of a U.S. liaison office.

Feb. 15—Australia publicly announces its contribution of $5 million USD to KEDO.

Feb. 28—New Zealand publicly announces its contribution of $300,000 USD to KEDO.

March 7–9—DPRK Preparatory Conference in New York.

Mar. 8—KEDO is formally established as an international organization under international law—Canada, New Zealand, Australia join.

Mar. 27–29—U.S.-DPRK LWR Supply Agreement Discussions in Berlin continue—Third Session.

Apr. 4–8—DPRK experts arrive in Washington, DC, to survey property for the future opening of a DPRK liaison office.

Mr. SPECTER. Finally, Madam President, I would like to ask unanimous consent to print in the RECORD the proposed amendment that I had intended to offer with a number of cosponsors, as I say, including the distinguishing Senator from Texas who is presiding, so that all of that will be part of the RECORD and available for review in anticipation of the response by Secretary of State Christopher, to Senator DOLE's leadership.

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

At the appropriate place in the bill, insert the following new section:

SEC. —. TREATMENT OF AGREED FRAMEWORK WITH NORTH KOREA AS TREATY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Article II, Section 2, Clause 2, of the Constitution requires that treaties may only be made by the President, by and with the advice and consent of the Senate.

(2) The Case Act (1 U.S.C. 112b) requires that the text of international agreements other than treaties shall be transmitted to Congress.

(3) The President does not consider the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea to be a treaty, for purposes of seeking the advice and consent of the Senate to ratification, or even to be any other type of international agreement, for purposes of compliance with the Case Act (1 U.S.C. 112b).

(4) The Agreed Framework involves reciprocal binding commitments by both the United States and North Korea on resolution of the nuclear issue on the Korean Peninsula and is an international agreement.

(5) The commitments made by the United States under the Agreed Framework, including undertakings that will involve appropriations, are as substantial and ongoing as commitments that customarily have been made by the United States through treaties.

(6) Such commitments should be subject to Senate review and approval.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should have submitted, and should now submit, the Agreed Framework as a treaty to the Senate for its advice and consent to ratification pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) DEFINITION.—As used in this section, the term ''Agreed Framework'' means the document entitled ''Agreed Framework Between the United States of America and the Democratic People's Republic of Korea'', signed October 21, 1994, at Geneva, and the attached Confidential Minute.

Mr. SPECTER. Madam President, this is an issue of really enormous importance, as we have reviewed the work of the Intelligence Committee.

It has been my conclusion that the problems of international terrorism and the problems of weapons of mass destruction are problems of overwhelming importance, posing a security threat to the United States.

When we have a document which has as much practical importance as this so-called agreed framework does, it is simply inappropriate to not have it subjected to Senate scrutiny. It may well be that this Senate will ratify this treaty, the document that I consider to be a treaty.

It is certainly necessary, in my judgment, that matters of this sort be elevated to a level where there is very, very, considerable public scrutiny and scrutiny by the Senate under the constitutional doctrine of checks and balances.

So awaiting the reply by Secretary of State Christopher, it is my intention at the appropriate time to bring this matter to the Senate for ratification because of its importance on the merits

and on the substance, and because of its importance in compliance with the U.S. Constitution. I thank the Chair.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

AMENDMENTS NOS. 342 THROUGH 346, EN BLOC

Mr. INOUYE. Madam President, I am about to send to the desk several amendments on behalf of several Senators on both sides of the aisle. I am pleased to advise you, Madam President, that these amendments have been reviewed and cleared by the managers of the measure before us and all of the appropriate Senators from committees of jurisdiction.

I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 342 through 346.

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

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

The amendments are as follows:

AMENDMENT NO. 342

Mr. INOUYE offered amendment No. 342 for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. DOLE, Mr. DASCHLE, Mr. SPECTER, Mr. INOUYE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. FEINSTEIN.

The amendment is as follows:

On page 16, between lines 18 and 19 insert the following:

CHAPTER I

On page 25, between lines 4 and 5, insert the following:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in Title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

Mr. MCCONNELL. Madam President, last July, Israel's Prime Minister Rabin and Jordan's King Hussein appeared before a joint session of Congress to declare the end of a 46-year state of war.

Their remarks were inspiring, particularly Prime Minister Rabin's reminder that he served 27 years as a soldier, and in his words, ''sent regiments into fire and soldiers to their death * * * and today we are embarking on battle which has no dead and wounded, no blood no anguish. This is the only battle which is a pleasure to wage, the battle for peace.''

In turn, King Hussein declared Jordan ''ready to open a new era in relations with Israel'' calling upon each of us for help and cooperation in security a final peace settlement for the Middle East.

Later in the day at the White House the President affirmed the American commitment to continue our role in securing a comprehensive peace. The next important step in that process followed in October with a peace treaty between the two nations.

This agreement was not an easy decision for Jordan. Given the radical opponents to peace in the area, particularly terrorist groups threatening retaliation against any country or leaders moving forward in normalizing relations with Israel, the King demonstrated remarkable courage.

In direct response to this significant breakthrough, President Clinton pledged our support in relieving Jordan of its crippling debt burden. In the foreign operations appropriations bill last year we provided the first installment of that debt relief. Several weeks ago, the President submitted a supplemental request and asked us to finish the job.

That is the amendment before the Senate. At the President's request, we are providing the balance of that debt relief. The funds will be drawn from the foreign operations subcommittee allocation scheduled to be released over fiscal year 1995 and fiscal year 1996 from existing foreign operations resources.

But not exceeding our subcommittee allocation, should not suggest this bill is free of costs. There are very painful tradeoffs that we will be forced to make in the upcoming foreign operations appropriations bill. By providing this relief for Jordan other programs will have to be reduced. But, that is a choice that I am willing to make and that is the clear choice of the Clinton administration.

Let me quote from the letter the President sent regarding this request. Dated March 8, he says failure to provide the debt relief ''would threaten our ability to continue our leadership in the Middle East Peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty.''

Those are the stakes. President Clinton's assessment is echoed by every leader in the region committed to stability, security and peace. In fact, the only critics of debt relief in the region seem to be those few cynical opponents still consumed by the drive to destroy Israel.

Syria's President Assad already is challenging American credibility and our national commitment to our friends in the region. His purposes would be served if he could point out that the Congress failed to live up to an American commitment to Jordan and other prospective the risk takers.

It will be nothing less than a victory for Saddam Hussein if we renege on the President's promise, if we abandon an obligation assumed by Secretary Christopher and the administration.

Madam President, it has not been an easy process to bring this legislation to the floor. Even with Secretary Christopher and his negotiating team in the region attempting to inch the process forward, there has been some reluctance by Members on both sides of the aisles to support this legislation. I know my colleague Senator LEAHY has some reservations about the outlay consequences of providing this support, but there have also been concerns raised about the administration's management of this request.

Last year, during conference on the fiscal year 1995 Foreign Operations bill, we received a late night request to add the first tranche of aid to our conference report. We did so with the clear understanding that the balance would be requested and provided in two additional installments over the next fiscal years. Instead, once again, we were presented with an emergency, last minute request.

The fact that Jordan and Israel signed a peace treaty factored into the decision to consolidate the second and third installments and I believe was the reason why most of my colleagues have been prepared to respond to the President's request, but I should point out that the administration has not made it easy to vote for this commitment. In fact, there have been several points when administration officials have actually jeopardized prospects for providing the assistance.

When the House Appropriations Committee decided to provide part of the funding while making the commitment to appropriate the balance in the next fiscal year, the White House spokesman accused members of contributing to the renewal of war between Israel and Jordan. Insult was added to injury when other administration officials suggested Republican isolationism would compromise our national commitment.

I think these charges are irresponsible, inaccurate and introduced a mean spirited, unnecessary partisan

element to an otherwise serious, important deliberation. Frankly, the remarks were costly in building support for this undertaking.

Nonetheless, many of us believe this is a commitment worth making and keeping. My colleagues who joined in introducing this amendment share the view that the cause of peace is at a critical point. Our partners in this process must know we will not retreat.

I ask unanimous consent that the letter I referenced from President Clinton be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 8, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: A comprehensive and lasting peace in the Middle East that ensures the security of Israel has been a bipartisan goal which every administration and Congress has endorsed and pursued for nearly fifty years. This goal was significantly advanced through the bold leadership and courage displayed by King Hussein of Jordan and Israeli Prime Minister Rabin, which made possible the signing last October of a treaty of peace between their countries. The United States played a critical role in making this possible, through our diplomacy and our commitment to stand by those who worked for peace.

I told Prime Minister Rabin and King Hussein last July, as they met at the White House and set out their vision for a future of peace and cooperation, that the United States would support Jordan—as we support Israel—to minimize the risks it was taking for peace. The Congress expressed its own support for the King's leadership in the peace process in the extraordinary reception accorded the King and Prime Minister when they appeared together before a Joint Session. This expression of U.S. support was essential to King Hussein's ability to move forward to conclude and implement a peace with Israel which could serve as a model for regional cooperation.

Accordingly, last year I proposed to Congress that we forgive all of Jordan's official direct debt to the United States. This was authorized by the Congress last August and $99 million was appropriated as an initial tranche. I proposed in the FY 1995 supplemental an appropriation of $275 million to complete debt forgiveness. I want to encourage Congress to take immediate action to fulfill this commitment.

Failure to do so would threaten our ability to continue our leadership in the Middle East peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty. Prime Minister Rabin called me to express personally his grave concern regarding the negative consequences for both Israel and Jordan, as well as the broader peace process, of failure to fully implement the proposed debt forgiveness.

The cause of peace in the Middle East is at a critical point. We must not withdraw the support we have pledged to those who face very real threats from terror and violence. The people of Jordan must see that the United States stands by its commitments. Israel must know that our leadership in the Middle East remains a constant of bipartisan policy. And those in the region who have not yet made peace must recognize that we will not retreat from engagement in the quest for an enduring settlement.

The price the United States and our friends in the Middle East will pay for failure is high. I need your support to ensure that our commitment is fulfilled and the full $275 million of debt forgiveness for Jordan is provided.

Sincerely,

BILL CLINTON.

Mr. PELL. Madam President, this is an extraordinarily delicate moment in the Middle East peace process. Israel's agreement with the Palestinians is hanging precariously in the balance between success and failure, and one more act of terrorism against Israel could cause the agreement to unravel completely. At the same time, Israel's negotiations with Syria are moving slowly, and could be eclipsed by the pending Israeli electoral cycle.

While Secretary of State Christopher's recent trip to the Middle East appeared to yield some progress on the Palestinian and Syrian tracks, the truth is that we cannot be assured of the establishment of a comprehensive peace in the coming year. One element of the peace process, however, that has been an unqualified success is Jordan's peace treaty with Israel. By all accounts, the pace and scope of the agreement's implementation have exceeded expectations, and the accord shows real promise of bringing about a peaceful, normal relationship between Israel and Jordan. The Israeli-Jordanian peace treaty is a true milestone in U.S. diplomatic efforts in the Middle East.

We cannot lose sight of how well the peace treaty serves our national security and foreign policy concerns. Much like the Egypt-Israel peace treaty that arose from the Camp David agreements, the Israel-Jordan treaty resolves a major component of one of the most intractable conflicts in history. As a result, it should make a significant contribution to advancing our interests in the Middle East, namely, ensuring the safety and security of Israel, promoting regional stability, and preserving our access to—and the free flow of—oil.

That being the case, it is completely reasonable to provide full debt relief to Jordan as compensation for implementing its peace treaty with Israel. To me, a $275 million appropriation—when viewed in the context of this historic peace treaty—is a fair price to pay in support of peace. Moreover, if the United States leads by example in forgiving its debt, then we might be able to use that as leverage over other donor countries to enter into similar debt relief arrangements.

Madam President, I can think of many occasions in the past 30-some years when I have stood in this very spot to commend King Hussein for promoting peace in the Middle East. Now that the King has taken the final step in signing and implementing a treaty—with, I might add, no small amount of prodding from the Congress and successive U.S. administrations—I believe we should send a signal of our appreciation. That is why I support full debt forgiveness for Jordan.

Mr. LEAHY. Madam President, I am pleased to join Chairman MCCONNELL in sponsoring the Jordan debt relief amendment. This amendment concludes an effort that he and I began last summer when I was still chairman of the Foreign Operations Subcommittee and he was the ranking member. My colleagues will recall the excitement that enveloped this body at that time: Israeli Prime Minister Rabin and Jordanian King Hussein paid a joint visit to Capitol Hill and confirmed that they were making peace. I will never forget the shivers that ran down my spine as I listened to them speak and realized that the day that we had so long wished for had finally arrived. It was with enormous pride that I worked late at night with Senator MCCONNELL and Congressman OBEY in a last-minute drive to incorporate in our fiscal year 1995 appropriations bill a downpayment on debt relief for Jordan as a token of United States support for this wonderful, historic development.

That was just the beginning, however. In the space of just 2 months, far more quickly than anyone had predicted, the governments of Jordan and Israel completed negotiation of the formal peace agreement between their two countries. Come the end of October, I found myself with President Clinton witnessing the signing of that agreement on the Jordan-Israel border north of the Gulf of Aqaba. Once again, I found myself moved beyond words.

With the memories of that trip to the Middle East still fresh in my mind, I was pleased last month to see included in the administration's fiscal year 1996 budget request a proposal for a supplemental fiscal year 1995 appropriation to fund the remainder of the Jordan debt restructuring program that Congress authorized last summer. I was further pleased 10 days ago to receive a call from Secretary of State Christopher requesting my support for including $275 million for this effort in the defense supplemental appropriations bill now before the Senate. With the peace agreement signed and implementation proceeding vigorously, it is imperative that the United States move quickly to fulfill its promise and appropriate the funds required to complete the debt relief effort. I told Secretary Christopher that I would support this proposal enthusiastically.

Later that day, however, I received the details of the proposal and realized that there was one serious drawback to it: it would require that the bulk of the money—$225 million—for this effort come out of the funds that will be available in fiscal year 1996 for our other foreign assistance activities. In other words, in order to pay for our aid to Jordan, we would have to cut back significantly our aid to other countries and organizations. Mr. President, I worked all last week trying to find a

way to appropriate in full the $275 million for Jordan debt relief that is essential at this critical stage in the Middle East peace process, and at the same time avoid threatening serious harm to the rest of our foreign assistance programs. Unfortunately, the State Department advised me that any modification of the proposal would be interpreted in the Middle East as a retreat by the United States from its commitment to Jordan and its support for the peace process.

They also told me, however, that the administration will work hard in the coming months to find ways to mitigate the prospective harm to other programs. Given these assurances, and my strong commitment to supporting the Middle East peace process, I am cosponsoring this amendment with Chairman MCCONNELL. Chairman MCCONNELL has worked hard on this amendment, and I have appreciated the chance to work with him on it.

With this action, we make an important contribution to advancing the peace process and we demonstrate to King Hussein the appreciation of the United States for the heroic steps he has taken in support of the peace process.

As we proceed through the fiscal year 1996 appropriations cycle, I will work hard with the administration, Chairman MCCONNELL, and my other fellow Senators to minimize cuts to other essential foreign assistance programs.

Mr. LAUTENBERG. Madam President, I am joining with other members of the Senate Foreign Operations Subcommittee in sponsoring the pending amendment to relieve the remainder of Jordan's debt to the United States. I do so because this initiative is integral to the ongoing peace process in the Middle East.

This action will make good on the promise President Clinton and the American people made to King Hussein—that the United States would support Jordan as it took risks for peace.

In line with this commitment, last summer, President Clinton told King Hussein that he would ask the Congress to relieve Jordan's debt to the United States if Jordan took a bold step toward peace.

As the first step on the road to peace, Jordan and Israel signed the Washington Declaration and King Hussein and Prime Minister Rabin appeared for the first time together in public last July.

It was a historic moment. Many of us sat in the Capitol and marveled as King Hussein and Prime Minister Rabin—two former enemies—stood together before the Congress and spoke publicly about strengthening ties between their nations, about moving toward a comprehensive peace treaty.

We were inspired by their courage. We were moved that the two leaders were taking concrete steps to bring their nations together. That they were committing themselves publicly to waging a battle for peace.

In response, and consistent with the President's commitment, the Congress forgave a portion—$220 million—of Jordan's debt to the United States. to relieve all of the debt at that time would have been premature. It was, after all, important to measure progress and to give the King an additional incentive to sign a formal peace treaty with Israel.

Now, Mr. President, Jordan has signed a formal peace agreement with Israel. Jordan did not wait for other countries in the region to reach an agreement with Israel. It boldly moved forward and signed a comprehensive peace agreement with Israel on its own.

Now that Jordan has done its part, the United States needs to make good on the President's commitment to relieve the remainder of its debt to our country. The Jordanian Government has exposed itself to those who would choose war rather than peace with Israel.

The Government and the people of Jordan need to believe that they are being supported by the United States. They need to see that the fruits of peace are tangible.

Madam President, the administration supports this amendment. Secretary of State Christopher believes it is important to build the confidence of promoters of peace in Jordan and throughout the Middle East.

Last week, I spoke to Dennis Ross, the State Department's Middle East negotiator, who was in the Middle East with Secretary Christopher. He conveyed to me his strong belief that approving the remainder of Jordan's debt relief at this time was necessary to build momentum in the peace process and continue to strengthen American credibility in the region.

Admittedly, this is a less than ideal solution. Approving this amendment will put additional pressure on our foreign aid spending bill. However, as we review spending cuts, we have to keep in mind long-term American foreign policy and security interests, and reflect on expenses that might be incurred, and lives that might be lost, if the peace process does not move forward in the Middle East.

I hope this new commitment will be reflected in the Foreign Operations Appropriations Subcommittee allocation for fiscal year 1996.

Relieving Jordan's debt is important for the peace process. A successful conclusion to the peace process after decades of strife is important to U.S. security interests and, hopefully, will avoid the need for large defense expenditures or military involvement down the road. I urge my colleagues to support this amendment.

AMENDMENT NO 343

Mr. INOUYE offered amendment No. 343 for Mr. MCCONNELL.

The amendment is as follows:

On page 26, at the end of line 23 add the following:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

Mr. MCCONNELL. Madam President, I have proposed an amendment that is essential to the continued survival of Hickman, KY. This town sits on an eroding bluff on the bank of the Mississippi River. If the erosion of the bluff is not halted the city of Hickman risks losing two 500,000-gallon water tanks, the police, fire, and ambulance stations, the county health department, and the community library buildings. As recently as 2 weeks ago the Fulton County School Board was evacuated after engineers indicated that bluff erosion had made the building unsafe.

Over the last several years, I have worked to find a solution to this problem. In 1992, I obtained funds to direct the Corps of Engineers to study the bluff's instability and determine the least costly alternative to address the erosion problem. Last year I was able to get additional funds included in the Energy and Water Development Appropriations, subject to authorization. Unfortunately, the Water Resources Development Act never passed the Senate, leaving the Corps of Engineers without the authorization to initiate their plan to stabilize the bluff. This amendment merely authorizes the expenditure of already appropriated funds.

This year I am concerned that time may run out on the residents of Hickman. Since the erosion does not conveniently conform to the Senate's schedule, I simply can not stand by and wait to see if the Water Resources Development Act will be passed this year. The city of Hickman is counting on this funding to prevent any further loss of their community.

AMENDMENT NO. 344

(Purpose: To restore local rail freight assistance funds)

Mr. INOUYE offered amendment No. 344 for Mr. PRESSLER, for himself, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE.

The amendment is as follows:

On page 30, line 8, strike the dollar figure ''$120,000,000'' and insert in lieu thereof the dollar figure ''$126,608,000''.

On page 30, strike line 14 through line 18.

AMENDMENT NO. 345

(Purpose: Sense of the Senate concerning the National Test Facility)

Mr. INOUYE offered amendment No. 345 for Mr. BROWN.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

''SEC. . NATIONAL TEST FACILITY.

It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas: (a) United States-United Kingdom defense planning; (b) the PATRIOT and THAAD programs; (c) computer support for the Advanced Research

Center; and (d) technical assistance to theater missile defense, and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

AMENDMENT NO. 346

(Purpose: To provide that the rescission from the environmental restoration defense account shall not affect expenditures for environmental restoration at installations proposed for closure or realignment in the 1995 round of the base closure process)

Mr. INOUYE offered amendment No. 346 for Mrs. FEINSTEIN.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following new section:

SEC. 110. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

AMENDMENT TO PROTECT MILITARY BASES

Mrs. FEINSTEIN. Madam President, I rise today to offer an amendment that would protect military bases recommended for closure or realignment in 1995 from the proposed rescission in the Defense Environmental Restoration Account [DERA]. I urge my colleagues to support this important amendment.

As many of my colleagues know, DERA funds are used to clean up environmental contamination at open military bases. Because, the military is subject to Federal and State environmental laws and regulations just like private parties, the Department of Defense has an obligation to clean up its military bases, whether the bases will remain open or will close due to the base realignment and closure process.

I strongly support DERA efforts and am concerned about the proposed $300 million rescission in this appropriation bill. But, I understand that the supplemental funding is extremely important to ensure the readiness of our Armed Forces and protect U.S. national security. Because the Appropriations Committee has decided to fully offset the increase in funding with spending cuts, difficult decisions need to be made. I remain hopeful, however, that the severe cut in DERA funds can be mitigated in conference.

I am particularly concerned about the impact of the DERA rescission on bases that have been recommended for closure or realignment in the current base closure round. Normally, cleanup at closing military bases is funded out of the base realignment and closure [BRAC] account. However, in the first year of a closure—before BRAC cleanup funds are available—environmental cleanup at closing military bases is funded from DERA.

Military bases slated for closure must be closed within 6 years of the closure decision, therefore, it is important that environmental cleanup not be delayed to ensure the timely and effective reuse of bases. Environmental cleanup is vital to assisting impacted communities with economic redevelopment efforts.

This amendment would protect bases recommended for closure or realignment in 1995 from any funding cuts in DERA. The rescission would still take place, but at least for the first year until BRAC funding kicks in, closing bases would not be impacted. This amendment would simply ensure that the timetable for cleaning up and closing a military base is not adversely impacted.

I urge my colleagues to support this amendment.

Mr. INOUYE. Madam President, I ask unanimous consent that the amendments be considered and agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that statements relative to the amendments be printed in the RECORD as though read.

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

So the amendments (Nos. 342 through 346) were agreed to.

DOD MAIL ORDER PHARMACY PROGRAM

Mr. DOMENICI. Madam President, I would like to bring to Senator STEVENS' attention an issue regarding improved options for access to DOD health services.

Mr. STEVENS. I welcome my friend and colleague's input.

Mr. DOMENICI. The fiscal year 1993 Defense Authorization and Appropriations Acts required the DOD to conduct mail service pharmacy demonstration projects. The fiscal year 1994 Appropriations Act included language requiring DOD to expand the mail service benefit to include all base realignment and closure sites not supported by an at-risk managed care support contract.

DOD has moved forward to implement at-risk managed care support contracts; however, residents within the BRAC sites are still adversely affected because the managed care contracts will not be fully implemented in some areas for up to 27 months. This denies these individuals the access and convenience they previously had in going to medical treatment facility pharmacies.

By acting to extend the mail service pharmacy program now rather than waiting for full implementation of the managed care at-risk contracts, the Government can achieve the following objectives.

First, during the interim period, eligible residents will have access and convenience to a benefit that is comparable to what they had before by being able to go to the pharmacy at the medical treatment facility before it closed.

Second, the existing mail service pharmacy benefit uses government acquired pharmaceuticals, where as currently, beneficiaries are reimbursed based on what they pay for medications on the commercial market, which are considerably higher.

Third, expansion of this benefit now is consistent with previous congressional mandates to provide access and interim coverage to individuals affected by BRAC.

For these and other reasons, it is my hope that you will lend your support to try to address this gap in coverage during the conference.

Mr. STEVENS. The Senator from New Mexico has my support for trying to assist him in addressing this issue during the conference.

Mr. DOMENICI. I thank the Senator. I very much appreciate his support.

AIR FORCE SPACE PROGRAM FUNDING

Mr. STEVENS. Madam President, in discussions with the Air Force early this month, the Defense Subcommittee learned about a potentially serious problem with the financing mechanisms governing Air Force support of the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration [NASA].

In addition, potential problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs.

The Cassini-related issue centers on the question of how much of the funds reimbursed to the service by NASA, can the Air Force use to finance the Titan IV/Centaur heavy-lift expendable launch vehicle programs. There is no problem with the amount of reimbursement, or with NASA's willingness to pay these funds. The problem apparently arises due to legal interpretation of the statute governing interagency exchanges of goods and services.

The subcommittee has been informed that resolution of this problem should occur early this year to avoid significant impacts on the Titan IV/Centaur space programs.

Similarly, early resolution may be needed for the on-orbit incentives dilemma the Air Force faces. In this case, a change in guidelines for budgeting for on-orbit incentives may have caused financial shortfalls for important satellite programs. The Air Force states that these financing changes may cause serious problems for the Defense Support Program for early warning satellites, the Global Positioning System navigation satellites, the Defense Meteorological Satellite Program, and the Defense Satellite Communications System.

The subcommittee understands that possible solutions to the Cassini and on-orbit incentives problems raise several legislative issues which must be addressed. Because of these issues, I have asked the Secretary of the Air Force to provide the subcommittee with her views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

I ask unanimous consent to print in the RECORD my letter to Air Force Secretary Sheila E. Widnall on these matters at the end of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. It is my objective to be able to address these problems during our joint conference with our House counterparts. I am hopeful that the additional information we are seeking will assist us during this conference.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 16, 1995.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR MADAM SECRETARY: In discussions with the Air Force, the Defense Subcommittee has learned about a potentially serious problem with the financing mechanisms governing Air Force support for the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration (NASA). In addition, problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs. The Subcommittee has been informed that resolution of these problems would occur early this year to avoid significant impacts on Air Force space programs.

The Subcommittee understands that possible solutions to these problems raise several legislative issues which must be addressed. Because of these issues, I would appreciate it greatly if you would share with us your personal views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

As I know you recognize, the Subcommittee stands ready to assist the Air Force in meeting its national security missions.

With best wishes,

Cordially,

TED STEVENS,
Chairman.

Mr. DOMENICI. Madam President, I would like to review with the distinguished chairman of the Defense Subcommittee the status of an Air Force program to investigate new air defense surveillance technologies. This program, called HAVE GAZE, has been managed for many years by the Air Force's Phillips Laboratory in New Mexico. Last year, Congress appropriated $8 million for fiscal year 1995 efforts. The same amount was appropriated for fiscal year 1994.

Phillips Laboratory has developed this promising new radar technology to the point where actual field experiments are necessary. These experiments are designed to gather the hard data needed to determine HAVE GAZE's operational potential and to determine whether the next development steps are justified.

Unfortunately, the Office of the Secretary of Defense [OSD] has released only about $2.5 million of the fiscal year 1994 funds and has withheld approval to spend the remaining $5.5 million for fiscal year 1994 and all of the fiscal year 1995 funds. Despite Congress' support for the program, OSD initially tried to terminate HAVE GAZE and now proposes more delays and more study before the Air Force can obligate funds.

I would like to ask the distinguished Defense Subcommittee chairman whether he shares my concerns about the Defense Department's latest actions regarding HAVE GAZE.

Mr. STEVENS. I say to my colleague from New Mexico that I do, indeed, share his concerns about HAVE GAZE. I am sorry to say the Department has not acted expeditiously as we intended when we appropriated funds in fiscal years 1994 and 1995. It is important that these previously appropriated funds be released so that the technical data needed to fully evaluate HAVE GAZE's potential is available to the Pentagon and to the Congress.

Mr. DOMENICI. Is the chairman aware of the support from the military for obtaining this HAVE GAZE data through the field experiments?

Mr. STEVENS. I am well aware of the fact that these HAVE GAZE experiments are supported by both the U.S. Space Command and the Air Force.

Mr. DOMENICI. I believe there is still an opportunity for the appropriate and timely resolution of this difficulty. Does the distinguished chairman agree?

Mr. STEVENS. I agree that there is need for the quick resolution of the situation.

Mr. DOMENICI. Will the chairman be willing to continue to work with me during the joint conference with our House counterparts to encourage the Defense Department to release the HAVE GAZE funds without further delay?

Mr. STEVENS. Let me assure my colleague on the Defense Subcommittee that, should these delays continue, we will need to consider this topic in our deliberations during conference with the House on this bill. I will work closely with him on this important matter.

Mr. DOMENICI. I thank the Senator. I greatly appreciate the support of the distinguished chairman of the Defense Subcommittee in obtaining an expeditious resolution of this HAVE GAZE issue.

MILITARY SCHOOL MAINTENANCE

Mrs. MURRAY. Madam President, I rise to engage the chairman of the Senate Appropriations Defense Subcommittee in a colloquy on the issue of military school maintenance.

As the chairman may know, local education agencies [LEA's] which serve the dependents on active military personnel have a unique and very difficult challenge in meeting the needs of these students. Not the least of these challenges is maintaining a safe and productive learning environment in those educational facilities which are owned by the Federal Government and located on military installations.

This situation is particularly acute in several LEA's which were identified in the joint Department of Defense/Department of Education report, the Dole Commission report mandated by Public Law 99–661, as having the most severe problems while serving at least two major military installations. In fact, some of these facilities would not even meet local fire and safety regulations were they not located on Federal property.

Congress has addressed this problem several times in the past. In fiscal year 1994 Congress appropriated $10 million to initiate repair problems at the above mentioned installations. This allowed the Department to begin correcting the most severe building deficiencies in advance of ownership transfer to the involved LEA's. In fiscal year 1995 Congress appropriated an additional $20 million to continue and hopefully complete this work and transfer ownership.

Though the funds for fiscal year 1995 military school maintenance programs were appropriated almost 6 months ago, I am advised that the Department of Defense has yet to disburse these funds to the appropriate schools.

Mr. STEVENS. I share the Senator's concern about DOD failing to promptly disburse these funds. As the Senator from Washington knows, the Department was directed—in the Senate report accompanying last year's Defense appropriations bill—to allocate these funds to school districts identified in the joint DOD/DOEd study as having the most severe problems. As such, school districts in our two States are in line for receiving some of these funds. One of the reasons for the Department's delay, I am told, is that statutory language approved in the 1995 Defense Appropriations Act does not allow funds for repairing federally owned schools to be used to replace facilities. I believe this problem faces both the Alaska and Washington schools. Is that the Senator's understanding as well?

Mrs. MURRAY. I believe that to be the case. It is my hope that a remedy to this situation will be considered in the conference on this supplemental appropriations bill.

Mr. STEVENS. I look forward to working with the Senator from Washington on this issue and will ask my staff to work closely with your office to craft an appropriate remedy. I can assure the Senator that this issue will be dealt with promptly.

APACHE HELICOPTERS

Mr. BOND. Madam President, there is one issue I would like to bring to the attention of the chairman of our Defense Subcommittee—the proposed rescission of $77.6 million from the Apache A procurement program. Although this funding is no longer needed to prevent a gap in the Apache production line, the Army claims that it is needed to prevent a delay in the Apache Longbow modernization program, which is one of the U.S. Army's priority programs.

I have been informed that the Army currently faces a significant funding shortfall for long lead procurement

items and for research and development in the Longbow program. These funding shortfalls may cause significant downsizing and delay in both efforts. A delay in exercising the long lead contract options and in providing the RDT&E funding, may result in key suppliers ceasing work and may cause delays in production planning, tooling acquisition, and component production. Technical publications may be placed at risk, and total program costs may increase.

I ask the chairman whether he would be willing to address this issue in conference and to work with me to find some kind of accommodation to avoid shortfalls in this critical program.

Mr. STEVENS. I recognize the concerns of the Senator from Missouri in this matter, and I can assure him that I will be happy to work with him within the fiscal limitations which constrain all of our decisions during this time of austerity.

I want to extend to my colleague and fellow member of the Defense Subcommittee my personal commitment to support the Apache Longbow program as a centerpiece of the Army's aviation modernization plan. I also recognize the significance of continuity in the Apache Longbow procurement and development efforts to the consideration of Apache helicopters for purchase by our NATO allies.

Let me add, for the benefit of my colleague, that I have directed the Defense Subcommittee staff to begin discussions immediately with the Army to determine the supplemental funding requirements for fiscal year 1995. The subcommittee is seeking this additional information so that it can assure that adequate resources are available for the program and that fiscal year 1995 funds support the efficient execution of the fiscal year 1996 budget request for Apache Longbow.

Mr. CONRAD. Mr. President, will the Senator from Hawaii be willing to engage in a short colloquy with the Senators from North Dakota?

Mr. INOUYE. I will be glad to engage in a colloquy with the Senators from North Dakota.

Mr. CONRAD. According to my understanding, Congress appropriated $10 million in fiscal year 1994 and $10 million in fiscal year 1995 for the U.S. Army to upgrade and procure the M149A2 water trailer.

Would the Senator from Hawaii tell me if my understanding is correct?

Mr. INOUYE. The Senator is correct. The Senator from North Dakota is aware that, as Chairman of the Defense Appropriations Subcommittee, I strongly supported procurement of the M149A2 because it provided the Army with a modern water trailer which it sorely needed.

Mr. CONRAD. I recognize the key role the Senator has played in procurement of the water trailer, and I am grateful for his support. As the Senator from Hawaii is aware, the M149A2 is manufactured by the Turtle Mountain Manufacturing Co., located on the Turtle Mountain Indian Reservation in North Dakota.

Turtle Mountain Manufacturing Co. began manufacturing the water trailer when the company was part of the Small Disadvantaged Business 8(a) set-aside program, and the company continued manufacturing the trailer after it graduated from the 8(a) program. Procurement of the M149A2 provided the Army with a vital piece of equipment. The procurement also brought job opportunities to the Turtle Mountain Indian Reservation.

However, I have recently learned that the Army has procured enough of the water trailers to meet its new inventory objective. Due to planned force structure changes, the Army does not need as many water trailers as it previously anticipated.

Would the Senator tell me if I am correct?

Mr. INOUYE. The Senator is correct. The Army reports that it has 9,926 M149A2 water trailers on hand, and no longer needs more of the water trailers. As the Senator has indicated, the Army still has $15 million of the funds Congress appropriated for the water trailers in fiscal year 1994 and fiscal year 1995.

The Army does, however, need another trailer, the M105A3 cargo trailer. The average age of the M105 cargo trailer is 16 years, while the trailer's economic life is 20 years. Nearly one-quarter of the Army's fleet of M105 cargo trailers is older than twenty years, and many of these overage trailers are assigned to fight units. The overage trailers can impair unit mobility and readiness.

Mr. CONRAD. As I understand it then, the Army has $15 million remaining from procurement of the M149A2 water trailer. Although the Army does not need additional water trailers, it does need the M105A3 cargo trailer.

Would the Senator support the Army's using this remaining $15 million to procure the M105A3 cargo trailer?

Mr. INOUYE. I indeed support such action by the Army. The funds were appropriated for trailer procurement, and the Army needs the M105A3. I urge the Army to use the funds to procure the M105A3.

Mr. DORGAN. I echo the sentiments expressed by my colleague from North Dakota. I thank the Senator from Hawaii for his support of funding for the M149A2 water trailer. The Senator's support has been vital to its inclusion in the defense appropriations bill.

Regarding the purchase of the M105A3 cargo trailer, I appreciate the Senator's confirmation that the Army needs the trailer. Since procurement of the M105A3 would essentially replace procurement of the M149A2, which was originally procured under the small disadvantaged 8(a) program, would the Senator from Hawaii indicate whether he thinks the M105A3 should be procured under a set-aside program?

Specifically, does the Senator from Hawaii think it would be appropriate for the M105A3 contract to be set aside for small disadvantaged businesses?

Mr. INOUYE. I do think it would be appropriate for the Army to set aside the M105A3 contract for small disadvantaged businesses, and I urge the Army to do so.

Senator STEVENS, the chairman of the subcommittee, is on the floor. Would the chairman of the subcommittee be willing to share his views on this subject?

Mr. STEVENS. I am pleased to tell the Senator from Hawaii that I share his opinion. The Army needs the M105A3 and, since the Army has funds which were appropriated for trailer procurement, the Army should use the $15 million in unused funds from procurement of the M149A2 to procure the M105A3 cargo trailer.

Mr. CONRAD. I thank the Senator from Hawaii and the Senator from Alaska.

FUNDING FOR ENTERPRISE DEVELOPMENT IN THE NIS

Mr. STEVENS. Madam President, I would like to express to the Senator from Kentucky, the chairman of the Foreign Operations Subcommittee, my concern as to whether the rescission in this bill to the Agency for International Development [AID] budget might affect the fiscal year 1995 funding level for the Enterprise Development Program. The projects funded in this program are some of the most successful in the former Soviet Union. I have personal experience with the American Russian Center [ARC] in Alaska, which receives its funding through this program. As you may be aware, during its exit briefing for their assessment of AID's programs in the Newly Independent States [NIS] the General Accounting Office [GAO] stated that the ARC was one of the two best programs in Russia. Mr. Tom Dine, the AID assistant administrator for Eastern Europe and Russia, is quoted as saying ''I use it [ARC] as an example to other Universities of how to get involved in the whole economic transition effort taking place in the former Soviet Union.'' ARC is the only AID privatization program in the Russian Far East Region, and in its first year provided training and technical assistance to over 1,000 Russians. Does the committee support the privatization programs, such as the ARC, in the NIS?

Mr. MCCONNELL. Yes, it does.

Mr. STEVENS. The Enterprise Development Program in AID is funding the development of private enterprises in Russia, not the Russian Government. This is consistent with the goal of strengthening the developing entrepreneur class in Russia. This entrepreneur class will be the backbone of democracy in that country. Because of the outstanding performance of the ARC and other programs like it, and

their critical mission of supporting privatization in Russia, I believe this program merits continued full funding. Is it the intention of the chairman of the Foreign Operations Subcommittee that no reduction be applied to the highly rated projects in the Enterprise Development Program such as the ARC?

Mr. MCCONNELL. Yes, that is correct. AID should maintain full funding for these programs.

Mr. STEVENS. Does the distinguished Senator support the original fiscal year 1995 funding level for the Enterprise Development Program.

Mr. MCCONNELL. Yes.

Mr. STEVENS. Madam President, I want to thank my colleague for clarifying that point.

Mr. DOMENICI. Madam President, I rise in my capacity as chairman of the Budget Committee, to comment on H.R. 889, the defense supplemental appropriations and rescission bill for the fiscal year ending September 30, 1995, as reported by the Senate Appropriations Committee.

The bill provides for a net decrease in fiscal year 1995 budget authority and outlays of $1.3 billion and $91 million, respectively. These are real cuts to the deficit.

I ask unanimous consent that tables showing the relationship of the pending bill to the Appropriations Committee 602 allocations and to the overall spending ceilings under the fiscal year 1995 budget resolution be printed in the RECORD.

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

STATUS OF H.R. 889 DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS—SENATE-REPORTED

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status [1]	H.R. 889	Subcmte total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
Budget authority	58,117	—	58,117	58,118	−1
Outlays	50,330	—	50,330	50,330	−0
Commerce-Justice:					
Budget authority	26,873	−177	26,696	26,903	−207
Outlays	25,429	−20	25,409	25,429	−20
Defense:					
Budget authority	243,628	−0	243,628	243,630	−2
Outlays	250,661	−0	250,661	250,713	−52
District of Columbia:					
Budget authority	712	—	712	720	−8
Outlays	714	—	714	722	−8
Energy-Water:					
Budget authority	20,493	−100	20,393	20,493	−100
Outlays	20,884	−50	20,834	20,888	−54
Foreign Operations:					
Budget authority	13,679	−172	13,507	13,830	−323
Outlays	13,780	−6	13,775	13,780	−5
Interior:					
Budget authority	13,578	—	13,578	13,582	−4
Outlays	13,970	—	13,970	13,970	−0
Labor-HHS: [2]					
Budget authority	266,170	−300	265,870	266,170	−300
Outlays	265,730	−4	265,726	265,731	−5
Legislative Branch:					
Budget authority	2,459	—	2,459	2,460	−1
Outlays	2,472	—	2,472	2,472	−0
Military Construction:					
Budget authority	8,836	—	8,836	8,837	−1
Outlays	8,525	—	8,525	8,554	−29
Transportation:					
Budget authority	14,265	−187	14,078	14,275	−197
Outlays	37,087	−11	37,075	37,087	−12
Treasury-Postal: [3]					
Budget authority	23,589	—	23,589	23,757	−168
Outlays	24,221	—	24,221	24,261	−40
VA-HUD:					
Budget authority	90,256	−400	89,856	90,257	−401
Outlays	92,438	—	92,438	92,439	−1
Reserve:					
Budget authority	—	—	—	2,311	−2,311
Outlays	—	—	—	1	−1
Total Appropriations: [4]					
Budget authority	782,655	−1,336	781,319	785,343	−4,024
Outlays	806,241	−91	806,150	806,377	−227

[1] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $1.3 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[3] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations for the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $1.3 million in budget authority and $1.4 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note.—Details may not add to totals due to rounding.

Source: Prepared by SBC majority staff, March 7, 1995.

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 889, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL

[In billions of dollars]

	Budget authority	Outlays
Current level (as of February 25, 1995) [1]	1,236.5	1,217.2
H.R. 889, Defense Supplemental and Rescissions, as reported by the Senate	−1.3	−0.1
Total current level	1,235.2	1,217.1
Revised on-budget aggregates [2]	1,238.7	1,217.6
Amount over (+) / under (−) budget aggregates	−3.6	−0.5

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[2] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Note: Details may not add to total due to rounding.

Source: Prepared by SBC majority staff, March 7, 1995.

NORTH KOREA—AMENDMENT NO. 328

Mr. HATFIELD. Madam President, I wonder is my friend from Alaska will allow me to respond to his final point about the necessity of having this same language included in the rest of the 1996 appropriation bills.

Mr. MURKOWSKI. I welcome the chairman's comment on this point.

Mr. HATFIELD. I appreciate Senator MURKOWSKI's willingness to modify the language of the amendment to delete the reference to ''any other act.'' As the Senator knows, it is my policy as chairman to pass appropriation bills that do not contain amendments that attempt to apply to other appropriation bills that have not yet come before us.

However, I want to give my assurances to the Senator from Alaska and to the majority leader that I support the intent of this amendment and will work with you in your efforts to include it in the remainder of the 1996 appropriation bills.

The Murkowski/Dole amendment brings much needed discipline to the administration's tactics for diverting money to the projects associated with the United States DPRK agreed framework. As the Senator mentioned in his remarks, in fiscal year 1995 the administration relied exclusively on emergency and reprogrammed funds for this purpose. As the chairman of the Appropriation Committee, I strongly support

the Murkowski/Dole amendment for requiring the administration to take an upfront approach from here on out. The administration must specifically request that funds be set aside for use in implementing the agreed framework. This will bring greater accountability to the process, and perhaps decrease the necessity for emergency supplementals such as the one we have before us today.

Mr. MURKOWSKI. I thank the chairman for his remarks, and also thank the Senior Senator from Alaska for his support of this amendment. I will look forward to working with you to see that the Murkowski/Dole language is adopted in subsequent appropriation bills.

Mr. COVERDELL. Madam President, I had planned to offer an amendment today but I will withhold in order to explain an agreement I have reached with the Chairman and manager of this bill, Senator HATFIELD. My amendment would have prohibited the Department of Housing and Urban Development [HUD] from expending further Community Development Block Grant [CDBG] nonemergency monies until funds appropriated last August for Tropical Storm Alberto were fully released.

Madam President, the State of Georgia this summer endured the worst disaster in its history, Tropical Storm Alberto. Alberto has left in its wake flooding unparalleled in the Southeast and damage estimates nearing $1 billion. In the aftermath of this disaster, Georgia embarked on a unified effort to build back its communities. This effort was appropriately called ''Operation Buildback.'' During these efforts, State officials with the assistance of their Federal representatives, catalogued the damages and recommended priority projects for the Federal agencies for whom emergency appropriations were made during our appropriations process.

During the 1995 budget cycle, $180 million were made available for this flood through the Housing and Urban Development [HUD] CDBG program. Let me remind my colleagues that this process took place last August. It has been a full 8 months since and HUD has not released over one-third of the disaster aid. In addition, my three inquiries to Office of Management and Budget [OMB] and HUD as to when the remaining funds would be released were ignored until it was learned that I would offer this amendment. There is $57 million outstanding and I would like to know why. Eight months is entirely enough time to get these funds released. The State of Georgia has done their part in submitting project requests in December that were well in excess of the $180 million that was appropriated for the entire disaster. It is high time for the Federal Government to do their part.

I submit that this is not way to treat disaster victims and their communities. We have a responsibility to get that money back to those who need it most instead of on a bureaucrat's desk in Washington. I will not offer my amendment with the assurances of Committee Chairman HATFIELD that he will support my efforts to add such an amendment to the second supplemental appropriations bill we consider if the administration has not rectified this situation.

Mr. HATFIELD. The Senator from Georgia is correct in regard to our agreement. If this situation has not been resolved by the time the Senate considers the next supplemental appropriations bill, I will support the amendment of the Senator of Georgia.

Mr. COVERDELL. I commend the chairman for his willingness to assist me in this endeavor. It is of utmost importance to my State. I look forward to working with him in the coming weeks to rectify this matter and thank him for his leadership in this regard.

Mr. HATFIELD. I thank the Senator from Georgia.

Mr. DOLE. Madam President, before we vote on the supplemental appropriation bill before us, I want to thank Chairman HATFIELD, Senator BYRD, Chairman STEVENS, and Senator INOUYE for their hard work in hammering out a bill which will restore $1.9 billion needed for training and readiness of our Armed Forces.

I am pleased that this bill is fully offset in both budget authority and outlays. Additionally, in my view, the committee has done a good job in identifying the defense programs which should fund this supplemental appropriation. However, I am concerned by the fact that the operations and maintenance accounts of our Armed Forces are continually being raided to fund unbudgeted contingencies that have little if anything to do with our national security. The administration requested this supplemental because it diverted 4th quarter O&M funding to pay for operations in Somalia, Haiti, Rwanda, Kuwait, Korea, and Bosnia. Now, let me be clear, I am not saying that all of these operations do not relate to U.S. interests. Certainly some, such as the deployment to Kuwait and the increased operations in and around the Korean peninsula, were in line with our national security interests. That is the way it is supposed to be. The deployment of U.S. troops should only be considered when the vital interests of the United States are at stake. We simply cannot continue to raid our O&M accounts to pay for every peace-keeping or peace-making operation dreamed up by the United Nations.

Even as the drawdown continues, our fighting men and women are asked to take on more missions in hostile environments. They face greater dangers with fewer numbers and less resources. In fact, since the collapse of the Berlin Wall, the Army has seen operational deployments increase by 300 percent. Last year, the Army twice set a new record for soldiers operationally deployed to other countries—with U.S. troops in more than 91 countries around the world. Despite all of the administration's rhetoric, they have provided neither an adequate force structure nor an adequate defense budget for the challenges that face us in this new era.

Now, we in the Congress find ourselves in the position of voting on a measure which essentially funds peacekeeping operations on which this Chamber has not expressed its position. Certainly, the President should have the flexibility to act in defense of our Nation and its interests. But we have been put in a position where we are asked to reimburse the Department of Defense for these operations, and if we do not, the readiness of our forces will be irreversibly harmed. Earlier, my colleague, Senator STEVENS, laid out for us what it would mean to not provide these funds. No doubt about it, the readiness of our forces would be downgraded from their current level, which in my view is precarious at best.

So, let me be clear, because I am concerned about the readiness of our forces and because I support the men and women who put their lives on the line whenever this Government asks them to, I will vote for this bill. But that should not be interpreted as a stamp of approval of all of the operations which made this supplemental necessary.

Mr. NUNN. Madam President, I want to start by commending the Senator from Alaska and the Senator from Hawaii for their hard work on this bill. I know there are no two members of the Senate more concerned about our national security than Senator STEVENS and Senator INOUYE. They have been given the difficult task of balancing our national security needs with the need for deficit reduction, and I can certainly appreciate the pressures they are under.

The Appropriations Committee has moved quickly on this supplemental, which the administration says must be enacted by the end of this month. I think the Senate has improved on the House bill in some respects. I particularly want to commend the managers for rejecting the reduction proposed by the House to the Cooperative Threat Reduction Program. That is a program the Secretary of Defense feels very strongly about, as do I.

I also think the managers were wise to reject the addition of $670 million in unrequested funds contained in the House bill. Some of those additional funds do address must-pay bills, which I will come back to in a moment, but they are not programs that belong in an emergency supplemental.

Madam President, the Defense Department needs a supplemental, and I think the leadership of the Defense Department is doing what they feel they need to do to get a supplemental enacted in a timely fashion to avoid a repeat of the disruptions in training that caused readiness problems in fiscal year 1994. However, I have several concerns with the approach the Senate is

being asked to take in this legislation. I question whether this supplemental is a good deal for the Defense Department on balance.

First, it does not provide the net increase in defense spending for readiness that was requested by the administration, despite the concerns many of my colleagues have expressed about readiness. The costs of the contingencies are covered, but only by making cuts elsewhere in the defense budget. Unlike the administration request and the House-passed bill, there is no net increase in funding for the Department of Defense in this supplemental.

Because this bill is not designated as an emergency, it requires all increases to be fully offset in both budget authority and outlays—otherwise enactment of a supplemental could cause a sequester. As this bill demonstrates, it is necessary to cut more budget authority than you add in order to achieve that goal when the supplemental requirements fall in the faster spending accounts, which is usually the case. In the future, I fear that we will find that attempting to offset fast-spending operation and maintenance outlays on a one-for-one basis will be extremely difficult and overly restrictive.

DOD is willing to make some of the cuts in this bill, such as termination of the TSSAM Program, which was anticipated in the budget, but they had planned to use these cuts to offset the cost of other must-pay bills later on this year. I might add that I regret that the TSSAM Program was not able to overcome its problems, because it is a technology we very much need, in my view. I am not quarreling with the administration's decision to terminate the program, although I am concerned that the amount of money rescinded in this bill will not allow sufficient funds to pay the Government's termination costs. I appreciate the comments of the Senator from Alaska that he is aware of that issue and plans to review it in conference.

According to Deputy Secretary Deutch, DOD already has $800 million in must-pay bills unrelated to these specific contingencies which will require reprogrammings, which is a process by which funds are transferred from one defense program to another during a fiscal year. By taking the easier cuts for this bill, we are just making it harder to deal with those other must-pay bills later.

Yet this bill also reduces DOD's 1995 reprogramming authority, thereby reducing their flexibility later in the year if more problems come up. There are other cuts in this bill that the Department of Defense does not agree with, such as the reductions to the Technology Reinvestment Program.

In addition to the concerns I have regarding specific programs in this supplemental, I am troubled by the impact on the defense budget and on defense management that the approach this bill takes of making DOD absorb the full cost of these contingencies could have if it is viewed as a precedent for funding future contingencies, which I hope it will not be. It largely defeats the purpose of having a supplemental.

I am not sure we have really thought through the impact of what we may be doing to the military with this 100 percent offset approach. Last week, Gen. Gordon Sullivan, the Chief of Staff of the Army, told the Armed Services Committee that if the Congress adopts a policy of forcing the military to completely offset the costs of any contingency operation:

> . . . it is just going to destroy our training programs, our quality of life programs, and it is going to be difficult to manage the readiness of the force . . . It is going to come out of reducing real property maintenance. We may have to furlough civilians, terminate temporary employees, curtail supply requests, park vehicles, reduce environmental compliance. It is going to have a major impact.

General Sullivan said that in the event the military is told to assist a large-scale evacuation of U.N. personnel from Croatia:

> I just have to stop training, and I will have to move money around from elsewhere to keep that operation going since obviously what you expect me to do is to fight and win your wars. So, I will have to get the money from people who are not doing that to support it.

Now that may sound like an exaggeration to some, but if you understand the laws that govern the defense budget, you will see why General Sullivan's comments are right on target. The cost of an operation, such as paying for the airlift to get there, the fuel, spare parts, and so on, must come out of the operating budget. The military does not have the authority to divert funds from the procurement of weapons, or from research or military construction or military personnel accounts, even if they wanted to.

And even within the operating budget, there are further constraints. A large portion of the operating account is civilian pay, so you cannot save money there without firing civilians. And you cannot cut really cut the money to operate the bases—you have to pay the light bill. So the areas General Sullivan is talking about—training, maintenance and repair of the buildings on our military bases—are the only areas where the military has the flexibility to change its plans halfway through the year. And in fact that is exactly what happened last year—money had to be diverted from training.

In the past we have paid for contingencies and natural disasters such as the Midwest floods, the Los Angeles riots, the California earthquake, and the cost of the Somalia and Rwanda operations last year, as emergencies under the agreement reached in 1990 as part of the Budget Enforcement Act that set up discretionary caps. What we have done, at least in defense, was make a good faith effort to offset these supplementals as best we could. About 70 percent of the cost of the 1994 Somalia supplemental was offset by defense rescissions, for example, while all of the costs of the Rwanda mission, which was about $125 million, were emergency funds. So in the past we have been consistent about calling an emergency an emergency, but sometimes we have fully or partially tried to offset those costs and sometimes we have not.

That is basically the approach the House is taking. They provided emergency supplemental appropriations for the Department of Defense and then tried to offset those appropriations, in budget authority but not in outlays, using savings from both defense and domestic programs. It is my hope that the House position would prevail on this fundamental point, that is, the question of whether we are going to treat the costs of contingency operations that cannot be anticipated in advance as emergencies for budget purposes.

If we start dropping the emergency designation, we could end up tieing our hands in responding to future emergencies while we wait to find 100 percent offsets. Strong consideration must be given to budgeting for unanticipated contingencies in advance in the DOD budget, but this inevitably runs into the issue of implicit congressional approval for military operations and war powers considerations.

In addition to my concerns about the financial impact on the Defense Department if this bill is viewed as a precedent, I also share the concerns expressed by the Senator from Hawaii about the long term policy implications of telling the military any future contingency they are involved in is going to come out of their budget dollar for dollar. This is going to have an impact on their ability and their willingness to respond to situations like Haiti or Cuba, or especially a much more expensive operation like peace enforcement in Bosnia, in the future. It could have the effect of dictating our policy on the use of force through the appropriations process.

I hope the policy of making the Defense Department absorb the costs of these operations is viewed as a one-shot proposition, not as a precedent for future supplementals, because if we are telling the Department of Defense that any time there is an emergency that comes up and they come over and request supplemental funds that they are going to have to provide a 100-percent offset, then we are going to change the nature of the responsiveness of the Department of Defense itself to the missions that may, indeed, be crucial to our Nation's security.

If the Department of Defense is told that any unanticipated operation they undertake, either unilaterally or with NATO or the United Nations, is going to have to be completely offset within the defense budget, which means they are going to have to basically kill or substantially alter crucial defense programs in order to absorb those costs,

then the result is going to be a very strong signal that the United States is not going to be as involved as we have been in world affairs, including commitments to our allies and commitments that we have voted for at the U.N. Security Council.

This complete offset policy sounds good in speeches but it has very serious implications for the Department of Defense. Make no mistake about it, this complete offset policy means the long-term capability of the Department of Defense is going to go down. It does not mean that the immediate readiness is going down because that can be protected.

But future readiness, future capability, requires modernization and it requires research and development, and those are the programs being cut by this complete offset policy. So 5 or 10 years from now, people will have a very serious problem with readiness if we continue to declare there is no emergency even when our forces are responding to the unanticipated events that we all know will take place somewhere in the world from time to time.

Madam President, I also want to note that this bill contains domestic rescissions of about $1.5 billion. I understand that the defense portion of this supplemental is outlay neutral in 1995 without the domestic rescissions, but that over the 5-year period the domestic rescissions are necessary to make the whole bill outlay neutral over the long run.

Many of my colleagues do not support the idea of using domestic rescissions to offset the cost of a defense supplemental. My view is either we have firewalls or we do not. The Congress has cut defense to pay for domestic supplementals in the past, so I do not see any reason why we should not look to domestic programs to offset the cost of defense supplementals, especially if we are going to start adopting the policy of offsetting both the budget authority and outlays of supplementals.

I hope we decide to reinstate defense firewalls, Madam President. But until we do, I believe domestic programs should be on the table to fund defense supplementals, just as defense programs have been put on the table to fund domestic supplementals.

In 1990, for example, $2 billion in defense funds were rescinded to substantially offset the cost of a supplemental providing economic aid to the new democratic governments of Panama and Nicaragua as well as funds for food stamps, fighting forest fires, veterans programs, and many other programs.

That same fiscal year, discretionary spending was reduced across the board to fund antidrug programs. So once again there was a net transfer of funds from the defense budget to the non-defense discretionary part of the budget.

I should also point out that previously the defense budget has been held to a higher standard than the domestic budget. As I have already pointed out, 70 percent of the defense funds provided in last year's emergency supplemental for Somalia were offset by defense rescissions. But only about 25 percent of the non-defense funds provided in that supplemental were offset by rescissions. If the Congress is contemplating setting out a new policy for offsetting supplementals, or not offsetting supplementals, I think that policy has to be fair in its treatment of defense and domestic emergencies.

HAITI REPORTING REQUIREMENT

Madam President, I am also concerned that the requirement for a Presidential report on the cost and source of funds for military activities in Haiti is linked to a cutoff of funds for those activities if the report is not submitted within 60 days after enactment of this act.

I generally oppose linking a cutoff of funds for any military operation to anything other than the accomplishment of the mission. If the Senate opposes a military activity or operation, it should vote to cut off the funding. In the case of the Haiti operation, however, the Senate voted several times in the last session not to prohibit the President from ordering the deployment of United States forces to Haiti. I do not think that the Senate would be prepared to vote to terminate the funding for the Haiti mission now that it has been carried out with such professionalism by United States forces and is in the process of being turned over to a U.N. operation that will be commanded by a United States general officer.

In this case, moreover, virtually all of the information that the President would have to provide in his report to Congress was mandated last session by Public Law 103–423, a joint resolution regarding United States policy toward Haiti, that was signed into law by the President on October 25, 1994. President Clinton has now submitted four reports pursuant to sections 2 and 3 of that legislation that call for monthly reports until the mission is over. Those reports were submitted to Congress on November 1, December 6, and December 31, 1994, and on February 8, 1995.

If the President had refused to submit those reports, then perhaps it would make sense to condition the continued availability of funding on the submission of such reports in the future. But the President has been submitting those reports and there are no indications that he plans to stop submitting them.

I do not plan to offer an amendment to this bill to delete the cutoff of funding provision. I base my decision on the urgent need of the Department of Defense for this supplemental funding and my realization that there will be a difficult conference with the House on this bill. I therefore want to avoid any action that could delay this legislation. The fact that President Clinton will be able to submit the report required by this bill has minimized my concern over the funding cutoff provision. But I did want to note my concern over this provision and to signal my determination that this provision not serve as a precedent for this type of action.

EF–111 SYSTEM IMPROVEMENT PROGRAM [SIP]

Mr. D'AMATO. Madam President, I would like to commend my good friends, the distinguished chairman and ranking minority member of the Defense Subcommittee, for not including EF–111A System Improvement Program [SIP] funds in the defense rescission package of the supplemental funding measure now before the Senate.

I believe the House Committee on Appropriations acted prematurely by including EF–111A SIP funds in its version of the supplemental. As my colleagues know, the EF–111A SIP has been under siege since fiscal year 1993 when some in Congress suggested that the program duplicated the Navy's EA–6B Advanced Capability [ADVCAP] Program.

At the time, the Pentagon sharply challenged the notion that the EF–111 and EA–6B were duplicative. Then-Air Force Secretary Don Rice was quoted as saying: ''The F–111 does escort jamming as well as local area jamming; it has the capability to keep up with the F–15E's and F–111F's and F–16's when they're doing interdiction missions. The EA–6B does not.'' The Pentagon appeal to the fiscal year 1993 Defense Appropriations Conference was even more detailed:

> The elimination of the EF–111 would significantly compromise the U.S. ability to provide standoff jamming in support of tactical air operations for two reasons. First, the EF–111 and the EA–6B each have capabilities not possessed by the other. Although the two jamming systems will be roughly comparable following modernization, the EF–111 is, and will continue to be, more capable than the EA–6B in supporting deep strike missions. This is due to the EF–111's significant advantage over the EA–6B in speed, range, and time on station.
>
> Second, even if the two platforms were comparable in all respects, there is an insufficient number of EA–6B's in the Navy inventory to support the mission requirements of both Services. To procure additional EA–6B's to compensate for the loss of the EF–111's would be much more expensive than to retain and modernize the existing EF–111 inventory.

In the end, the Department of Defense was successful in reversing the proposed elimination of EF–111A funding. Soon thereafter, in February 1993, the Chairman of the Joint Chiefs of Staff report on the roles, missions, and functions of the Armed Forces of the United States endorsed the retention and modernization of both the EA–6B and the EF–111A.

In retrospect, the roles and missions report was the high water mark of Pentagon support for the EF–111A. As my distinguished colleagues know, the fiscal year 1996 defense budget request calls for the termination of the EF–111A SIP program in fiscal year 1996 and retirement of the EF–111A fleet in fiscal year 1997. Navy EA–6B's, according to the Air Force, will fill the gap

left by the retirement of the EF–111A fleet.

This plan is fatally flawed. The EA–6B ADVCAP program was canceled in February, 1994, and the future of Navy electronic warfare has been in turmoil ever since. In the wake of this cancellation, the Pentagon commissioned the Joint Tactical Air Electronic Warfare Study to examine the relationship between the EA–6B and EF–111A and to review overall electronic combat requirements.

I would like to ask the distinguished Defense Subcommittee chairman whether the results of the joint tactical air electronic warfare study have been delivered to the Congress.

Mr. STEVENS. I will answer my colleague by saying that the results of this study are long overdue and may not be available until June, 1995.

Mr. D'AMATO. Will the distinguished chairman also agree that, until the Congress has had a full opportunity to evaluate the results of this study, any proposal to eliminate EF–111 SIP funds and to retire the entire EF–111 fleet is extremely premature?

Mr. STEVENS. I certainly agree with my colleague from New York.

Mr. D'AMATO. In my opinion, the bottom line is that we are being asked by the House to lay waste to the Air Force's support jammer capability without sufficient analysis or debate. We know the Navy option is woefully inadequate.

We should ask ourselves several critical questions before we even decide what to do about Air Force and Navy support jamming requirements. First, what are the alternatives to the EF–111A SIP? Second, if there are none, how will the termination of the SIP, and the retirement of the EF–111A's, affect the efficiency and survivability of our strike forces?

Does the distinguished Defense Subcommittee chairman agree that, until we can answer these questions, any suggestion of rescinding EF–111A SIP funds is fraught with too many risks for our national security.

Mr. STEVENS. I agree with my colleague that terminating the EF–111 SIP program and planning for the retirement of the EF–111 fleet at this time would be an unwise and risky course of action.

Mr. D'AMATO. Is my colleague willing to work with me and do what he can to prevail over the House in the upcoming joint conference on the supplemental?

Mr. STEVENS. Recognizing that we have a difficult conference before us, and that funds are desperately short, let me assure the Senator from New York that we will do what we can in joint conference to hold the Senate position and to protect his interests to the greatest extent possible.

Mr. GLENN. Madam President, I would like to raise my concerns related to the pending supplemental appropriations bill.

I certainly understand the difficulty under which the Appropriations Committee must work, particularly when the budget deficit looms as large as it does.

But, I am concerned, Madam President, about the precedent set in this bill by requiring that emergency supplemental spending be fully offset.

In the past, Congress and the administration have agreed to allow for emergency spending without requiring offsets, but taking offsets in a more benign manner, usually in cases where programs have been canceled or where contract funds were available because they could not be obligated during the fiscal year for which they were provided.

The supplemental before us takes a much different approach that bears dramatic consequences.

By requiring complete offsets from prior year funding, we really are not cutting lower priority programs as a result of tight fiscal constraints. We are victimizing programs basically because they are in slower spending accounts and their funds are still available to raid. I know a number of my colleagues have expressed similar concerns and I am hopeful that we can craft a new method of funding future emergency spending.

I also note, Madam President, that this approach may be more easily accomplished in the earlier quarters of a fiscal year, but what happens later in the year after we have exhausted the resources of these slower spending accounts?

Will we bring our normal planned operations, maintenance, and training to a screeching halt? Will we stop paying our troops? This is what will happen when we require the cost of contingency operations to be paid from the current operating budget for operations in places like Iraq, Rwanda, the former Yugoslavia, and Haiti. Shortfalls in training and maintenance are the very kinds of actions for which the administration has been criticized and which the President's supplemental request is intended to avoid.

I appreciate the committee's desire and attempt to impose fiscal responsibility and I appreciate the committee's efforts to keep the technology reinvestment project, the so-called TRP, alive, but I don't believe we should fool ourselves that requiring complete offsets does not have important implications for the overall readiness of our Armed Forces.

The effect of this bill, Madam President, is to reduce current defense spending by $1.9 billion. This is particularly curious, Madam President, at a time when the majority, in its Contract With America, calls for additional spending to ensure readiness.

Today's supplemental eats our seed corn in a number of important areas. This bill will cut over $500 million from defense research and development programs. To me, research and development ensures the Nation's future readiness. Make no mistake, yesterday's investment in R&D is what is winning today's battles. It is short sighted, in my view, to downplay or overlook the critical research and development plays in our overall readiness.

I would like to take a moment, to direct my comments to two programs that have been embroiled in the debate over how to fund this supplemental request. They are the TRP Program and the Department of Commerce's Advanced Technology Program. I am very much relieved that the committee did not take the same kind of draconian cuts the House made and I urge the committee to maintain its position on these programs in conference with the House.

I, like virtually every other Member of this body, have been a strong supporter of the technology reinvestment project [TRP]. When Congress first crafted this program in 1992, incorporating the recommendations of both the Democratic and the Republican task forces on defense conversion, the program received virtually universal support.

Several Members on both sides of the aisle came to the floor to express their support for the program and the amendment providing funding for the program was adopted by a vote of 91 to 2. To suggest now that TRP funding is not a high priority is to forget the level of support this program has enjoyed.

It is not surprising either because the TRP is an innovative, and I might add a more cost effective, way for the Department of Defense to meet its research and development requirements. The Defense Department has always spent a portion of its R&D funds on dual-use technologies, notwithstanding recent claims that funding for dual-use technologies is some sort of a handout.

The truth of the matter is that DOD will continue to be involved in developing dual-use technologies, because one of the uses in any given dual-use technology is its military use.

The operative question becomes how do we go about developing this dual-use technology that the military needs. The military can pay the full freight and develop it on its own as it has in the past. Or, the military can try to get the private sector to pay for half of it, since the dual-use technology also will have a commercial application.

It seems simple to me. Do we want to pay full price or half price? I prefer to take advantage of the discount. TRP is not a subsidy or grant program for contractors. If anything, it is like a reverse subsidy for DOD, Mr. President.

Just one example bears this out. The uncooled infrared rifle sight technology under development through TRP funding will help soldiers locate and engage the enemy in bad weather. In the private sector, it can be used by industry to detect energy losses in houses and buildings.

Under a TRP funded, dual use approach the military's goal is to reduce

the unit price from about $100,000 to less than $10,000 per unit, by tapping into the potential commercial market which is 10 times larger than the military requirement. Without TRP, the military could pay 10 times more for the same technology.

TRP funding is a small investment, accounting for less than two-tenths of 1 percent of this year's Defense budget request. Yet, it leverages those defense dollars through industry cost-sharing and it could yield significant benefits to long-term military readiness. To kill the technology reinvestment project, as the House bill would do, would be like killing the goose that lays the golden eggs. It just does not make sense.

Madam President, my concern about efforts to erode government-industry joint efforts to develop next-generation technology extends to the House-passed $107 million rescission of funds for the Advanced Technology Program [ATP].

ATP is cost-shared, industry-led, competitively awarded R&D which pursues cutting edge technologies with strong potential for later commercial success but technology that presently is too risky or too long term to be pursued by industry alone.

Like TRP, ATP was developed with strong bipartisan support in the Congress. ATP is intended to capitalize on America's strength in research and development to create jobs and economic growth, and increase our competitiveness in the global economy. While I believe any cut in these critical technology programs is extraordinarily short-sighted, at least the Senate has reduced the amount of the rescission to $32 million; I urge my colleagues on the Appropriations Committee to do everything they can to maintain the Senate position in conference.

Finally, Madam President, I cannot yield the floor without expressing my concern over the cuts taken in both the Defense Environmental Restoration Account and the Department of Energy's Environmental Management Program. A number of my colleagues have identified environmental cleanup as lower priority spending that could be used for other programs. This is terribly wrong headed Mr. President. I hope that the cuts taken in this supplemental do not signal the beginning of a full scale assault on these important programs in the future.

Both DOD and DOE have legal obligations to clean up their facilities. We already know that failure to meet cleanup milestones will result in fines and penalties. In addition, for DOE, the cost to cleanup will increase substantially simply by virtue of the delay. I intend to address this issue at greater length in a separate statement. Like the mechanic in the transmission commercial, you can either pay me now or you can pay me later. But, it will cost more later.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I want to comment on an important aspect of the debates that took place to develop the legislation approved today, and which I believe is directly related to the kind of military security, growing economy, and strong job base that Americans should be able to count on.

I am referring to the work of the programs within the Department of Commerce, the Department of Defense, and other parts of the Federal Government that serve as partners with industry to spur advances in technology. My belief in these programs is very basic. Knowing what the investment in technology that our foreign competitors are making and the role that technology plays in expanding industries and high-wage jobs in our own country, I view these programs as an essential key to the economic security that West Virginians and the rest of the American people should expect Congress to work toward.

For awhile, it appeared that this appropriations package would be used to cripple some of the most important technology programs in our public arsenal. But thanks to the efforts of many of my colleagues, and I am privileged to work closely with a group of them, we were fairly successful in reminding the Senate that a retreat from technology investments is a dangerous course in military and economic terms.

In fact, I was pleased to see the Senate approve the Sense of the Senate resolution, offered by Senators BINGAMAN and NUNN and which I cosponsored, that expresses a continued commitment to the development of dual-use technologies to be used by both the military and the private sector.

These kinds of private-public partnerships, including the Technology Reinvestment Project [TRP] and the Advanced Technology Program [ATP], chart the course we should be taking for a strong military and economic future. This concept is at the heart of the President's technology policy, and is the most cost effective way to employ the ever-shrinking Federal dollar in a way that maximizes our Federal dollars to the benefit of both the public and the private sector.

To understand these kinds of partnerships, and the value of the TRP and the ATP, we need to look first at the Advanced Research Projects Agency [ARPA], which was set up nearly 40 years ago by President Eisenhower. I think we can all agree that ARPA is one of the big success stories to come out of the military-industrial complex over the years. Aside from technologies it helped develop that our armed services rely on today, things like stealth, the Global Positioning System and smart weapons, it is also one of the parents to some of the technologies that the people of America take for granted in their daily lives, things as varied as a desktop computer is from the laser in a CD player.

I want to also remind my colleagues that the Internet, which is at the heart of the information super highway America is discovering, was originally known as ARPAnet. All of these technological breakthroughs were developed for the military, but have now been spun off into our daily lives. That is what the TRP, and the ATP, are about.

It is about something even greater. We do not spend taxpayers' hard-earned dollars on the TRP just because of what it does for the economy. It is housed in the Department of Defense because of its direct role in military readiness and the strength of our defense. Increasingly, cutting edge technology is not being developed in the military industrial complex, it is coming out of the private sector. The TRP program, and other public-private partnership give the Federal Government, and in the case of the TRP, the Department of Defense, access to the brain power and resources of our best civilian technologists. It is becoming less an issue of spin-offs and more an issue of spin-ons.

We all know that great advances in computing came as spin-offs from DOD programs, but today the leading minds, the human and material resources, are in the private sector. Programs like the TRP give the military the chance to work with those minds and develop software and applications in conjunction with the private sector, where most of the innovation is happening. Then we can spin those technologies invented in partnership with the private sector on to military applications.

And let me be clear, this is not about industrial policy; picking winners and losers. The private sector, in conjunction with the Department of Defense, are picking the winners. Where a program only has defense applications, such as a submarine, the private sector will not be interested in participating in a joint R&D project with the DOD. But when we are developing something that will have commercial and military applications, then the TRP can and should play a part.

It is a ridiculous waste of our country's private and public capital to duplicate our investments in research and development where the military needs something that the private sector may be developing on their own. Frankly, we cannot afford it on either end. If last month's balanced budget debate illuminated anything for the American people, it is that we are going to have to squeeze every last dollar we can out of the Federal budget. I support the deficit reduction portion of this bill. I do not like every line-item in the rescissions package, but overall, it is something we simply have to do. Likewise, the government cannot afford to do all the research and development on leading edge technologies that they will need to maintain the kind of fighting force we all envision. But if we pool our Federal resources with the private sector's, then we all benefit.

I want to point out just one example that demonstrates the usefulness of the TRP to both the armed services and America's consumers. Right now, DOD, in conjunction with private industry is developing something called multi-chip module [MCM] technology. This will allow electronic systems to work faster and more reliably while using less power. DOD needs MCM's for things like precision-guidance of advanced weapons and real-time signaling for intelligence activities. Likewise, the private sector is itching to put MCM's to use in a variety of consumer products, from cars to digital signals in audio and video telecommunications. Certainly we can fund this out of our defense budget, but when there is a clear private sector interest in doing this jointly, why go it alone?

And this should not be a political issue. Many of my colleagues on the other side of the aisle have supported technology programs such as this in the past. As has been noted by others, the basis of this sense-of-the-Senate amendment is former Senator Rudman's task force report of 1992, which was endorsed by many of my current distinguished colleagues, Senators STEVENS, MCCAIN, WARNER, and THURMOND among them.

I should note, that the defense supplemental portion of this package is breaking new ground here. This bill was submitted to the Congress for emergency consideration. That is because the costs that we are trying to cover were unforseen. They were unplanned activities that were undertaken in our national interest.

Madam President, we must be fiscally responsible. But we should resist the fool's game of trying to outfox or out-cut one another. We were elected to set priorities, to deal with current national needs and plan for the future. Because of the size of the Federal deficit, that must include an intense effort to get our books in order. But it should not be a political contest or done blindly. If we abandon the programs and investments designed to maintain a military and economic foundation for all Americans, we will see the pain from a crumbling manufacturing base and defenses after it is too late.

We cannot compromise our future, be it in technology, education, or child nutrition, for the sake of today's political brinkmanship. We must fight for what we know must be national priorities, and I will fight for West Virginia's. The winners will be our soldiers in the field, our children and their ability to learn, the workforce needed to keep this country strong. And in the case of the technology programs discussed in this statement, we want to make sure the winners include our indusries—and our workers—who are on the frontline of the global economic battlefield.

Mrs. BOXER. Madam President, after much thought and analysis, I have decided to oppose this bill. I have made this decision for one simple reason: on balance, I believe this bill is bad for California and bad for the Nation.

I support the supplemental appropriations contained in this bill, which cover the costs of unbudgeted contingencies in Somalia, Bosnia, and Haiti. However, I believe that these unplanned operations should have been treated by the committee as emergency requirements, as requested by the Department of Defense.

Having elected to recommend supplemental funding without the emergency designation, the committee was obligated to find offsetting rescissions. Regrettably, the committee has recommended for rescission in this bill programs that are vital to the defense of our country and to the economic security of the State of California. The cuts made in environmental cleanup programs and in research and development programs like the Technology Reinvestment Project, or TRP, are wrong for this country and wrong for California. I cannot support these reckless cuts, Madam President, and I will not.

This bill contains a $300 million rescission for DERA, the Defense Environmental Restoration Account—twice the cut passed by the House.

What would this rescission mean for the State of California?

At the Marine Corps Logistics Base in Barstow, efforts to clean contaminated groundwater could be delayed. Soil contaminated with heavy metals, petroleum hydrocarbons, pesticides, and herbicides may not be removed.

At the Concord Naval Weapons Station in the bay area, cutting DERA means delaying cleanup on polluted tidal and inland areas. If this rescission is enacted, contaminated water and soil may sit idle so we can say we did the responsible thing by ensuring that every dollar in this bill was offset by a rescission somewhere else in the Pentagon budget. But that's not really the responsible thing. The responsible thing to do is not create an environmental hazard in the first place, but if you do, you clean it up, and you clean it up fast.

I want to make a final point on this DERA rescission. Earlier this month, the Department of Defense announced which military bases it wants to close in the 1995 BRAC round. California was hit again. One major base was recommended for closure and several other installations face realignment. I will fight hard for those bases and get their positive stories out. But if those installations stay on the list, I want the contaminated sites at those bases cleaned up as fast as possible so the communities can do something productive with that land.

In the 1995 base closure round, unlike previous rounds, environmental cleanup will be funded by the DERA account. That is the very same account that this bill proposes cutting by $300 million.

So I would say to all Senators, if you have a base in your State that may be scheduled for closure this year, think long and hard about cutting $300 million from the Department's primary environmental cleanup account. Believe me, you do not want to find yourself in a situation where the military is moving out, but the community cannot move in because of environmental contamination. California has been in that situation too often, and it is very, very unpleasant.

The Senate considered an amendment last week offered by Senator MCCAIN to reduce the rescission in this bill for environmental cleanup funding by increasing the cut for the Technology Reinvestment Project, or TRP. I opposed that amendment not because of the DERA increase—which I support—but because of the draconian TRP cut. That amendment presented the Senate with an impossible choice: allow deep rescissions in DERA or kill the Technology Reinvestment Project outright.

However, even without the McCain amendment, this bill rescinds $200 million from the Technology Reinvestment Project. To be sure, this is better than the House rescission of $500 million, which would kill the program, but the Senate rescission will badly damage this critically needed program.

Research and development is the key to maintaining our military advantage in the future. But the Department of Defense can no longer afford to maintain its own private research industrial base. We must gain access to the commercial technology sector, which in many ways out performs the defense technology base. We must gain access to this commercial technology in the most cost effective way possible—ensuring the public the greatest value for its tax dollar.

The TRP achieves these goals. Let me cite just one example. The TRP has funded a proposal led by the San Francisco Bay Area Rapid Transit District to develop an advanced automated train control system. Like all TRP projects, this grant is matched at least 50–50 by the private sector. For every dollar the government spends, the consortium led by BART spends at least one dollar.

This technology currently being developed by the BART will allow system operators to know exactly where there trains are—even underground in tunnels. This allows trains to operate more safely and in closer proximity. Reducing separation distance between trains allows the BART to have more cars in service at the same time, which doubles passenger carrying capacity.

Critics of the TRP complain vociferously about projects like the BART train control system. ''What has that got to do with national security?'', they say.

The BART train control system has everything to do with national security. This project is based on the Army's Enhanced Position Location Reporting System, which is designed to enable commanders on the battlefield

to collect vital information about the location of troops in real time. The National Economic Council estimates that the technology developed by the BART's TRP project may improve the Enhanced Position Locator and at the same time, reduce its cost by up to 40 percent.

So what does this TRP project do for our country? For private industry, it provides a chance to break into a market dominated by foreign companies, perhaps creating thousands of American jobs and strengthening our economy. For the Department of Defense, it offers a better and cheaper way to collect battlefield information in real time—information that may save soldiers' lives. And for the people of San Francisco, this project provides safer, faster, and more efficient public transportation. This TRP grant creates a win-win-win situation—one that is being duplicated with similar projects around the country.

The TRP is a model dual-use program. It should be expanded and emulated, not cut to the point that its very existence is jeopardized.

To offset the supplemental appropriations made in this bill, the committee has recommended rescinding environmental cleanup, the TRP and other high priority projects. I find it difficult to believe that less important offsets could not be found in the $260 billion Pentagon budget. Consider this: the Congressional Budget Office estimates that at the end of fiscal year 1995, more than $19 billion will remain unobligated in the Pentagon's procurement accounts.

Surely, that $19 billion fund is large enough to offset the funds this bill would cut from environmental cleanup and the TRP. Simply cutting unobligated procurement funds by 3 percent would generate more than enough savings to offset the TRP and environmental cleanup rescission contained in this bill.

I hope that when this bill is considered in conference committee, the Senate managers will take a very close look at these unobligated accounts and try to find a way to minimize the damage done to the very important TRP and DERA accounts.

I also want to serve notice, Madam President, to those who would eliminate all defense reinvestment and environmental cleanup in the Pentagon budget. That must not happen.

Defense reinvestment must remain a national priority for the security of our country and our communities. Environmental cleanup is the moral, ethical, and in many cases, legal responsibility of the Department of Defense, and its must continue.

When the Senate debates the budget in the spring and when it debates the annual defense bills later in the year, these issues will certainly be revisited. Rest assured that I and other concerned Senators will continue to voice their strong support for these vitally needed programs.

Finally Madam President, I must express my profound disappointment that the Senate accepted an amendment offered by Senator HUTCHISON to rescind funding needed to protect endangered species.

This amendment is an irresponsible approach to some very real problems. It is clearly a first step in a piecemeal dismantling of the Endangered Species Act.

It is important to note that this amendment was offered while the Committee on Environment and Public Works was diligently working on a bill offered by the Senator from Texas that was substantially similar to her amendment. I believe that the wiser course would have been to work cooperatively with the committee, under the able leadership of Senator CHAFEE, to find a mutually satisfactory solution to this important problem.

The rescission of $1.5 million from the Fish and Wildlife Service listing budget for 1995, combined with the restriction on remaining funds, effectively kills the Endangered Species Act listing process for 1995. This could cause some species to become extinct and surely will delay solving the very real problems that need attention. This is a irresponsible action, which I strongly oppose.

For all these reasons, I must oppose this bill.

PROJECT ELF

Mr. FEINGOLD. Madam President, this bill marks a milestone for Wisconsin by rescinding funds for Project ELF, a Navy communications system located in Clam Lake, WI, and Republic, MI. This is one cut that the local congressional delegation will not oppose. In fact, I think most of us welcome it.

In the last two Congresses. I have introduced legislation to terminate Project ELF. Senator KOHL has joined me in those efforts, as well as in letters to the Defense Base Closure and Realignment Commission, the Secretary of the Navy, the Secretary of Defense, and the relevant congressional committees urging ELF's termination. Congressman DAVID OBEY has been a consistent opponent of Project ELF throughout his congressional tenure, and indeed is responsible for keeping down the initial size of the program. Representatives from nearby areas have also been helpful in our quest. I am pleased that the Senate will take the first step, the first real action, toward finally terminating this outdated and effective program.

The concept of extremely low frequency communications emerged when submarines started going so far beneath the surface ordinary radios could not reach them. In 1968, the Pentagon proposed the first version of ELF communications in Project Sanguine. It was to be 6,200 miles of cable buried underground, along with 100 ELF transmitter towers spread out over 40 percent of northern Wisconsin. It had to be built in Wisconsin because of unique granite bedrock which would not interfere with ELF signals. Project Sanguine was supposed to communicate with Trident submarines, and was designed to survive a nuclear attack. When residents became aware of it, the project was scuttled.

In 1975, Project Sanguine came back as Project Seafarer. Seafarer was not supposed to have nuclear survivability, but would have above-ground transmitters with underground cables. As Project Seafarer, though, ELF communications lost their wartime efficacy. In fact, an ad hoc ELF review group of the Secretary of Defense advised that a small ELF system would be of marginal utility and was not credible as an ultimate ELF system. However, it recommended that building a small ELF was better than building no ELF at all because the modified version would provide a basis for future system growth if ELF requirements later increased. This was a typical bureaucratic foot in the door program.

Again, due to public concern and budget pressures, President Carter terminated Seafarer in 1978 and directed further studies on how to proceed with ELF. Congressman OBEY was successful in fencing off funds in fiscal year 1979 until the President certified that ELF was in the national interest and that it had found a place to be built.

There was yet another scaled-down ELF system called Austere ELF that had been proposed in 1977. It would have been a single transmitter located at K.I. Sawyer Air Force Base in Michigan. Once it began development, Austere ELF was again in trouble with resident resistance and budget constraints. After a few years of misguided attempts and false starts, the Secretary of the Navy, John Lehman, recommended to the Secretary of Defense, Caspar Weinberger, that the ELF communication system be shelved.

Secretary Lehman was overruled, though, and the Reagan administration ordered the development of a scaled down system called Project ELF in 1981. In its present scaled down version, ELF consists of 28 miles of cable at Clam Lake and 56 miles of cable at Republic. ELF was initially ordered operational in 1985, and was fully functional by 1987.

Scaled down Project ELF was supposed to cost $230 million for development and construction. However, in an October 1993 letter to Senator NUNN, the Pentagon said it had invested nearly $600 million in ELF. In a January 1994 report on ELF, the Navy said that ELF costs approximately $15 to $16 million a year in operating costs.

If ELF served a strategic purpose, this would not be a significant investment. But Project ELF is ineffective and at best obsolete. For that reason, it is millions of dollars which can find a better use. Throughout its history, ELF has never found a mission fit for its times.

The Navy officially states that ELF is simply a communications system

which tells a Trident to come to surface in order to receive a message; in effect, ELF is a bell ringer. If this was ever the true purpose, ELF is a faulty mechanism for that.

First, the bell ringer is supposed to protect the Tridents from detection by permitting them to surface on the call of a signal that they had a longer message awaiting them. Yet if they have to rise to the surface to receive their message, then they are at risk of detection before executing any order ELF would tell them to retrieve. ELF itself cannot execute an order.

Second, ELF has no reliable second strike or counterforce communication capability in any instance. It also cannot be counted on to communicate with a submarine during a crisis since its large size makes it extremely susceptible to conventional or nuclear attack. Thus, it is not dependable retaliatory action.

Further, if ELF were to be destroyed during attack, then subs would be required to use their antennae at or near the surface, and receive their messages through LF/VLF. But in the case of a crisis, submarines should be brought closer to the surface anyway, not only for better communications, but also because missiles cannot be launched from such depths as ELF reaches.

Finally, ELF is one-way communications system, so submarines cannot send messages back.

Thus, Project ELF's utility appears only to be in a pre-war disposition, and only for one purpose: to serve only as a triggering signal for a first-strike launch. This is a capability we are dismantling. So, ELF's mere presence is far more provocative than its utility warrants.

I should also mention that ELF's environmental impact may be quite damaging. Though no studies have conclusively found that ELF radiowaves are dangerous to residents in outlying areas, the research that has been done does little to comfort those living near Project ELF. A 1992 Swedish study found that children living near relatively weak magnetic waves such as those emanating from ELF are four times more likely to develop leukemia. I certainly understand any fears Wisconsin residents must have. In fact, in 1984, a U.S. District court, ruling on State of Wisconsin versus Weinberger, order Project ELF to be shut down because the Navy paid inadequate attention to ELF's possible health effects and violated the National Environmental Policy Act. An appeals court, though, threw out the ruling arguing that the national security threat from the Soviets at the time was more important. Clearly, the premise of that ruling is no longer valid given the collapse of the U.S.S.R.

For all these reasons, I am pleased that after trying to justify ELF's mission in the post-cold war world, the Navy is finally letting it go. Project ELF never made U.S. submarines invulnerable, and it doesn't make them invulnerable today. ELF is not worth any money because it doesn't have a purpose.

If it is a first-strike weapon, then it is destabilizing and threatening, which hardly increases our security. If it is merely a communication system, it is inadequate. A weapon or communications device designed to keep deeply submerged submarines submerged is no longer necessary. ELF was built for war, not peace. It is not guarding against any capable enemy now, but is sucking up money that could be.

I am pleased that the committee has recognized this, and recommended its termination in this rescission bill. I hope we will hold the cut in conference, and that, finally, this weapon, which has long been in search of a mission, is terminated.

AMENDMENT NO. 336

Mr. BRADLEY. Madam President, I regret that I was unable to be recorded on the vote on Senator HUTCHISON'S amendment concerning the Endangered Species Act. I would like to declare for the RECORD that, had I been present, I would have opposed—strongly opposed—the Hutchison amendment.

This amendment amounts to major legislation. This is not some little adjustment. There is little subtlety here. And, there is little doubt that this amendment has nothing to do with the task at hand, which is to provide supplemental appropriations to the Department of Defense and to cut Government spending.

I understand the call for reform of the Endangered Species Act. I have heard many allegations of abuse and bureaucratic overreach. But the Hutchison amendment is not reform. It solves no problems. It does not belong on this bill and it does not reflect well on the Senate or the majority to legislate in such a cavalier fashion.

Mr. INOUYE. Madam President, I have been told that we are now ready for final passage.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. INOUYE. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—97

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	
Feingold	Lugar	

NAYS—3

Boxer	Hollings	Pryor

So the bill (H.R. 889), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 889) entitled ''An Act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes'', do pass with the following amendments:

(1) Page 1, strike out all after line 2 over to and including line 12 on page 16 and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

CHAPTER I

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $35,400,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $49,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $10,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $37,400,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,600,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $636,900,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $284,100,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $27,700,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $785,800,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $43,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $6,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $14,000,000.

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5, United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 103. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: Provided, That such amount shall remain available for obligation until September 30, 1996.

SEC. 104. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the last proviso and inserting in lieu thereof the following: '': Provided further, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is not eligible for payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins''.

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 105. Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: ''Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That, in addition to any other reductions required by this section, the total amount appropriated in title IV of this Act is hereby reduced by $200,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.''.

(RESCISSIONS)

SEC. 106. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Operation and Maintenance, Navy, $16,300,000;

Operation and Maintenance, Air Force, $2,000,000;

Operation and Maintenance, Defense-Wide, $90,000,000;

Environmental Restoration, Defense, $300,000,000;

Aircraft Procurement, Army, 1995/1997, $77,611,000;

Procurement of Ammunition, Army, 1993/1995, $85,000,000;

Procurement of Ammunition, Army, 1995/1997, $89,320,000;

Other Procurement, Army, 1995/1997, $46,900,000;

Shipbuilding and Conversion, Navy, 1995/1999, $26,600,000;

Missile Procurement, Air Force, 1993/1995, $33,000,000;

Missile Procurement, Air Force, 1994/1996, $86,184,000;

Other Procurement, Air Force, 1995/1997, $6,100,000;

Procurement, Defense-Wide, 1995/1997, $81,000,000;

Defense Production Act, $100,000,000;

Research, Development, Test and Evaluation, Army, 1995/1996, $38,300,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $59,600,000;

Research, Development, Test and Evaluation, Air Force, 1994/1995, $81,100,000;

Research, Development, Test and Evaluation, Air Force, 1995/1996, $226,900,000;

Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, $77,000,000;

Research, Development, Test and Evaluation, Defense-Wide, 1995/1996, $351,000,000.

(TRANSFER OF FUNDS)

SEC. 107. Section 8005 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2617), is amended by striking out ''$2,000,000,000'' and inserting in lieu thereof ''$1,750,000,000''.

SEC. 108. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES IN HAITI.

(a) REQUIREMENT.—None of the funds appropriated by this Act or otherwise made available to the Department of Defense may be expended for operations or activities of the Armed Forces in and around Haiti sixty days after enactment of this Act, unless the President submits to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(A) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(B) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

SEC. 109. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

(2) Page 16 after line 12 insert:

SEC. 111. LIMITATION ON EMERGENCY AND EXTRAORDINARY EXPENSES.

(a) IN GENERAL.—Funds appropriated or otherwise made available to the Department of Defense may not be obligated under section 127 of title 10, United States Code, for the provision of assistance, including the donation, sale, or financing for sale, of any item, to a foreign country that is ineligible under the Foreign Assistance Act of 1961 or the Arms Export Control Act to receive any category of assistance.

(b) EFFECTIVE DATE.—The limitations in subsection (a) shall apply to obligations made on or after the date of enactment of this Act.

(3) Page 16, after line 12, insert:

SEC. 112. (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(4) Page 16 after line 12 insert:

SEC. 113. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

(5) Page 16 after line 12 insert:

SEC. 114. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term ''base closure Act'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(6) Page 16 after line 12 insert:

SEC. 115. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) The United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

(7) Page 16 after line 12 insert:

SEC. 116. (a)(1) The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as the NPT, is the cornerstone of the global nuclear nonproliferation regime;

(2) That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

(3) That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

(4) That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race was brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible;

(5) That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

(6) That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT;

(7) That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT: Now, therefore;

(b) It is the sense of the Senate that—

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear nonproliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT;

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear nonproliferation regime and global security at risk.

(8) Page 16 after line 12 insert:

SEC. 117. NATIONAL TEST FACILITY.—It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas—

(a) United States-United Kingdom defense planning;

(b) the PATRIOT and THAAD programs;

(c) computer support for the Advanced Research Center; and

(d) technical assistance to theater missile defense;

and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

(9) Page 16 after line 12 insert:

SEC. 118. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(10) Page 16 after line 12 insert:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

(11) Page 16 strike out line 13 and insert:

TITLE II

(12) Page 16, strike out all after line 20 over to and including line 7 on page 17 and insert:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $10,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $32,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $40,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

(ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD)

(RESCISSION)

Of unobligated balances available under this heading, $28,500,000 are rescinded.

(13) Page 17, after line 18, insert:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

(14) Page 18, after line 6 insert:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $70,000,000 are rescinded.

(15) Page 18, strike lines 14 to 20 and insert:

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $18,000,000 are rescinded, of which not less than $12,000,000 shall be derived from funds allocated for Russia.

(16) Page 19, after line 14, insert:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence.

(17) Page 20, strike out lines 2 to 6 and insert:

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $100,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

(18) Page 20, after line 10 insert:

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the ''advanced automation system'', $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 97–424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100–17, $126,608,000 are rescinded.

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

(19) Page 20, strike out lines 11 to 15

(20) Page 20, strike out lines 16 to 19

(21) Page 21, strike out lines 5 to 11

(22) Page 21, after line 11 insert:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $400,000,000 are rescinded from amounts available for the development or acquisition costs of public housing.

(23) Page 21, after line 11, insert:

TITLE III—MISCELLANEOUS

SEC. 301.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

(24) Page 21, after line 11, insert:

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the ''Mexican Debt Disclosure Act of 1995''.

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates Congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. 404. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. 405. DEFINITION.

As used in this title, the term ''appropriate congressional committees'' means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

(25) Page 21, strike out lines 12 to 15 and insert:

This Act may be cited as the ''Supplemental Appropriations and Rescissions Act, 1995''.

The PRESIDING OFFICER. The title amendment is agreed to.

The title was amended so as to read:

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. HATFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

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

Mr. HATFIELD. Mr. President, I move the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GORTON) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GRAMM, Mr. DOMENICI, Mr. MCCONNELL, Mr. GORTON, Mr. SPECTER, Mr. BOND, Mr. BURNS, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. HARKIN, Mr. LAUTENBERG, Ms. MIKULSKI and Mr. REID conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I ask unanimous consent that at 5 p.m. on Monday, March 20, the Senate proceed to Calendar No. 26, S. 4.

I further ask unanimous consent that the general debate on the line-item veto occur from 10 a.m. to 3 p.m. on Friday, and 10 a.m. to 5 p.m. on Monday, with the time to equally divided as designated by the leaders or their designees.

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

ORDER OF PROCEDURE

Mr. DOLE. I thank my colleagues. It is my understanding that the Senator from Arizona would like to discuss, generally, the line-item veto this evening, and somebody on the other side may wish to discuss it this evening.

There will be no votes this evening and no votes tomorrow. I do not anticipate a vote on Monday. But there will be discussion. Once the bill is laid down Monday, there will be discussion into the evening on the bill itself. On Tuesday, I hope we might start voting.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask that there be a period for morning business with Members permitted to speak therein for an indefinite time, unless there is some agreement on equal time. I think Senator MCCAIN wants to speak for a couple of hours.

Mr. President, was leader time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. I ask unanimous consent that I may use part of my leader's time.

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

PRESIDENT CLINTON'S ANNOUNCEMENT ON FEDERAL REGULATIONS

Mr. DOLE. Mr. President, today President Clinton announced his proposal for reinventing environmental, food and drug regulations. I certainly want to welcome President Clinton to the regulatory reform debate. Easing the burdens of compliance is a welcome first step, but misses the point that real reform means getting rid of unnecessary and overburdensome regulations.

President Clinton is trying to have it both ways. On the one hand, his limited proposals are consistent with legislation I have introduced on regulatory reform. On the other, he sent his administrator of EPA to Capitol Hill last week to denounce our common sense reform bill as rolling back 20 years of environmental protection and to reel off wild horror stories that are an obvious misreading of what we are trying to do.

On February 21, President Clinton specifically instructed the Federal regulators ''to go over every single regulation and cut those regulations which are obsolete.'' President Clinton's proposal does not meet that test—his proposal is no substitute for eliminating unnecessary regulations that stifle productivity, innovation and individual initiative. That is exactly the kind of reform the American people are looking for, and the kind of reform our comprehensive regulatory reform act will provide.

What I am looking for is real common sense when regulations are needed. Commonsense regulations that will not require fines for not checking the right box, regulations that do not define all farm ponds as wetlands and regulations that will not create significant burdens for small businesses and communities.

Americans are demanding that we get government off their backs by eliminating unnecessary regulations and applying some common sense before enacting regulations that are necessary. President Clinton's proposal today, while welcome, does not address this fundamental problem. I invite him to work with us to pass meaningful regulatory reform.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

THE LINE-ITEM VETO

Mr. McCAIN. Mr. President, as we begin discussion and debate on the line-item veto, I would like to express my appreciation to the majority leader for his assistance in gathering together people who have very different views on this very volatile issue. The majority leader and his staff assistant, Sheila Burke, have worked night and day to get a consensus amongst Republicans. I believe that we on this side of the aisle look forward to a unanimous vote—at least on cloture. I do not think that, at least some time ago, that many observers believed that was possible. I believe it is probable now.