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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. WALDHOLTZ].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 3, 1995.

I hereby designate the Honorable ENID G. WALDHOLTZ to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, in this moment of quiet, as the work of the day begins, we first acknowledge our dependency upon Your grace and Your care.

We seek guidance when we could so easily be led off the course of justice for all, we ask for wisdom when our decisions could so quickly be driven by selfish desires, we plead for mercy when our petty jealousies have caused a wedge to be driven between ourselves and others, and we pray for courage when, with feeble heart, we might easily give in to goals that are less than the best for others.

Oh God, in these moments and with these words, let us all be reminded again of Your presence with us and our responsibility to You, and may our actions this day serve more Your majestic will and purpose than our fleeting wants and wishes. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. NORWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. NORWOOD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1905), ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. HATFIELD, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. REID, Mr. KERREY, and Mrs. MURRAY, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This morning the Chair will recognize ten 1-minute speeches on either side of the aisle as agreed to by the leadership.

TIME TO END WELFARE FOR LOBBYISTS

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

Mr. TIAHRT. Madam Speaker, I stand in support of the Istook-McIntosh-Ehrlich grant reform amendment. This amendment in the Labor-HHS-Education appropriations bill would put a stop to the Federal Government subsidizing political advocacy groups.

We want to stop the welfare for lobbyists. These are the groups that feed at the Government trough, complaining that if we take away their funds, we take away their first amendment rights. They call this the ''nonprofit gag order.'' They say, ''Without our advocacy voice, nonprofits will no longer be able to share their insights with policymakers.''

I tell my colleagues, there are plenty of advocacy groups and nonprofit educational research institutes who share insights without using taxpayers' dollars and without using your money. Besides that, constituents are free to visit or can come and call on me, or any of my fellow Congressmen, and share their thoughts; they just cannot send the phone bill or the airline bill to us and our neighbors.

Madam Speaker, that is exactly what happens when we have welfare for lobbyists. I encourage my colleagues to pass the Istook-McIntosh-Ehrlich Federal grant reform amendment. It is the right thing to do.

KENTUCKY AND TENNESSEE ARE DUE AN APOLOGY

(Mr. BAESLER of Kentucky asked and was given permission to address

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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the House for 1 minute and to revise and extend his remarks.)

Mr. BAESLER. Madam Speaker, recently, on Wednesday, July 19, a freshman Republican Member of Congress made the following quote in an interview regarding Koresh and the Waco hearings. ''The only law they clearly established,'' talking about Koresh, ''broke that I can see, so far, is he had sex with consenting minors.'' He said, ''Do you send tanks and Government troops into large sections of Kentucky and Tennessee and other places where such things as this occur?''

This statement shows, I think, the extent to which some members of the majority party will go in order to justify the narrow world view about David Koresh. Instead of condemning him for what he was, this Member attacked the good people of Kentucky and Tennessee.

Something is clearly wrong with this picture, and this Member, as others, just does not get it. Defending religious freedom is not the same as defending religious fanaticism. Somebody ought to tell him the difference.

On behalf of the good people of Kentucky and Tennessee, I think this Member owes us an apology.

ABC GOT IT WRONG ON REPETITIVE MOTION STATISTICS

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

Mr. NORWOOD. Madam Speaker, I have come to the floor to correct a few things ABC's report on ergonomics last night would have led the American people to believe.

Madam Speaker, ABC says that 60 percent of workplace illness occurs from repetitive motion. Why would they give out that number? Why would they not say that the Bureau of Labor Statistics says that only 7 percent of the workplace illnesses occur because of repetitive strain?

Why would ABC not have said, The National Safety Council does not agree with either one? They say that only 4 percent of the workplace illnesses come from repetitive strain. It is a perfect example of what is wrong in this town.

Where did ABC get 60 percent? They got it from Joe Dear. Why did Joe Dear say 60 percent? So he could do what they have been doing for 40 years: Run down to this Congress and say, ''Look at all these problems. I need more money. I need more people. I need to grow my agency.''

MEDICARE PATIENTS NEED TRUE CHOICES

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

Mr. BROWN of Ohio. Madam Speaker, the Congress is about to embark on major changes in Medicare. These reforms we will be considering will offer patients less choice, not more, unless we take action to ensure that their choices are protected.

Many of the so-called reform plans include efforts to increase the use of managed care for Medicare patients. A study released last week found that three-fourths of Americans age 50 and over said they would not join a Medicare managed care plan without the freedom to choose their doctor; 82 percent believe that the freedom to choose out-of-network physicians or specialists would be ''very important'' or ''critically important'' to their decisions about whether to join a Medicare managed care plan.

The message is simple. Choice is essential to older Americans. A point-of-service option provides true choice by allowing Medicare patients to go outside of a network when they need services. This option should be built into every health plan involving Medicare patients.

Madam Speaker, $270 billion in cuts in Medicare to pay for tax breaks for the rich is wrong. It is equally wrong to force America's elderly into managed care and take away their choice of physician.

HOLD THE LINE. COMPETITION JUST DOES NOT RING TRUE

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

Mr. WATTS of Oklahoma. Madam Speaker, hold the line. Competition just does not ring true.

Madam Speaker, does competition mean a monolithic, one-sided monopoly? The manager's amendment to H.R. 1555, the Communications Act of 1995, will do just that. The bill that came out of committee passed with bipartisan support and had some level of approval from all industry representatives. What happened?

The provisions in the manager's amendment are so vague, it will be difficult for State regulators, and everyone else, to determine what constitutes competition. As the U.S. Congress deregulates telecommunications, we must assure that some fair standard exists for gauging competition and create a blueprint for the future of a competitive communications industry.

As a former state utility commissioner, I have seen firsthand how true competition can benefit the consumer. This is why I have some reservations about the manager's amendment.

Madam Speaker, I urge a ''no'' vote on the manager's amendment. Let us go back to the original bill that the committee passed. We owe it to our constituents, the customers for all of these services, to make sure that rates are fair and wide open to competition.

IRS RIPPING OFF THE AMERICAN PUBLIC

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

Mr. TRAFICANT. Madam Speaker, thousands of Americans receive faulty notices from the IRS. The IRS says, ''Your taxes are delinquent, pay them up.'' When the IRS was asked if the 1993 tax law allowed deferrals, they said, ''The law is being reviewed.'' When IRS was asked how many taxpayers got notices they said, ''A small number.''

Now documents reveal that 43,000 Americans got faulty notices in the first month. The IRS said, ''Small problem. These things happen.''

Shame, Congress. Shame, for allowing the IRS to rip off and trample the rights of the American taxpayers.

By the way, the old saying, ''Easy for you, difficult for me,'' does not apply to the IRS.

REPUBLICANS ARE KEEPING THEIR PROMISES

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

Mr. WHITFIELD. Madam Speaker, yesterday we were treated to a tremendous display of partisan rhetoric on the floor of this House.

Madam Speaker, most of yesterday, liberals took to the floor and accused Republicans of being extremists, mean-spirited, and shameful. The experiment in big government that was started in the 1960's has failed. It is over. We will not keep pouring hard-earned tax dollars of the American people down a huge sinkhole of debt just to support a bloated, ineffective government.

Madam Speaker, the American people want a balanced budget, they want to eliminate duplicative and wasteful programs, and they want, in short, to transform government to be effective and provide the needs that the American people demand.

Madam Speaker, we are going to keep our promise on this side of the aisle to reduce the size and cost of government and to create effective programs that work.

PHILADEPHIA'S EXAMPLE

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

Mr. SANFORD. Madam Speaker, the Committee on Government Reform and Oversight held a field hearing in early July in Cleveland. Amongst those who gave testimony were the mayor of Philadelphia, Edward Rendell.

Madam Speaker, I was fascinated by his story because 3½ years ago Philadelphia stood at the brink of financial disaster. They were a quarter of a billion dollars in debt. Their bonds had

been rated junk. Vendors as lowly as toilet paper suppliers said, ''No more. We are not dealing with Philadelphia.''

They had lost 30 percent of their tax base. Taxes had gone up 19 times over the last 11 years. Yet today, Madam Speaker, the city enjoys a $29 million surplus. They have investment-grade bonds. For the first time since World War II, they have had a tax cut.

How did they do it? One, they created an entrepreneurial environment wherein government was to view customers as king, and in this case, the taxpayer was to be king. Two, they were to spend government dollars as if they were their own.

Madam Speaker, if Philadelphia can do that, I think America and the Federal Government can do that.

MEDICARE: NO COMMON SENSE IN CONGRESS

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

Mr. GENE GREEN of Texas. Madam Speaker, the American people are gradually learning the truth about the Republican Medicare program. As the Wall Street Journal reported 3 days ago, raising Medicare premiums and copayments on seniors is becoming a likely possibility.

Republicans are finding that forcing seniors into HMO's may not provide the short-term cost savings they were hoping for, but the Democrats knew all along that the health care reform and Medicare reform should not be treated as a short-term budget exercise.

As you will recall, Madam Speaker, the Republicans only started talking about Medicare after their Contract With America rhetoric forced them to, by accident. Then they discovered the impending crisis in medical care, which President Clinton talked about all last year.

Madam Speaker, cutting $270 billion is not the way to save Medicare. It is becoming obvious to seniors that including $270 billion in cuts to their benefits and $245 billion in tax cuts in the same budget bill is poor public policy and really a raw deal. This Republican majority Congress wants to balance our budget on the backs of seniors, and today they are cutting programs for our youth.

This Congress wants to cut our oldest and youngest, forsake our elders and cut our future. To paraphrase my friend from Ohio, ''Beam me up.'' There is no common sense here in Congress.

REPUBLICANS ARE SAVING MEDICARE

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

Mr. TORKILDSEN. Madam Speaker, it is unanimous. The President and his trustees agree, and both parties in both Houses agree: Medicare is going broke. If the Congress chooses to do nothing, the status quo will destroy the Medicare system. But we can fight to improve the system, Madam Speaker, so that current and future generations will have access to health care.

This past week, I visited several senior centers in my district. The Americans I spoke with understood that change in the current system is necessary. Our seniors are trapped in a system designed for the 1960's, not the 1990's and beyond.

Madam Speaker, the facts are straightforward. Under the House-passed budget, spending on Medicare will increase from $4,800 per recipient now to over $6,700 per recipient over the next 7 years. Doing nothing means Congress is abdicating its responsibility.

Madam Speaker, every person and every idea is needed to resolve the Medicare crisis. I urge my colleagues on both sides of the aisle to join together. If Medicare goes broke in 2002, it is going to affect all of us, regardless of party affiliation or age. Let us work, preserve and protect Medicare.

APOLOGY DUE THE PEOPLE OF KENTUCKY AND TENNESSEE

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

Mr. TANNER. Madam Speaker, a while ago one of the Members who spoke here used the term ''extremist, mean-spirited, and shameful.'' Let me tell my friends that one of the most extremist, mean-spirited, and shameful remarks occurred in an interview by a Member of this body the other day in the Journal Gazette when he said, ''The only law they clearly established Koresh broke that I can see is that he had sex with a consenting minor,'' a little girl 10-year-old. ''Do you send tanks and government troops into large sections of Kentucky and Tennessee, and other places where such things occur? Since he viewed he was married, which then comes to the polygamy question, in other words, we are sending tanks in to enforce polygamy laws.''

By way of a strained explanation, he said, ''I implied something I don't believe. It was a wrong choice of words.''

May I say to the Speaker of this House, the people of Kentucky and Tennessee deserve an apology from someone who speaks for this body.

THE ISTOOK-MCINTOSH-EHRLICH AMENDMENT

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

Mrs. SEASTRAND. Madam Speaker, here is a little quiz. What do the following examples have in common: One, the National Council of Senior Citizens received $68 million from the Federal Government between 1993 and 1994. That is 96 percent of its operating budget. Between 1992 and 1994, the NCSC gave $405,000 to 134 congressional candidates.

Two, the Child Welfare League of America received $260,000 in Federal funding in 1 year. It then ran an ad in the Washington Times against the House welfare reform bill.

Three, the AFL–CIO in the 1993–94 year received more than $2 million in Federal money. It operates ''Stand Up,'' a program designed to defeat the 104th Congress' agenda, and runs a TV campaign targeting Members of Congress.

What do these examples have in common? A, your tax money was used; B, you had no say in which group received your money; C, these groups actively and aggressively lobbied Congress; D, all of the above.

Believe it or not, Madam Speaker, the answer is D. That is wrong and I urge that the Istook-McIntosh-Ehrlich grant reform amendment be passed.

STAMP OUT THE REPUBLICAN WAR ON WOMEN

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

Mrs. SCHROEDER. Madam Speaker, this August 26, we have this wonderful stamp coming out, celebrating women having had the right to vote for 75 years. In November 1996, you are going to watch women use that vote. They are also going to be using this stamp, I think, to try and stamp out the Republican war on women.

I think women are not only angry about the actions against them in this Congress, they are angry about the attitudes that the Republicans have had against them in this Congress as seen by the vote yesterday in the other body.

□ 1020

That is all very, very sad, and it is very difficult today to celebrate the only victory, the only victory women have had this entire time, and that was saving a 25-year-old program started by Richard Nixon and George Bush that last time got two-thirds of this body and this time barely snuck through. That is outrageous.

Our foremothers would want us to fight back, and we will.

SUPPORT THE LABOR-HHS-EDUCATION BILL

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

Mr. HOKE. Madam Speaker, let us be clear about one thing. If you want to hurt your children, if you want to hurt your grandchildren, if you want to punish the future generations that have

not been born yet for this Nation, the best thing that you can do today is you can vote against the Labor-HHS appropriations bill.

Let me ask a simple question: Which is worse, eliminating some ineffective programs today while still funding important initiatives, or leaving our children a legacy in which the only thing the Government can afford to do is pay for entitlements and interest on the debt, if that?

This is a good bill. It deserves our support. It increases funding in important areas, like the National Institutes of Health. It eliminates funding in areas where it does not deserve to be funded. It consolidates a great deal of funding.

Please, support it.

SALUTE TO THE NATIONAL BAR ASSOCIATION AND PRESIDENT-ELECT LAWRENCE BOZÉ OF THE NBA

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Madam Speaker, I rise this morning to salute Lawrence Bozé, newly elected president-elect of the National Bar Association, now holding its 75th year meeting in Baltimore, MD.

The National Bar Association, organized in 1920, is now celebrating its 75th year of service. It is an organization of lawyers serving African-Americans throughout this Nation. Mr. Bozé, a native Houstonian, has been a longtime activist in the Houston Lawyers' Association, the NBA, and the Houston community. He has used his legal training to enhance the lives of those least able to access our American system of justice. He has fought the legal fight against eliminating the 18th Congressional District.

As head of an organization, the NBA, that has led the effort to maintain equality, civil rights, and opportunity, I know that Mr. Bozé's administration will continue that service in an excellent manner.

It is my pleasure to salute the National Bar Association in its 75th year of service and Mr. Lawrence Bozé, the newly elected president-elect of the NBA.

WE MUST PRESERVE MEDICARE

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

Mr. MILLER of Florida. Madam Speaker, the Medicare program is a very, very essential program we need to save in this country. It is very important in my congressional district in Florida, where I have more senior citizens than any other congressional district in the country. It is also important not only for the seniors but for the jobs in my area, the hospitals, the nursing homes, the home health agencies. So it is very essential we preserve this very essential program, and it has to be a bipartisan effort.

The President speaks normally in a bipartisan fashion on Medicare, which is the way we should treat that. It is only when he gets into the partisan campaign reelection that he gets carried away on Medicare. But we start off with a bipartisan agreement that it is going broke. The President's own trustees, Secretary of Labor, the Secretary of HHS, the Secretary of the Treasury, they all said in their report on April 30 of this year, it is going broke in 7 years, and it starts running out of money next year.

Last night in the news the President is saying, according to headline news stories, that we need to look at the private sector. Great. We need to look at the private sector because the private sector health care costs also are not growing nearly as much as is happening in Medicare.

We must preserve Medicare.

THE CONTRACT WITH AMERICA'S SENIORS

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

Mr. PALLONE. Madam Speaker, as many know, the Republicans seek to cut $270 billion from the Medicare program, and the Republicans claim that these cuts will not hurt senior citizens.

But if health care costs continue to rise faster than the money budgeted for Medicare, then seniors will either get less services or pay more money. It is that simple.

One plan that the Republicans are considering is a voucher plan which would force senior citizens to purchase their own health insurance. While Republicans claims this is giving seniors more choice, many forget the reason Medicare was enacted was because health insurance was so expensive. Prior to Medicare, most seniors did not have any medical insurance.

What the Republicans are in effect saying is, ''Seniors, here is a small amount of money. Go out and buy health insurance that you will not be able to afford.''

Now that Republicans are in power, they want to enact the largest cuts in Medicare history. The Republicans talk about reform, but they start with the cuts first. This is backwards, and it is also wrong.

Republicans have forgotten the truly important contract, the contract with America's seniors.

WE NEED TO SAVE MEDICARE

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

Mr. DICKEY. Madam Speaker, I think I am going to introduce a new word to this thing, counter-consultants' advice.

What we have here is we have consultants who are trying to take the Medicare issue and make it an issue of political proportions. Then the counter consultants come back and say, ''No, we can't do this. We have got to respond to this politically.''

We just have a contrast here with the previous speaker and myself. I think we all have something in common. I think we all agree, we all agree we must save Medicare. We all agree that if we continue like we are doing, with the overutilization and the rising costs, that Medicare is going to go broke.

So what we need to do in this particular discussion is keep the consultants and the counter-consultants out of it.

Look at the facts. In 2002, Medicare will go bankrupt, and $1 billion in Medicare part A will be spent over, above, what we have to spend.

We need to save Medicare, and we all agree on that.

DRAMATIC CUTS IN EDUCATION

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

Mr. BECERRA. Madam Speaker, here in today's newspaper, USA Today, ''Nation rates average in school reform,''. Only ''average''. Yet today we will debate a bill that cuts education dramatically. It cuts the money that we provide schools to help kids who need help, doing math and reading, because they are behind.

We are eliminating a program that actually helps us get schools reformed, eliminating the program that helps 44 million students. We are eliminating 27 percent of funding for vocational education.

We are eliminating $137 million for Head Start Programs for our kids. We are cutting in half Healthy Start Program moneys. We are eliminating $286 million for safe and drug-free schools, to make sure our kids have a safe environment to go to.

At the same time we are doing this—the Gingrich Republicans are axing education funding, not only are they doing that, but they are adamant about giving corporations and the wealthiest of Americans $20,000 in tax cuts and at the same time they are adding $8 billion to the defense budget, which the Department of Defense did not even request.

Wrong-headed is the word.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 789.

The SPEAKER pro tempore. (Mrs. WALDHOLTZ). Is there objection to the

request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. PORTER. Madam Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, and the Committee on Small Business.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2127, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, and that I may include extraneous material along with tables and charts.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 208 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2127.

□ 1029

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, August 2, 1995, title II had been designated.

Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

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

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

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

Mr. PORTER. Mr. Chairman, the total discretionary funding for the Departments of Health and Human Services declines by $1 billion from $29.2 billion to $28.2 billion, or 3.5 percent. Mandatory spending, on the other hand, increases from $152 billion to $170 billion.

One of the committee's top priorities is funding for biomedical research. The bill provides $11.9 billion for the National Institutes of Health, which is an increase of $642 million, or 5.7 percent.

The committee believes strongly we should permit scientists to determine the funding priorities at NIH rather than Members of Congress. As a result, the committee has not earmarked funds for specific diseases or directed NIH to fund particular research mechanisms. These decisions should be, and are under the bill, left to scientists.

Another high priority in the health and human services section of the bill is support of preventive health programs. Funding is maintained for the Centers for Disease Control and prevention programs supporting increases for a broad range of prevention programs and funding many others at last year's levels. Increases are provided for childhood immunization, breast and cervical cancer screening, sexually transmitted diseases, chronic and environmental disease, and infectious disease.

The committee has also adopted a strategy of preserving funding for the large block grants which permit States flexibility to provide a broad range of services or to reduce or eliminate funding for the smaller categorical programs which must be used for very specific purposes and constituencies.

For example, the bill preserves funding at the 1995 levels for the substance abuse and mental health services block grants, the preventive health services block grant, the community services block grant, and the child care and development block grant. The bill level funds the title X family planning program at $193 million. Ryan White AIDS treatment programs are level funded, with the exception of title I assistance to cities, which is increased by $23 million in recognition of the new cities coming on board in 1996.

Funding for health professions training is maintained at the 1995 funding level and is provided in one consolidated line item, pending reauthorization of various training programs.

The core programs addressing rural health care needs are protected. The National Health Service Corps is level funded at $120 million, as is the Rural Outreach Grants Program at $26 million; $10 million in continuation costs is provided for rural hospital transition grants.

In addition to supporting ongoing programs to address violence against women, such as the Family Violence Program, the bill provides an additional $39.9 million for violence against women programs specifically authorized in the crime bill.

Funding for the Agency for Health Care Policy and Research declines by 21 percent, to $125 million, and the bill abolishes the Office of the Assistant Secretary of Health, with its allocation of 14 deputy assistant secretaries and 6 special assistants at grade 15 or above, and transfers some of its core functions to the Office of the Secretary of Health and Human Services.

Funding for the Low-Income Home Energy Assistance Program is eliminated because the original justifications for this program at the Federal level no longer exists.

The bill does make a very small reduction in Head Start funding of $137 million, or 3.9 percent from last year, but even with this small reduction, Head Start is still funded at over $3.3 billion for fiscal year 1996.

We reduce in the bill Federal administrative costs by cutting overall administrative budgets by 7.5 percent and congressional and public affairs offices by 10 percent. The bill changes current law by 10 percent.

The bill changes current law by providing States with the option of providing Medicaid funding for abortion in cases of rape or incest. It also prohibits use of Federal funds to discriminate against medical schools who do not include abortion training as part of their overall Ob/Gyn training, and bans human embryo research by NIH.

All of these provisions are the subject of possible amendments today.

I believe that this section of the bill reflects a thoughtful approach to the funding for the Department of Health and Human Services.

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

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, yesterday we talked about the implications of this bill for working Americans. Today we are moving to the portion of the bill that attacks our most vulnerable citizens.

This is really the second stage of a three-stage attack on the elderly, on disabled, and poor Americans.

Last week, this House adopted legislation which will substantially increase the rent that low-income elderly will pay to live in section 8 housing and other federally subsidized housing. In September we will be considering legislation that will radically scale back the options of senior citizens on Medicare and will substantially increase their out-of-pocket expenses, and today we are attacking vulnerable Americans on another front in this bill.

This bill kills the program that helps pay winter fuel bills and summer air-

conditioning costs when the alternative is that their heat and electricity will be cut off, 6 million American families, 80 percent of whom make less than $10,000 a year, we are going to kill that program.

The bill will dramatically cut back opportunities for part-time community service work for programs like Green Thumb. We are cutting Federal support for senior center activities, RSVP programs, senior aides, foster grandparents. We are even cutting elderly nutrition programs, and so we are at midstream in a process that hits the same group of people, older Americans living on $8,000 to $10,000 a year or less, and we are hitting them over and over and over again.

The problem is that right now people are living on the edge. They cannot take one hit much less three, and so I think you have a right to ask who is going to pick up the slack.

In some cases, no question, maybe their kids may be able to step in. In those cases, we will be shifting the burden right back on to working Americans. In other cases, there may be some local help. But given the cuts that we are already making in aid to schools and other areas, that is not very likely.

So, in many cases, we are simply looking at the prospect of many of these people falling through the cracks or being tossed out the window, and if you think it is hyperbole, listen to what the Wall Street Journal reported last November when it said, ''More than two decades after the creation of a Federal law aimed at providing free meals to anyone over 60, several million older Americans are going hungry and their numbers are growing steadily. The Federal food programs cannot keep up with the Nation's rapidly graying population. For the first time, we have growing waiting lists,'' it quotes a Federal official as saying. ''The level of malnutrition is only increasing.'' This was not in a left-wing newspaper. This was in the Wall Street Journal.

Or take a look at this New York Times headline and the story. The story read, ''A gray-haired man in a blue Yankee cap lifts the lid off of a garbage bin next to a supermarket. Peering inside, he pulls out a tray of mushrooms still wrapped in plastic, slips it surreptitiously into a small gym bag, as shoppers stroll in front of the supermarket. Elderly people go almost unnoticed as they scavenge for food in garbage bins just around the corner.'' These are not homeless people. They are not entirely destitute. But they are driven to the unappealing and even humiliating task of foraging through trash by a disturbing combination of immediate financial need and more general fear of the future.

This picture, while I know it does not show up very well, shows older Americans searching for food outside of a supermarket in a dumpster—in a dumpster. We have come to this.

We are going to be providing a big capital gains tax cut. We are going to be eliminating the minimum corporate tax that the high-flying, truly needy corporations of this country now pay but will not be paying under the new tax bill. So that again you have a laundry list of large corporations ranging from AT&T down through you name it, who will wind up not paying taxes, again, just like they did not pay taxes between 1982 and 1995 even though they made $60 billion in profits.

□ 1040

We are going to be doing all of that and paying for it by taking jobs away from our seniors and by taking literally food out of the mouths of not just kids, but out of our low-income elderly.

Mr. Chairman, it is really hard to put this bill in context because there is really no precedent for what is being done. We are witnessing an attempt to implement policies that are radically out of the mainstream.

Take, for instance, the foster grandparents program. It is hard to find anybody who is familiar with that program who does not think it is one of the best things that has ever happened to this country.

It takes low-income elderly, gives them a minimum wage for providing care and companionship to young kids 20 hours a week. These are kids in foster care or State institutions. Some are very severely retarded, they are autistic; they are kids who would not receive love or attention from any other source.

Some people thought the Reagan administration was pretty hard-hearted, particularly when it came to the disadvantaged and to programs to help them, but I would like to read something.

Mr. Chairman, let me read this quote: ''It is really hard to say who benefits more in this program, the child or the foster grandparent. What of the children in the program? They have been abandoned, forgotten, the victims of pernicious neglect. They range in age from infancy to 21 years. The fact is, it is doubly beneficial. That is one reason why the cost of the program is so worthwhile.''

You know who said that? Not some left-wing socialist. Nancy Reagan. That is who said that. Yet, you are going to gut those programs.

Mr. Chairman, I would simply say, I know that there are going to be some amendments offered today to try to make a token apology to the seniors and the vulnerable in this country by restoring a few pennies in the almost $10 billion savaging that you are doing these populations, and I guess there is no harm in bringing up those amendments. It is a little conscience money that you are going to provide so you can take back home and tell your constituents, you care at least a little bit.

All I would say is that regardless of how many fig leafs you pass on this floor today, you cannot fix up this bill, and those little conscience amendments still do not remove the obligation for people of both parties to keep our bipartisan commitment to these programs for the vulnerable.

Some of these programs were started on a bipartisan basis by people like Mel Laird and Gaylord Nelson, two bipartisan Wisconsin products. We ought not abandon these programs or the people who are helped by them. I urge you, no matter what happens on amendments today, vote this turkey down.

I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield to myself 30 seconds.

Mr. Chairman, I would simply say that the overall cut in the Department of Health and Human Services in the discretionary funds is 3.5 percent. Of that, a portion is in salaries and expenses that are cut by 7.5 percent. The overall cut in services is perhaps under 3 percent, and most of the spending in this section of the bill is mandatory spending that will continue regardless of what is contained in the bill. I think the gentleman from Wisconsin [Mr. OBEY] greatly, greatly overstates the effect of what the bill does.

Mr. Chairman, I yield 7 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, this bill is an integral part of our effort to balance the budget, the moral and economic challenge of our time. This bill meets its share of the burden and therefore deserves every Member's support. These are the tough choices we are having to make to balance this budget.

These are the specifics that follow after the budget that we approved earlier this year, and we have prioritized what we consider the most important areas, funded those, and said, wait a minute, do we need to fund everything just because it has been in the budget for years and years and years?

Mr. Chairman, this bill was not undertaken in a haphazard or malicious way. We went about this very thoughtfully and determined our priorities. We have over 1,200 programs under our jurisdiction in this subcommittee and for each one, we asked a simple question: Is this Federal undertaking absolutely critical or can it be reformed or eliminated? Some programs which were not found to be Federal concerns were eliminated, while others were deemed essential and received increases.

By setting priorities, we eliminated programs that do not work and strengthened ones that do. Spending taxpayer dollars on useless programs is not compassion. Balancing the budget and setting priorities is real and true compassion. There are many programs which we found to be essential.

Some of these include the five prevention programs within the Centers for Disease Control which all received increases above their 1995 funding levels. The first is the breast and cervical cancer screening program. The subcommittee's recommended increase of

$25 million, which goes from $100 to $125 million, will provide enough funding to permit the expansion of this program into all States, thereby allowing greater access for low-income, high-risk women to receive screening and referral services for the detection of breast and cervical cancer at earlier and more treatable stages.

The prevention program of infectious disease received over a 20-percent increase. This additional funding is intended to provide sorely needed resources to the CDC for addressing such monumental problems as the ebola virus and E. coli which we have all heard so much about lately.

Additionally, the bill increases funds for chronic and environmental disease prevention and sexually transmitted disease prevention by $15 million. This will permit enhancement of programs such as diabetes control and education, cancer registries, birth defects, disabilities, and other diseases.

Finally, the subcommittee provides additional protection for our most important resource: Children. The Childhood Immunization Program has gone from $465 million to $475, a $10 million increase, which will permit the CDC to purchase more vaccines, expand clinic hours, and provide increased outreach opportunities ensuring vaccination for previously unreachable children.

Mr. Chairman, this bill does fund those items in which the Federal Government has a legitimate and necessary role. AIDS prevention has gone from $569 million to $595 million. The Ryan White Program, the AIDS Treatment Program, goes from $633 million to $656 million. Overall, the bill increases funding for prevention programs by $63 million. This is $63 million which will go toward assisting low-income women and children to achieve better health care and $63 million which will go toward securing the safety of our Nation by protecting us from infectious diseases.

A further example of setting priorities is the proposed increase in funding for the National Institutes of Health, a real treasure to this country. The majority party realizes that even when resources are necessarily restricted, it is important to continue to fund and support those programs which are critical for future development.

It is estimated that the advances derived from the National Institutes of Health research save $69 billion annually in medical care costs. Additionally, federally supported biomedical research creates high-skilled jobs and supports the biomedical industry generating a positive balance of trade for our country.

I do not believe the importance of biomedical research can be understated. And for those reasons, this bill increases the overall spending for the National Institutes of Health by $642 million, a 5.7-percent increase. Let me repeat that. The National Institutes of Health has an increase in spending of $642 million, or 5.7 percent. This translates into millions of new research dollars for finding a cure for cancer or AIDS, as well as additional millions for battling the debilitating diseases such as hemophilia and cerebral palsy.

Mr. Chairman, it is time for this Congress to make some tough choices. For too long we have allowed programs which do not provide any tangible or national benefit to receive precious Federal dollars. We cannot increase NIH and prevention spending unless we are willing to make cuts somewhere else. If we are to ensure the relative prosperity of future generations, we have to stick to our funding levels and make the decisions based on a program's relative worth.

Mr. Chairman, President Clinton's 1996 proposed funding for NIH was at $11.3 billion, $165 million below what we are proposing to spend on NIH. We are proposing to spend, in this bill, $165 billion more than President Clinton even requested.

The center of our debate today is where are our priorities, what programs can we point to that have a direct benefit on society and have had a success in health care?

These are the tough choices we have to make, but we have to remember the bottom line is we must balance this budget over the next 7 years. That is what is important for our children and grandchildren in this country, is to get on that glidepath to a balanced budget. That is what is going to give the benefits that we need for the standard of living, the quality of life that affects all Americans. I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill. This is a mean-spirited attack on the elderly, working families, and our Nation's children. Nowhere is this assault more evident, than with the bill's total elimination of the Low Income Home Energy Assistance Program, which provides life saving assistance to low-income families and seniors.

It is an outrage that this Congress would take the heat away from our seniors to give a cool $20,000 tax break to the Nation's most wealthy.

The draconian and heartless action of the committee to eliminate all funding for the Low income Home Energy Assistance Program jeopardizes the health and safety of millions of Americans who rely on these funds to heat and cool their homes.

In my home State of Connecticut, nearly 70,000 households benefit from $27 million in home energy assistance. In my district alone, nearly 13,000 households benefit.

Marie Brown of Wallingford is one of the many people in my district who depend on energy assistance to heat her home in the winter. It gets very cold in Connecticut. Marie's $500 a month budget isn't enough to pay her home heating bills after she has paid rent, medical costs and other expenses.

Marie calls home energy assistance ''a blessing,'' and says that ''this is the best thing they have ever done, especially for the elderly.'' Eliminating energy assistance would force Marie and other seniors on fixed incomes make choices they shouldn't have to make—choices between home heating and necessities such as food or medicine.

If energy assistance is eliminated, what are we going to say to Marie Brown and the millions of families who depend on this program?

I do not want to tell them that to ensure people have adequate shelter is no longer a priority for Congress and that tax breaks for the Nation's wealthy are a more pressing concern. I will not carry that message.

It is unconscionable that low-income seniors and working families in extreme need would be swept aside so that Republicans can offer the wealthy an unnecessary tax break.

Just last month, the Nation experienced an unusually harsh heat wave, which caused the deaths of 400 people in Chicago. The Governor of Illinois was able to offer the citizens of his State emergency energy assistance to prevent future fatalities. Under this bill, Governors across the Nation would not have those emergency resources, and just possibly more men and women would die. Energy assistance is truly life-saving assistance and we have an obligation to provide it to people in need.

I urge my colleagues to stand by working families and the elderly. Support amendments to restore energy assistance to millions of seniors and working families, whose survival should be our No. 1 priority.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I want to play directly to the comments made by the minority Member who is in control of the time at the moment. The gentleman from Florida [Mr. MILLER] just a few minutes ago said that the bill that is before us represents the Republican controlled Committee on Appropriations majority's careful and thoughtful consideration of priorities; and, No. 2, the elimination of spending Federal dollars on useless programs.

Mr. Chairman, let us look at one of those programs. The Republican controlled Committee on Appropriations has completely eliminated the Low Income Home Energy Assistance Program, the so-called LIHEAP Program, completely eliminated that.

Mr. Chairman, that program serves almost 6 million families around this country. Usually it is thought about as a program that covers people who have problems with the cold from the Rocky Mountains east to the eastern seaboard along the northern tier, but as the gentlewoman from Connecticut just pointed out, emergencies this summer in Chicago where there were more than 400 dead and emergencies over the Southern Plains and in the Southwest

where the heat has been up in the 115 range at various times, those are the kinds of places where even a little bit of money is used on exceptionally hot days like today, and here in Washington for that program.

Six million people are covered by this program, mostly half of them are elders, the most vulnerable people to both heat and cold, the most vulnerable people, and those are the people. That is the priority for cutting off a program on the part of the Republican majority here.

The question of priorities, this $1 billion that is eliminated from the Low Income Heating Assistance Program, their priority is to put in instead, in a different bill, their priority, one new B–2 bomber that costs the same amount, or one new amphibious transport ship, neither of which was acquired by the Committee on Appropriations.

Mr. PORTER. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, the gentleman from Massachusetts [Mr. OLVER] talked about the LIHEAP Program. The LIHEAP Program came out of the energy crisis we had in the 1970's. It was a program that has outlived its usefulness. It is a very costly program of over $1 billion a year.

The cost of energy now as a percent, compared to that, is less, and yet, we want to keep that billion dollar a year program going. Even President Clinton has asked for dramatic reductions in that program. Mr. Chairman, we have to set priorities. We have to balance this budget.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I want to congratulate the gentleman from Illinois [Mr. PORTER] on bringing an excellent bill to the floor today. I would like to discuss with him the Transitional Living Program.

Mr. PORTER. If the gentleman from Missouri would yield, I would be glad to engage him in a colloquy.

Mr. TALENT. Mr. Chairman, it is my understanding that the en bloc amendment adopted yesterday includes an additional $1.3 million for the TLP Program. It is also my understanding that this funding will be used for nine agencies who provide services to homeless and runaway youth. This funding will provide a 1-year extension to those nine TLP grantees whose grants are expiring in September 1995. The nine grantees could then competitively compete in the spring or summer of 1996 for fiscal year 1997 grants without having to dismantle or eliminate their programs in October 1995.

Mr. PORTER. The gentleman is correct. This funding will provide a 1-year extension for these nine agencies only.

Mr. TALENT. I thank the gentleman from Illinois [Mr. PORTER] for his time and for his attention to this matter.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, we have seen all this before. You have seen it on late night television, and ad, the fellow with the Ginzu knives. He brandishes them. He swings them over his head, and whack, an onion is in two. Before you know it, a radish lies in slivers. He can whack anything with those knives, whether it needs whacking or not, and what we have this morning is the Republican equivalent of a Ginzu knife ad.

The Older Americans Act, whack; student financial assistance, whack; assistance for education, whack. They keep slicing up the American middle class. Well, we have heard for 40 years from the Republicans about how they could solve all these problems by simply whacking out waste and fraud. If they can do it with whacking the waste and fraud, why do they not do that and stop slicing with their Ginzu knives the American middle class?

I have got a program called the Retired Senior Volunteer Program. It has operated for 23 years in Travis County. It provides 2,000 of our citizens opportunities to volunteer. Nobody has ever suggested that it involved one cent of waste or fraud, and yet, they have got their knives out whacking it, terminating it, so that seniors in our community will not have the opportunity to have the coordination they need to give back to the community.

Mr. Chairman, it is wrong. It is wrong. Why not use a surgical knife and cut out the waste and the fraud and leave middle-class America alone?

□ 1100

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

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

Mr. TALENT. I thank the gentleman for yielding time.

Mr. Chairman, I have heard a lot about what my distinguished colleagues on the other side of the aisle are upset about with this bill. Now, I am not on the Committee on Appropriations, I do not deal on a day-to-day basis with millions of dollars for this program or to this person, so I have a little bit different perspective. I thought maybe I would discuss a little bit about what I am upset about and what this title is designed to address.

I have a 3 year old little girl, she is going to be 3 in 2 weeks. She is going to owe $100,000 in taxes during her working lifetime just to pay the debt service that the last generation of congressional leadership ran up on the Federal debt in the last 20 years, and I am kind of upset about that.

This country, if we continue on the current course of spending, will be bankrupt inside of 10 years. It will take the entire Federal revenue to pay for Medicare, Social Security, Medicaid, and the debt service. I am a little bit upset about that.

My parents believed what you did was you paid off the mortgage and left your children the farm. The last generation of congressional leadership sold the farm and is leaving the rest of us the mortgage, and I am kind of upset about that.

Now what does this bill do about it in this title? It does not cut spending in this bill; it slows the growth rate of Federal spending. What are my honorable and distinguished colleagues on the other side doing about this? Well, they voted against the balanced budget amendment by and large. They have opposed our seven year plan to balance the budget, they are offering no plan of their own, and they savage their own president when he even talks about developing a consistent plan to balance the budget, and I am pretty upset about all of that.

Mr. Chairman, and I am going to speak here to the people who are listening also, what you are hearing here is a desperate attempt to preserve a status quo that has failed and that is indefensible. We are trying to turn this budget around, it is like a big ocean liner. We are taking some initial steps to turn it around now. This is a good bill and it should be passed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members that all remarks should be addressed to the Chair and to the Chair only.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, it may seem incongruous in these days of 90-degree weather and high humidity to be talking about home heating assistance, but in northern Minnesota, although the glacier retreated, it makes a return attempt every fall, and lasts well into April and sometimes May. Last year we had wind chill temperatures of 77 below zero, midwinter. I visited a home in Duluth where the Energy Assistance Program was conducting weatherization for an 84-year-old widow with one leg amputated. Her husband had worked all his life in the steel mill in Duluth and left her a modest little pension. Her total income is about $480 a month. Half of it was going to pay the energy bill. The Energy Assistance Program weatherized the home and helped her buy a new furnace so she could stay in her home and not have to go to a nursing home.

In the city of Duluth alone, 3,746 households last year received primary heating assistance. Look at the record of this program in Duluth, alone: 374 households received primary heating assistance; their average income was $9,208 a year. Furnaces were replaced in

107 of more households, making it possible for the homeowners to remain in their homes, rather than seek public assistance in the form of welfare or be committed to a nursing home. Heating system repairs were made in an additional 560 households. Of the total number of households receiving LIHEAP assistance, 926 have children under the age of 6 and the average household income is $11,400.

Senior citizens account for 712 of the total households served; their average income is $8,286. There are AFDC families assisted under this program, they have an average household income of $7,631.

The point I want to drive home is that this program is preeminently designed for and targeted to the poorest families, the neediest among us. Cutting these funds, altogether, as this heartless Republican majority proposes to do, will reduce these people the most among us to a condition of abject dependency, cause each of them needless anguish and anxiety, emotional, as well as physical stress, and simply shift the cost from the weatherization program to welfare or Medicaid and Medicare. Cutting off these funds will not make the problem go away; it will only worsen the condition.

But, I want my colleagues to hear the beneficiaries of the Energy Assistance Program tell the story in their own words, as expressed in letters to the Arrowhead Economic Opportunity Agency, which serves a seven-county area of northeastern Minnesota, which is geographically about the size of New England, excluding Maine:

I've been a widow since 1989 and as time goes on, I find it very difficult to adjust to all the changes. I live on a fixed income and with costs of living always rising, I don't even dare to think of the future. I thank the Lord and ask him to bless all the people that makes the Fuel Assistance Program possible.

Thank you so much for the fuel assistance. If it weren't for this program, I wouldn't be able to afford to live in my own house.

I thank God for the very existence for your agency. Never in my wildest dreams did I, as a former middle class American worker, believe that I could be reduced to poverty level in 3 years. I've always been proud of myself as a self-employed carpenter, but now have no work to be proud of.

I am a diabetic, and if it weren't for the Energy Assistance Program, I'm certain I would have a tough decision to make in deciding between insulin or fuel oil.

I do not know what these previous speakers are talking about on the other side of the aisle, but if you cut home heating assistance, you are making people choose between life or death, and that is not right.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Chairman, during my campaign for the U.S. Congress last year I met a man who lived in my district. His name was Dave Exley, and he was a painter, and I got talking to Dave. I was interested in talking to him. I had an uncle, Joe Ditta, who raised a family of seven as a painter. I got to talking to him about his business and what it was like, and he got out something and gave it to me that I will never forget. It was a paint stirrer, and he told me that he had been using that same stirring stick to stir the paint for 5 years.

Each time he would use it, he would wipe it carefully off, and he said he was saving himself about 5 cents a day by using that paint stirring stick over and over and over again, and he showed it to me, and he said something to me that I will never forget.

He said, every time you think about spending money or raising taxes, I want you to remember me because I am trying to feed my wife and my two sons, and I have trouble making ends meet. At the end of the month I have trouble making sure I have got enough money to pay the mortgage and to pay the electric bill.

That is a lot of what this debate is about. We are taking money out of the hands of a lot of hard working Americans, and we are spending it the way we see fit, on programs that we think are good, and I think this committee has worked very hard to analyze these programs and come up with what they think are some difficult decisions, but nonetheless are the appropriate decisions that need to be made in order to get us toward a balanced budget.

We cannot keep spending money over and over again because we think it is the right thing to do. We have to have some real good hard objective measures. We have to make the difficult decisions because if we do not, let us face it, there will be no money for anything. We will be bankrupt.

That is what has propelled us, the freshmen Republicans, into this body and led to the Republican majority this year, and why we are seriously changing the spending priorities of our Nation. The public knows that if we do not make a change there will be no money for anybody, and I think of Dave Exley, the painter, every time I am asked to vote on a spending decision, and, yes, the decisions are hard, but we are ready to make the hard decisions, and I think this bill is a good bill, it is a tough bill, it makes some tough decisions.

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

Mr. WELDON of Florida. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding. As the gentleman knows, I am for a balanced budget, I am trying to make some of these tough choices to balance the budget for our children's sake and future generations. The gentleman is from a great part of the United States where the climate is between 70 and 95 degrees all year. I am from South Bend, IN, where the weather can be 50 degrees below zero.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER], a member of the subcommittee.

Mr. HOYER. Mr. Chairman, Dave Exley takes care of that stirring stick so his paint will be well mixed, and it will give a good coat. How much more, Mr. Chairman, should we take care of our little children so that when they grow they can paint America successful, they can paint America with more opportunity?

Now, I see the Chairman of our committee standing up here, or sitting here, he is going to stand pretty soon, and he is going to show that little red chart over there. And he is going to go bankrupt as a businessman if he uses that chart, because that chart relates to this chart. How many children are we serving in America that we promised in 1965 to serve under Lyndon Johnson, concurred in by Richard Nixon, followed on by President Ford and endorsed by President Carter, and then said to be by Ronald Reagan one of the programs that works, and what did we do? We retreated. We retreated, Mr. Chairman.

Mr. Chairman, the gentleman's little red chart over there is serving less children. Less children in America who are eligible for Head Start are being served today, Mr. Chairman, and that red chart will not change those statistics, and as that happens, we are losing children in America, and we cannot afford to do that.

This Head Start budget that you talk about drops 48,000 children through the cracks. This budget alone, 48,000 children. I do not know whether your painter thinks that is a good investment. He cares about that stirring stick because it saves him a nickel a day, and he is smart. Would that every American would do that, America would be a more successful Nation. But would that every Member of this Congress, ladies and gentlemen, would understand that those little children, 3 and 4 years of age are America's stirring sticks. They are America's future. They will paint America as a successful, competitive community. They will paint America the kind of land of opportunity of which your Speaker speaks. but opportunity does not just happen for some kids, for any children.

The best solution, Mr. Chairman, as we all know, is two loving, caring nurturing parents. Would that every child had that. And the economic opportunities that all of us can provide our children, God bless them as God has blessed us. But ladies and gentlemen, cutting Head Start makes no economic sense. It makes no common sense, and it makes no human sense.

That is why we ought to reject this bill, because notwithstanding the Chairman's little red chart, we are serving less children who are eligible to be helped and who America has promised to help in Head Start. Let us not have a false start once again. Let us reject this bill. Let us save those little stirring sticks that we call our children, our future.

Mr. Chairman, this is a defining moment for this Congress. With this bill we declare our priorities as a nation.

Should we invest our money in our children and in our future as a nation, or give the money in a tax break to the wealthiest Americans?

The cut to Head Start is only one example of the misguided choices Republicans have made in this bill.

There is a good reason why Head Start is America's best loved program for children. Head Start isn't perfect. But it is a place where children get the education, nutrition, health checkups, and skills they need to learn and succeed in school.

In 1993 and 1994, we reached a high point of serving 40 percent of eligible Head Start kids. At the high point, 6 out of every 10 needy preschoolers couldn't go to Head Start because we didn't have the room.

Despite these shortages, the Republican bill cuts Head Start by 50,000 children in 1996—allowing us to serve only 36 percent of eligible children, the same percentage served in 1991.

Under this bill, 50,000 fewer children will go to Head Start in 1996 than could in 1995.

That's 50,000 children who are more likely to be high school dropouts, juvenile delinquents, or teenage parents.

Fifty thousand children who are more likely to be on welfare—taking from society rather than contributing to it.

Head Start helps children like Guy, who began Head Start in southern Maryland unable to learn and far behind his peers.

Guy's mother and stepfather were overwhelmed and unable to help their son.

That's when Head Start sprang into action. Guy's mom was given medical cards so Guy and his sister could go to the doctor for immunizations and to the dentist for checkups.

Head Start got Guy an appointment at Children's Hospital, where his learning disability was diagnosed and addressed.

Head Start found parenting classes for Guy's parents to help them help Guy.

As Guy's behavior improved, his mom was able to go back to school at Charles County Community College.

Because Guy was in Head Start, his mom could attend school 5 days a week, and graduated from the secretarial program. She is now working for a small business and supporting her family.

In September, Guy will start kindergarten. Thanks to Head Start, he is doing well and is ready to learn.

In 1990, Frank Doyle, the CEO of General Electric called on Congress to fully fund Head Start. He spoke on behalf of TRW, Goodyear, Eli Lilly, AT&T, Mobil, and many other businesses who know that getting children ready to learn is the key to future economic success.

But this bill goes in the other direction. This bill isn't a Head Start—it's a false start. I urge a ''no'' vote on this bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would again remind Members that they are to address the Chair and only the Chair in their remarks from the floor.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the Chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. I thank my good friend from Illinois for yielding time to me, and I will try to be brief.

Mr. Chairman, a couple of comments: First of all, about the gentleman that preceded me, I want to say how much I appreciated his performance. It was a preformance. The gentleman always makes a magnificent speech and gives a great performance. Sometimes he is a little short on the facts, as this time, but it was a good performance.

That being said, yesterday the gentleman from Wisconsin, the ranking minority member of the committee, and I had a dialog back and forth, and we discussed one of us winning versus the other, and I said at the time I hoped I won on this bill.

I want to rephrase that. Because I had an opportunity to reflect on my comment. I do not know whether he will win or whether I will win, but I hope that America wins, and I hope that America's children win, and I think they will with this bill, contrary to the statements of the gentleman from Maryland, who went before me. Because we are beginning to understand that simply by sitting down and writing a check on a bank account where somebody else puts the money in is not the answer to our problems. It is certainly not the answer to educating and nourishing the youngsters of America.

The fact is that I do have a red chart, and what it illustrates quite clearly is that in 1989 the Head Start funding was $1.2 billion. It rose in 1990 to $1.5 billion and went on up, up, up, until now, just a few short years later, 1995, it is virtually three times the size that it was in 1989. As Everett Dirksen said, a billion dollars here and a billion dollars there, and pretty soon you are talking about real money; $3.5 billion is what we will spend this year on just the Head Start Program.

Now, as we know from additional debate on this floor in the last few days, this is just one program. There are 240 separate education programs for the youngsters of America run by the Federal Government, spread over some 11 departments, 15 agencies, and other offices.

□ 1115

This is only one of those programs currently funded at $3.5 billion. To hear the hue and cry of the gentleman from Maryland [Mr. HOYER] and other people who have said, oh, my goodness, the heartless, heartless majority in Congress today, the Republicans, have cut the program. We have cut it all the way back by $3.4 billion.

Now, I have to question the premise the world is coming apart and our children are going to grow up illiterate because of this cut. It is simply not so or, as the song says, ''It ain't necessarily so.'' In fact, there is some great question, some significant doubt as to whether or not this program works at all.

Mr. Edward Zeigler, the Yale professor who founded Head Start, the man that started the program, is quoted in the Washington Post of February 19, 1993, ''Until the program has reached a certain minimum level of quality they should not put one more kid in it''.

That was 1993. And in 1993 we spent $2.7 billion.

In 1996, we propose to spend $3.4 billion.

Now, if the gentleman really seriously was concerned about the children of America he would remember that the children in Head Start are not the only children in America. All of the children of America, roughly 100 million, are the future of America, and their prosperity, their education, their nourishment is important to the future of America. The more we take money out of the pockets of the parents who are trying to raise and educate them, the more we take that money away from them, send it to the bureaucrats in Washington, put it in a program that does not work, the more we stifle the opportunity for those children to become the real future of America.

This cut is meaningless, and for these people to say the world is coming to an end when all we are doing is trimming back a measly 2.9 percent, $.1 billion out of $3.5 billion, then it seems to me this is much ado about nothing. We are speaking about how many angels can dance on the head of a pin.

Many of my colleagues do not care about rolling back the cost of Government. They do not care about getting the budget under control. What they say is, in effect, we will not balance the budget. We will not be concerned about the escalating interest on the debt. We will not be concerned with the fact that interest alone will exceed the cost of the national defense of this country within 2 years. We will not be concerned with the fact that nearly $20,000 is piled on every man, woman, and child in America to pay off the debt. We will just wear blinders and keep spending money and writing checks because, after all, the good old American taxpayers will pay the bill.

It is time to say no. It is time to make a trim. It is time to make the cuts. It is time to pass this bill.

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

Mr. Chairman, listening to all this, I would think I was born in Jamaica where the motto is ''No problem, No problem.''

You are taking 150,000 student loans away from kids under the Perkins Loan Program. You are cutting drug-free schools by 50 percent. You are eliminating 1 million kids out of chapter 1. You are cutting 55,000 kids out of Head Start.

Eight hundred people died in this country 2 weeks ago and you are saying, no problem, we are going to eliminate the program for them.

You are cutting MediGap counseling so seniors do not get chiseled by insurance companies on phony MediGap policies. You are cutting that promise to help them by 50 percent. Yet you have got guts enough to talk about spending. Before your President Ronald Reagan took over and you swallowed his line of malarkey, we never had a deficit larger than $65 billion.

We followed your advice, passed those budgets, deficits are now over $200 billion. Thanks a lot for your fiscal discipline. Ha, ha, ha.

You are talking about spending, cutting spending. You are going to keep the F–22. You are going to keep the B–2.

Just one of those B–2 bombers—and you are buying a heck of a lot more than the Pentagon wants—just one of them will fund the tuition for every student at the University of Wisconsin for the next 12 years. Where in God's name are your priorities?

Then you talk about Head Start. That chart talks about the dollars. As Members know, we have had a bipartisan recognition that Head Start needed a quality improvement. We need to improve the quality of teachers. We need to improve the quality of services. And so that is where the money has gone, to try to improve quality.

As a result, under your budget, the number of kids who are going to be enrolled in Head Start next year is going to drop from 752,000 to 704,000. Maybe you do not care about those kids who are going to be dropped off the program. We do. Forget your phoney numbers game. Look at the people behind those numbers.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Texas [Mr. BONILLA] an eminent member of our subcommittee.

Mr. BONILLA. Mr. Chairman, the first thing I would like to say is that I am a proud supporter of Head Start and proud to support the 190-percent increase in this program in the last 5 years. The program is working very well in many parts of this country, and the sourpuss look on the faces of our opponents this morning is because we are telling the truth, we are exposing the hypocrisy of those who are trying to say that we are not concerned about this program and are not interested in preserving it.

I would like to turn attention now to another aspect of this portion of the bill. That is rural health. I am also most proud of the overall funding for rural health care.

According to the National Rural Health Association, it would like to have $1.4 billion worth of funding in this bill. With the leadership of our chairman and the hard work by the Rural Health Care Coalition this bill has $1.33 billion or 95 percent of that request. We got 95 percent of what we wanted. In anyone's book that is a tremendous success rate.

In this budgetary time, I consider that a big success. However, some think this is not enough. I do. Of the 24 programs deemed important to rural health care, we increased the most vital components, community and migrant health care centers, and health care for the homeless cluster.

We provide last year's funding levels minus the rescission bill, for 12 other line items, including health service corps, rural health outreach grants, family medicine, physicians assistants, allied health, area health education centers, health education training centers, and many of the nursing programs that are so vital to rural areas that have no health care provider whatsoever.

My colleagues, we have worked very hard in subcommittees to secure adequate funding for rural health care. The Rural Health Care Coalition should be able to hold its head high and declare a job well done.

While I understand that an amendment will be offered to increase funding even more, regardless of the outcome of the Gunderson-Poshard amendment, I hope all members that support rural health care will support this bill in the end. This bill is a good bill for rural America in helping to meet their needs and not penalizing them for living in the heartland of this great country.

I call attention to all Members who represent rural areas in America; this is a good bill for rural health care. Please vote for the bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, this debate is not about who is for balancing the budget and who is not for balancing the budget.

Many of us Democrats are going to make the right choices and vote to cut the B–2 bomber and not to kick children out of the Head Start Program.

Now, let us talk about Head Start for a minute. Here is a program that President Reagan talked about how much money do we put in to increase funding on Head Start. President Bush talked about how much money do we put in here to increase our education for low-income children. Now in this Congress we have Republicans talking about how many children are we going to kick out of the program.

Here is the chart. We currently have 752,000 children enrolled. After this bill passes, and I hope it does not, 48,000 children are going to be kicked out of this program.

Now, the distinguished chairman of the Committee on Appropriations [Mr. LIVINGSTON] quotes the Washington Post and Washington charts. How does this program work in Michigan City, IN? We have 80 children waiting to get into this program in Michigan City, IN. We have a waiting list of eligible children. Yet you are going to tell us who to kick off.

Whoever votes for this bill, my colleagues, you go back to Michigan City, IN, and you point out who gets kicked out of this program.

Whoever votes for this bill, my colleagues, you decide how many, 5, 10, 12 children, in your programs do not get to enroll and get kicked out of maybe the most successful Government program ever put together.

We have got to make some tough decisions around here on our spending priorities.

The chairman of the committee said it does not make any difference how many angels dance on the pin of a needle. There are our angels dancing right there. Do not kick those children off of Head Start. Defeat this bill.

Mr. PORTER. Mr. Chairman, I would inquire of the chairman how much time is remaining on each side.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 21 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, it is really a very, very hard message to listen to the Republican arguments for cutting Head Start. It is one of the few programs, Federal programs, which has succeeded over the years. But now to cut it is a dangerous thing, because what we are doing on one hand is giving a big tax cut to the rich and we are cutting off at the pass these poor children who need Head Start.

It has been shown by a bipartisan commission that Head Start does improve the lives of these children. It improves the educational outlook of these children. So you are going to cut funding for the little ones who cannot speak for themselves, these little ones, 3- and 4-year-old preschool children and not open up to even younger.

If you are going to restore the kinds of things in America that we need to restore, you should be restoring the lives of these young children. Study after study has shown that it works and it works well.

Since 1965, nearly 14 million children have participated in the program. So why are they saying it should be cut? To pay for the tax cuts for the rich. It currently serves fewer than half the poor children who are eligible. You have heard the arguments. It is well documented that this program worked. So then Head Start helps children in both urban and rural areas.

□ 1130

Does it work? You bet. There are thousands of success stories.

Mr. Chairman, I remember Winnie Jordan of Miami. She came from a very poor family and started out in Head Start at the age of 4. She still remembers her Head Start teacher that led

her on to grade school with more success. She was on the Dean's List at Fordham. She was president of the Law Association, and today she is a law clerk for the U.S. State district judge in Miami.

Mr. Chairman, it is a great Federal program, one of the few where we can see documented success. We must continue to help this Nation's children, and we cannot use what we call fiscal conservatism only for the poor.

Mr. Chairman, I rise in strong opposition to this wrong-headed bill. This bill is nothing more than an attack on little children. Somewhere along the line the Republican leadership seemed to forget a few basic facts: They forgot that children are our future, and they forgot that we need to invest in our children.

Mr. Chairman, just a few months ago, the Republican majority was falling all over itself to give a big tax cut to rich people.

But today, this bills cuts funding for Head Start—cuts funding for little 3- and 4-year-old pre-school children who live in America's poorest families.

Mr. Chairman, I tried to restore Head Start funding in the House Budget Committee, and I was told that ''everybody has to suffer a little pain.'' This bill puts the hurt of budget cuts on little children. I say, shame on you.

The American people support Head Start—for good reason.

Study after study, evaluation after evaluation has shown that Head Start works and works well. Head Start gets toddlers ready for school. Children who participate in Head Start enter school better prepared to learn, with improved health and with better self-esteem. According to the Bipartisan Advisory Committee on Head Start quality and expansion, ''The evidence is clear that Head Start produces immediate gains for children and families.''

Head Start gives the American taxpayer good value for the dollar: Grantees have to contribute 20 percent of the cost of the program.

Since 1965, nearly 14 million children, most of them 3- and 4-year-olds, have participated in the program. By law, virtually all of them are from families with incomes below the poverty level.

The Republicans say Head Start should be cut. Why? To pay for tax cuts for the rich? Head Start currently serves fewer than half the poor children who are eligible. If anything, we should increase funding for this program.

President Clinton wanted to increase Head Start by $537 million. This bill cuts Head Start by $137 million. I'm surprised this bill doesn't change the name from ''Head Start'' to ''Fall Behind.''

Mr. Chairman, Head Start helps children in urban areas and rural areas, it helps the truly needy and poor; and it helps the tiniest and most vulnerable in our society.

Does Head Start work? You bet. There are thousands of success stories—like Winnie Jordan of Miami. She came from a very poor family and started out in Head Start at the age of 4.

She still remembers her teacher, Ms. Whitelow. The boost that Winnie Jordan got in Head Start helped her succeed in grade school, and success led to success.

She was a dean's list student at Florida State University; she was president of the Black Law Students Association at the University of Miami Law School. And today, she is law clerk for U.S. District Judge Wilkie Ferguson, Jr.

Head Start is a great Federal program. It is what the Federal Government should be doing to help this Nation's children and to help the most vulnerable in our society to learn and to succeed.

This bill has many terrible provisions. But, in my view, it should be defeated soundly because it ignores the needs of our children.

Mr. Chairman, I rise to voice my very grave concerns about the more than $21 million in cuts to the Senior Volunteers Program. These cuts are consistent with the mean-spirited attacks that the Republicans are making on elderly Americans. Medicare, Medicaid, Meals on Wheels, Senior Volunteers, the GOP's attacks on the elderly continue.

The Senior Volunteer Program's small budget is perhaps one of the best investments in all of the Federal budget. For every dollar we spend coordinating this program we get back many many more dollars worth of services in return.

These harmful cuts to the Senior Volunteers Program will have a devastating affect on the 23,000 foster grandparents who last year cared for more than 80,000 disabled kids; the 12,000 senior companions who, last year, helped 36,000 frail elderly people to continue to live in their own homes; and the more than 400,000 seniors who participated in volunteer programs last year.

These mean-spirited cuts aren't necessary to balance the budget, and they won't. What they will do is make it harder for a lot of older Americans to do a lot of good in our communities.

Shame on the Republicans for picking on senior citizens and volunteers. Shame on the GOP for robbing the elderly of opportunities to live meaningful and committed lives just to finance huge tax breaks for the wealthy. Shame on them for producing this very bad bill. Let's defeat this bill and give senior volunteers a chance.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, this bill is loaded with legislative riders that have no place in an appropriations bill, and I hope further changes will be made today.

But first, I want to acknowledge Chairman PORTER for his efforts. He was given an allocation that was significantly lower than the fiscal year 1995 allocation, and he did his best to craft an acceptable bill. He also opposed the many riders attached in the full committee. I am strongly supportive of the 6-percent increase in funding for the National Institutes of Health, the increased funding for breast cancer research, and breast and cervical cancer screening, increased funding for the Ryan White CARE Act, the funding for the Violence Against Women Act programs in the bill, and the preservation of the DOD AIDS research program.

Unfortunately, the full committee attached a number of legislative riders in the full committee. I will be offering an amendment later today with Congresswoman LOWEY and Congressman KOLBE to strike the Istook language in the bill allowing States to decide whether to fund Medicaid abortions in the cases of rape and incest. This is not an issue about States' rights. States can choose to participate in the Medicaid Program; however, once that choice is made, they are required to comply with all Federal statutory and regulatory requirements, including funding abortions in the cases of rape and incest. Every Federal court that has considered this issue has held that State Medicaid plans must cover all abortions for which Federal funds are provided by the Hyde amendment.

Abortions as a result of rape and incest are rare—and they are tragic. The vast majority of Americans support Medicaid funding for abortions that are the result of these violent, brutal crimes against women. I urge my colleagues to support the Lowey-Morella-Kolbe amendment.

Another amendment added in committee makes an unprecedented intrusion into the development of curriculum requirements and the accreditation process for medical schools. An amendment will be offered by Congressman GANSKE and Congresswoman JOHNSON to strike this language in the bill, and I will be speaking in favor of their effort as well.

There is also troubling language in the bill that restricts the enforcement of title IX in college athletics even before a fall report is submitted. Congresswoman MINK will be offering an amendment to strike this language, and I urge support for her amendment.

Several additional amendments attempt to legislate on this bill, and I am opposed to these efforts as well. The entire appropriations process has been circumvented in the last several bills, and I am outraged at the efforts to bypass the appropriate, deliberative legislative process in this House.

I urge my colleagues to vote for amendments to remove the riders before they consider final passage.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in defense of Head Start.

How dare the gentleman from Louisiana, who has never been to a Head Start site, who has probably never talked to a Head Start parent, how dare he attack Head Start on the floor of Congress?

I was an employee in the Head Start Program. I worked first as a teacher's aide. Because of Head Start, I returned to college. I graduated. I became supervisor of the Parent Involvement and Volunteer Service.

Mr. Chairman, Head Start is not a baby-sitting program. It is an early childhood development program. It is a program for children of working parents and poor parents. Yes, rich parents can buy early childhood experiences for their children. Working parents do not have the money to do it.

Head Start provides a little bit of an opportunity.

Mr. Chairman, we have children who have learning disabilities that never would have been discovered had it not been for Head Start. They would have sat in school, not been able to learn, and been relegated to being a dropout.

Mr. Chairman, we had children who never owned a book.

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

Mr. Chairman, in response to the gentlewoman from California, nobody is attacking the Head Start Program. The Head Start Program is being reduced by about 3 percent for a very good reason. The reduction is made only because in the testimony before our subcommittee, and before the authorizing committee, it is very, very clear that there is money that is being misspent in the program and not providing the kids with the services that the program is designed to provide.

We are all fans of the Head Start Program. We are strong supporters of the Head Start Program, but we are not for wasting Government money, taxpayer money, on programs that do not work for the kids. That is the only reason that any cut is made in the program. We are supporters of Head Start.

Mr. PORTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, as the gentleman is aware, there has been a recent proposal for a federally funded research study on the cost effectiveness of applying case management services to substance abuse treatment.

The research would study, in a practical and applied manner, the use of care management techniques to reduce the cost of treatment and incidents of relapse for those patients suffering from addictive diseases.

Case management techniques have proven to be cost effective in treating other chronic diseases and since substance abuse is a progressive, chronic, and potentially fatal disease, these techniques should be equally successful in treating substance abuse.

Mr. Chairman, I am both pleased and appreciative that the gentleman from Illinois [Mr. PORTER] has agreed to support this effort, which would address a critical need in this country, and I thank the gentleman for the opportunity to raise this issue and would invite the gentleman's comment.

Mr. PORTER. Mr. Chairman, if the gentleman would yield, I thank the gentleman from Missouri for his thoughtful points on an issue we both agree on. Addiction is a chronic disease that affects 10 percent of American adults and 3 percent of adolescents.

The economic costs associated with alcohol and other drug problems are truly staggering; over $165 billion in 1990 alone. This research study would help to advance both the private and public sectors' understanding of what mix of services is necessary in order to cost effectively treat substance abuse.

Mr. Chairman, substance abuse is not a disease that we can continue to take lightly if we are ever to control the spiraling health care costs associated with it. I look forward to working with the gentleman from Missouri further to address this issue.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, in the history of this Chamber there have undoubtedly been some unbelievably hypocritical statements made from this well, but I do not think there are any more hypocritical statements ever made than those coming to the microphone professing to care about children, while supporting a bill that makes the mean-spirited, targeted cuts at programs essential for kids that this budget, this appropriations bill represents.

Take for example the Healthy Start Program a program geared at reducing infant mortality. This country of ours ranks 20th in the world for infant mortality, and in different places in the country, places like the Native American reservations in North Dakota, we even rank behind the countries of Bulgaria, Cuba, and Jamaica, for God's sake, with infant mortality.

Mr. Chairman, we have reduced infant mortality with Healthy Start by programs that have allowed little fellows like E.J. Chantell, to survive when he otherwise would not have made it. He came into this world with water on his brain and serious stomach disorders, but with Healthy Start, and his fighting spirit, E.J. is alive. He is going to make it.

In fact we have taken 4 percent off of our infant mortality rates in the reservations in just 4 years. Why in the world would someone come to a mike professing to care about kids, while arguing for a program that cuts Healthy Start by 50 percent? Tomorrow's E.J. might die because of this cut, and no more hypocritical statement would be made to say that you are for kids while you take away the very programs that let them live.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, in my view, there is a gap in the debate we are engaged in. The mantra is that we must cut, cut drastically for the long term, for future generations.

Mr. Chairman, there is a new generation, Congress, and they are alive today. They are our young; they are our kids. They have a right to hope and fulfill their dreams for themselves. They are the little ones of America today. Today, Mr. Chairman.

We need to balance our budget, but the Republican budget priorities, tax breaks for the most fortunate of our country, who are not even asking for them, by the way, coupled with increased defense spending on the one hand and massive cuts in critical health and education programs on the other, shows just how little this majority really cares about the children of today.

Healthy Start is a small program with a big payoff. It began 4 years ago as a demonstration project, providing funds to 15 communities with the highest rates of infant mortality in the country.

Every industrial society measures itself by infant mortality rates. It operates on the premise that we should plant a seed, which is nurtured by local communities, with input from health care providers, so that we can solve this terrible problem.

Mr. Chairman, I think it is a sad commentary on the priorities of this Congress, and this country, to increase defense spending, provide corporate subsidies that total over $100 billion, and insist on hundreds of billions of dollars in tax cuts while denying our tiniest citizens a chance at a healthy start. It is wrong-headed, it is wrong for the future of our Nation, and I think that it is shameful that the Congress would be doing this.

□ 1145

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

Mr. Chairman, let me point out, first of all, in response to the previous speaker's comments, that, of course, we are talking about an appropriations bill here that does not in any way affect the Tax Code or tax policy and certainly does not grant any kind of tax breaks to American citizens or businesses.

Mr. Chairman, proceeding under my own time now, I would like to direct the attention of our Democratic colleagues to one section of the bill. I would like to, Mr. Chairman, point out that this particular appropriation bill, despite the very real budgetary constraints that we have been discussing here on the House floor this morning, provides level funding for three of the titles of the Ryan White AIDS Care Act, and an additional $23 million increase over 1995 for title I of the Ryan White Care Act, which provides assistance to American citizens. This increased funding for title I, which I fought for in both the subcommittee and full committee markup of the bill, is to address the funding pressures resulting from additional cities becoming eligible to join the program in 1996. This is the so-called hold-harmless funding that is intended to address the growing AIDS epidemic in our major metropolitan centers in America.

At least 7, and perhaps as many as 10, new cities will be eligible for this funding in 1996. Many of those cities, in fact, are located in California, where we have borne the brunt of the AIDS epidemic, and again this bill is intended to provide funding for those

communities that are struggling to cope with the AIDS crisis.

I think we are all aware and, again we have attempted to reflect this in the priorities set out in the bill, that the impact of the HIV epidemic continues to grow in America, both in the numbers of people infected as well as the geographic areas of the country that are impacted. The people affected are often medically underserved, with substantial access problems to quality health care. Demographic changes in the epidemic, for example, the increasing proportions of women, youth, and minorities contracting the HIV virus, require changes in our planning and in our thinking. They also require changes in the organization and delivery of care in health services.

It is estimated that 800,000 to 1.2 million individuals have HIV in the United States. Large numbers of people are still not receiving care. Others receive insufficient or inappropriate care or are being served in inappropriate care or are being served in inappropriate or high-cost settings.

The committee has maintained funding for Ryan White programs in recognition of the extent of unmet need in serving this population. We have increased funding again for those larger metropolitan areas where the HIV epidemic continues to grow.

I want to salute my colleagues on the subcommittee and the full committee for finding the funds to increase the Ryan White AIDS funding overall, again within the very difficult fiscal constraints of this bill.

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

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, the cuts in the Republican Labor-HHS-Education bill, that targets the national senior service corps' volunteer program, is a display of blatant arrogance toward the value and experience of our country's older Americans.

As we place emphasis in ensuring that all people become productive and contributing members of our society, we must not forget those who have already contributed greatly to our Nation and will continue to do so, if we do not deny them the opportunity.

Recent figures indicate that there are 13,000 senior volunteers and the numbers are growing.

The retired and senior volunteer program helps hospitals nurture and care for children afflicted with a serious illness.

In the foster grandparent program, the forgotten child benefits from the guidance and love of a senior.

The senior companion program provides frail adults with assistance in daily activities helping them remain independent and in their communities.

These programs allow seniors to play a role where their expertise, time, and attention fill many voids that the rest of our society neglects.

It is a disgrace that Republicans will help destroy the spirit of senior volunteerism with these cuts.

Instead of praising senior volunteers as a model of citizenship, Republicans are dismissing their contributions and treating them as if they have nothing to offer.

Republicans are wrong.

Seniors most certainly have much to offer.

Those of us who highly value the worthwhile contributions of our seniors have yet another reason to vote against the Labor-HHS-Education bill.

Mr. RIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

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

I am rising in support of an amendment that will be offered later in the debate to restore approximately $9 million for rural health care research.

As a past cochairman of the House Rural Health Care Coalition, and that involves about 140 Members who are obviously very much interested in the rural health care delivery system, we have really worked very hard to strengthen and preserve the rural health care research. Our coalition was organized back in 1987, and we have been able to establish a Federal office of rural health policy. We have worked very hard to try to eliminate the urban-rural Medicare reimbursement differential with State offices of rural health and the rural health transition grant program.

I know that we have very severe budget responsibilities, Mr. Chairman. However, let me point out that these are just a few of the letters I have from my small community hospitals in my 66 countries out on the prairie, pointing out the value of the $9 million, and note I said ''million,'' not ''billion,'' in regard to research. I just cannot stress how important it is that we maintain a presence for rural health at the Federal level.

We have been working for years to overcome our physical and our age and our geographical barriers to health care. Let us not put up one more barrier by removing the rural health research component.

So, when the amendment is introduced as of later this afternoon, I certainly urge all Members to support it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, behind me are pictures of three of my constituents who are participants in senior volunteer programs in Orlando, FL. The first, largest, and best in the State of Florida.

These successful programs, such as the Foster-Grandparents and RSVP programs, will be cut by $21 million in this shameful bill. Not only do these programs provide opportunities to older people of all backgrounds and income levels to contribute to our communities, they also allow seniors to make a difference in the lives of so many of our children by providing the structure and guidance that would otherwise be missing from these children's lives. This prevention program is often the only thing preventing these kids from a life of crime.

Mr. Chairman, these programs work. It is disgraceful and downright shameful to cut these programs which provide so much to our communities, to be cut.

I strongly urge my colleagues to oppose the Labor-HHS appropriations bill. Shame, shame, shame.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, most of my colleagues would think that Green Thumb would be a garden club or an environmental group. But if they know someone whose life has been changed through Green Thumb, they know that it is a unique employment training program for low-income seniors.

In fact, this chart shows the typical participant. There is a Green Thumb program in my hometown of Petaluma, CA, and one woman in my county whose life has been changed by Green Thumb is Lynn Gibbs. Lynn Gibbs is a 62-year-old graduate. A few years back, Lynn lost her successful business and was left living on an income below the poverty level. Thanks to Green Thumb and the training and job placement assistance program, Lynn is now working at a local boys' and girls' club.

I will bet that almost every one of my colleagues knows someone who has worked hard, played by the rules, but who found they needed a helping hand in their older years.

Last year, Green Thumb placed more than 19,000 seniors in jobs and community service projects.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I just want to follow on with the comments by my friend, the gentlewoman from California, on the Green Thumb program.

This is a senior community service employment program. It is a major, critical part of the Older Americans Act that we have supported here for many years. This program is very critical to the quality of life for our senior citizens.

We talked about children. They are important. We want to take care of our children. They are our future. But we cannot forget our seniors.

This is a means-tested program. This is people over 55 with incomes lower than 125 percent of the poverty level. We have got to take care of these people because it is quality of life. It allows them to participate in our communities.

This budget that we are setting in front of us, this appropriations bill, cuts this program by $60 million under what was budgeted, $42 million over what was in last year's.

As a result of this bill, 14,000 seniors will lose their jobs. Ladies and gentlemen, we owe it to our children to protect their future. We owe it to our seniors for their efforts for paying them back for the sacrifices they have made in our behalf.

Vote against this appropriations bill.

Mr. RIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA], my colleague on the subcommittee.

Mr. BONILLA. Mr. Chairman, I would like to talk for just a minute about the hypocrisy of those who are standing up to oppose our bill this morning.

We have fully funded the TRIO program, for example. We have fully funded the community and migrant health care center program. We are supporting the 190 percent increase over 5 years of the Head Start Program. We are increasing funding for the Ryan White Program. We are increasing funding for the National Institute of Health.

Anyone who supports these programs on the other side of the aisle ought to stand up proudly and say these are good programs, that we need to support the increased funding for, and vote for this bill.

They have taken a handful of items out of over 400 items that this bill addresses, taken a handful and turned it into a huge propaganda machine to try to act like we do not care about TRIO, we do not care about community and migrant health care centers or Head Start or Ryan White or the National Institutes of Health.

So let us stop this hypocrisy that we are hearing on the floor today of those who say that we are not interested in preserving and supporting and increasing funding for these programs.

What do you want us to do, take money out of TRIO to fund an increase for OSHA? Do you want us to take money out of community and migrant health care centers to give it to the Labor Department, to attorneys at the Labor Department? Do you want us to cut funding for Head Start to give it to phony, duplicative job training programs? Do you want us to cut Ryan White money to support Goals 2000? Do you want us to cut the National Institutes of Health to support some of these other boondoggles in the program?

If not, stand up and vote for the bill and stop being hypocritical.

The former chairman of this committee, Mr. Natcher, who I worked very closely with, and for whom we all had tremendous respect, always said, ''If I had my way, we'd double everything in this bill.'' He did not have the money to do it either. We do not have it either. We are doing the best we can.

I encourage all of my friends on the other side of the aisle to stand up for these good programs that we are trying to support and vote for the bill.

Mr. OBEY. Mr. Chairman, I yield myself ½ minute.

The fact remains you are cutting $9.5 billion out of education, health and job programs. It is true that a few programs managed to escape your ax. Big deal. Even a stopped clock is right twice a day.

□ 1200

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, this bill is cutting back on all the programs that benefit families. I am not sure the family values new majority understand the dire consequences of their actions. One of the most onerous cutbacks is on a program that was designed to ensure that seniors receive adequate nutrition. Enabling them to live independently and not be an economic burden on their families or society.

The Senior Nutrition Program is the major reason that seniors can live independently in the community rather than in $34,000 per year nursing facilities. Another program that is being eliminated is the Ombudsman Program which protects vulnerable seniors in nursing homes. It has been shown that most nursing home operators are caring professionals who provide significant support to frail elderly patients.

But ''20/20'' recently graphically demonstrated instances of real physical abuse of elderly patients in nursing homes.

Without the independent Ombudsman Programs, those abuses will continue and will, I believe, grow in number and in severity.

In addition, the bill proposes slashing the budget of the three senior volunteer programs—Foster Grandparents, Senior Companions, and the Retired and Senior Volunteer Program [RSVP].

These programs were developed at the grass-roots level, tried in many places and then presented to the Federal Government as an idea whose time had come.

Since these programs were first funded, they have shown time and again that the small investment by the Federal Government reaps significant rewards, such as the cooperative agreement between the Senior Companion Program and the Visiting Nurses Association. By providing a visiting nurse to visit only 1 day a week, in support of the daily visit by the Senior Companion, the patient is ensured that he or she can live independently.

I remember a volunteer from my own district who organized his fellow retirees into a community street patrol. They provide mature eyes and ears for the public safety service and allow police officers to respond quickly and provide greater community safety.

These stories are not unique to the 31st District of California, they are repeated in every congressional district.

I urge Members to oppose these cuts, vote ''no'' on this bill, and protect the economic benefits of these programs.

Send a message that this is truly a family friendly Congress—not one that is ready to destroy the elderly, the children, and the family.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mr. Chairman, the gentleman from Texas wanted to know what he would have us to do on this side. We would have you to balance your priority. The gentleman from Texas, we will say, we will have you to have a sense of compassion. We also would have you to recognize that is not ineffective, nonessential to make sure that senior citizens have heat in the winter and have air-conditioning in the summer.

It is not ineffective, no longer needed, that those almost 500 people who died in Chicago, the majority of them senior citizens, the majority of them low-income, had no air-conditioning. That was life and death. So we are talking about priorities.

This bill, more than any other bill, makes the distinction between the policies of the minority and the cruel extreme policies of the majority. You will go to a balanced budget at the cost of anything, regardless of whether people live or die.

You raise the issue about children, and yet you depress the opportunity for them to learn, to live, and to be healthy. You claim that you are about family values and yet you deny the opportunity, even want to deny the opportunity of family planning. This is, indeed, lack of consistency and borders on hypocrisy.

So what we would have you to do is to understand there are consequences to your actions. You cannot ignore the pain and distress that you cause millions of people if you pursue this policy.

Mr. Chairman, I urge my colleagues to vote against this unthinkable bill.

Mr. Chairman, this bill clearly demonstrates the differences between the policies of the minority and the extreme policies of the majority.

Over the past several days, cuts have been made in programs which have benefited Americans for many, many years. But now we are debating the most unconscionable cut of all—elimination of a program which serves thousands of senior citizens across America.

Next week, as we begin the August recess of the House, we will come face to face with our constituents.

As much as I enjoy visiting in my congressional district, I am not looking forward to having to explain why there is less money for low-income housing programs: Why there is less money to combat homelessness; why there is less money for construction of VA facilities; why there will be no more drug elimination

grants; why there is no summer youth employment program; and why there is no Goals 2000 Education Program.

But just how do you explain to people that the House of Representatives has eliminated a program so critical to the health and well-being of so many people. LIHEAP is a program which provides assistance to thousands of senior citizens across our Nation to help them pay for heat in the winter and cooling in the summer.

This is certainly an appropriate time for us to vote on this program.

Think about it. Weather people have been telling us that this past July has hosted a record number of days over 90 degrees. And the hardest hit—those most affected by the heat—are our senior citizens.

How can we in good conscience tell those thousands of senior citizens that they will just have to ''make do.''

''Stay cool the best way you can.''

Tell that to the families of the more than 500 people in Chicago who died as a result of the heat. And most of these people were senior citizens.

They were someone's parents—someone's grandparents. That's an unsettling thought.

I wonder just how well we would do if the air-conditioning in this Chamber—and our offices—was cut off for just 1 day during this sweltering heat.

Where is our compassion?

I cannot—in good conscience—vote to eliminate this program which serves so many. I ask for your compassion as well.

Vote ''no'' on H.R. 2127.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, this bill is such a crime against senior citizens, there should be an assault weapons ban included to protect them.

It says it will cut your Social Security and cost-of-living increase; we will ask you to pay $5,000 more in out-of-pocket expenses for Medicare, take away your fuel assistance program, take food out of your mouths, take away protections to protect seniors against elder abuse, and restrict your jobs. It forces seniors to choose between heating, eating, lifesaving medicines, providing for fuel assistance, and cooling bills. Make no mistake about it. This bill makes tough choices even tougher.

What are the Republicans thinking about when they end the fuel assistance? This heat wave has already killed over 700 Americans, most of them senior citizens, and many, many more will die as the actions are taken on this bill today.

There are 12 million people that count on the Congregate Meals and the Meals on Wheels program; 150,000 seniors will be cut off from their only source of daily food. It abolishes the program that protects our seniors from fraud and nursing home abuses and, finally, it restricts opportunities for older workers who still want to work.

Have the Republicans gone to Washington and forgotten about their parents and grandparents? What is happening to the conscience of this party? The Grand Old Party has sunk to a low of coming to this House floor trying to cut the budget of America in order to protect the tax cut for the wealthiest people in this country.

Mr. Chairman, let us stand up for our senior citizens that build this country up, not knock them down for the sake of our pockets today.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, I think this is the most difficult bill I have debated in 15 years. Going to war was easy compared to this.

I come here with the greatest respect for the gentleman from Illinois [Mr. PORTER] because I think he was given the most impossible and most unfair task that any subcommittee Chair should ever be asked to do. I do not blame him, because he was given a 602(b) allocation cutting $10 billion from last year, and I got to talk to my own party.

Our macro priority of balancing the budget is absolutely right, but the micro priority that cuts $10 billion in human investment is absolutely wrong and we will pay for that for future generations in this country.

We all want to break down the barriers to trade for a global economy. We all want to pass the tax incentives to modernize and equip business for high technology, and we somehow suggest that in that process there is no time, there is no effort, and there are no resources to train and to educate a skilled force to be able to compete in that high technology global economy.

One cannot cut 63 percent from child training programs and expect those kids to get off the street and to give up crime and drugs and to go to work. One cannot cut 33 percent from the adult job training programs in 1 year and expect that we are going to transition rural America, where I come from, where we are losing farm jobs, or the inner city, where some of you come from, where we are losing industrial jobs, and expect us to put those people back to work. Because we do not like the delivery systems of the past does not give us the right to deny that the problems exist, and that is the problem with the bill in front of us, and it is the price that our party will pay, which I personally regret, but worse than that, that our Nation will pay, that every one of us as a citizen must be totally disturbed by.

We are debating the section on health care. I do not know what some of you know about health care, but I've got to tell you, we are struggling to keep the hospital open in my hometown, and we are struggling in western Wisconsin to give people an access to emergency lifesaving care, and this bill guts, totally guts, trauma care. Zero money.

Now, when you close down our hospitals and you eliminate our emergency health care, that is not a problem in some of America's beautiful suburbs, but I got to tell you, that is life and death in rural Wisconsin. It is not just the State offices of rural health being eliminated. Probably some of them should not have been continued. It is not just eliminating the Office of Rural Health or a 43-percent cut in transition grants. It is the basic bottom line. We have got to find some different priorities or, trust me, we will pay a lot more in the future.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Wisconsin [Mr. GUNDERSON] on his commendation of the gentleman from Illinois [Mr. PORTER] and the other statements that he made about priorities.

It is not necessary for us to have had to do what the gentleman has had to do in bringing the bill before us today. There was an alternative budget that was out, but I want to speak just briefly to the area of rural health, something that is a minor portion of this bill but is a major portion to my district, appropriations for rural health.

I want to just say I am confused, because it seems to me that the committee report states that big government is better and small government is not preferable, and I talk specifically about the Office of Rural Health, and I would like to submit for the RECORD what I have received from the Texas Rural Health Association and the Texas State Grange in support of the good work done by the Federal office.

These folks do not talk about some distant bureaucratic wasteful Federal office. They talk about a friendly face, an advocate in Government which rolls up its sleeves and provides support and advice and administers small but vital programs. It helps them communicate with other rural programs across the country. These are the kinds of things that are working in our Government and should not be left out.

Mr. Chairman, I rise to talk briefly about something which is a very minor portion of this bill but which is of huge importance to my district and my State—appropriations for rural health.

I do want to thank my Texas colleague, Mr. BONILLA, for his good work in promoting a number of rural health programs in this bill and I also want to thank Chairman PORTER and the committee for recognizing the importance of programs such as the National Health Service Corps and outreach grants.

I do have to day, however, that I am confused by one decision the committee made and confused by the committee report language which explained that decision.

The committee report stated:

The [Federal Office of Rural Health Policy's] size and location at HRSA limit its impact on Federal health reimbursement policies and other concerns of rural areas.

What I am unclear about is whether the committee is suggesting that small government can not be effective, that big government is preferable?

It's true that the office is tiny, especially in government standards. It employs only 15 people out of a total of 60,000 HHS. The funding is tiny as well. Very few Federal offices can operate effectively with less than $10 million. But the Office represents the best concentration of expertise on rural health in the Federal Government. Even with their David status, they have taken on the Goliath of HHS and frequently been victorious. The Office has been instrumental in raising the awareness that a one-size-fits-all approach does not work in rural America. For example, they have helped to win victories on hospital reimbursements and small laboratory regulation.

Or, is the committee arguing that the Federal Office should be enlarged and raised in the Department structure?

As one who was around when the bipartisan Rural Health Coalition first called for the creation of this office, I can tell you that it was intentionally established outside of Department headquarters to ensure that it would serve as a quasi-independent office to look out for the concerns of rural health. It functions as a broker, not a bureaucracy. In fact, you might say it was intended to be a thorn in the side of Federal bureaucracy.

Today, the Office is the Federal voice bringing attention to obstacles in the path of rural telemedicine and rural managed care. It is also the Government's only official rural voice in the debate over restructuring Medicaid and Medicare. We would be happy for it to be bigger or higher if the committee wishes to finance such stature, but absent that, let's make sure we support its current role rather than eliminating it, as this bill does.

I would like to submit for the record letters I have received from the Texas Rural Health Association and the Texas State Grange in support of the good work done by the Federal Office. These folks do not talk about some distant, bureaucratic, wasteful Federal office. They talk about a friendly face and advocate in the Government which rolls up its sleeves, provides support and advice, administers small but vital programs, helps them communicate with other rural programs across the country, and assists them in avoiding mistakes and duplication. In these days when so few people speak of positive experiences with the Federal Government, why would we want to eliminate one of the bright lights that exists?

Like my constituents, I certainly hope that before this appropriation bill is signed into law, funding for these valuable services will be restored.

TEXAS STATE GRANGE,
San Antonio, TX, July 31, 1995.

Hon. CHARLES W. STENHOLM,
17th Congressional District of Texas.

DEAR REPRESENTATIVE STENHOLM: The Texas State Grange is very concerned with the cuts/elimination of funding for the rural health care programs contained in the FY'96 appropriation bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies. If passed, this bill will eliminate the following essential rural health care programs:

Federal Office of Rural Health, State offices of rural health, rural health research, telemedicine, new rural health grants, trauma care, and essential access community hospitals.

The Federal Office of Rural Health is the only office that provides a voice for rural health care in Washington, D.C. It is also a crucial link in the federal-state-local health care provider chain. This office needs to be maintained, not eliminated.

While we understand that when originally authorized, funding for the State Offices of Rural Health was to be eventually phased out, not all states have made an investment in their State Offices of Rural Health. Ten to fifteen of the offices predict they will close if funding is eliminated now.

Rural residents comprise approximately 22% of our population. In addition, farmers have the highest percentage of injuries and/or deaths per industry. Eliminating funds for trauma care (and EACH is shortsighted) and as more rural hospitals are forced to close, funds for telemedicine become a necessity for those communities.

The Texas State Grange recognizes and appreciates the 104th Congress' attempts to be fiscally-minded in its appropriations. However, zeroing out funds for essential services to rural health care programs is not a ''fair share'' cut.

We ask that if floor amendments are brought up dealing with reinstating funds for rural health care programs, you will vote ''yes''! Thank you.

Sincerely,

ARCHIE D. KNIGHT.

TEXAS RURAL HEALTH ASSOCIATION,
Austin, TX, August 2, 1995.

Hon. CHARLES STENHOLM,
Longworth House Office Building,
Room 1211,
Washington, DC.

DEAR REPRESENTATIVE STENHOLM: The House will be voting this week to eliminate the Federal Office of Rural Health Policy (ORHP). As President of the Texas Rural Health Association, I implore you not to let this happen. The Office of Rural Health Policy is a voice for rural health in America. Jeff Humans and his very concerned and committed staff monitor what is happening to the health of rural Americans and advise the Secretary of HHS as to trends and needs. This Office helps coordinate and guide what would otherwise be totally fragmented and potentially duplicative rural efforts of other Federal agencies.

ORHP Programs like the Rural Health Outreach Grant Program (RHOG) help promote the development of community coalitions to improve the delivery of health care by maximizing available resources. In Mount Pleasant, Texas, RHOG funds were employed to open a high risk prenatal clinic. In East Texas, RHOG funds are being used to develop a network of lay health advocates through area minority churches and housing projects to assist with health outreach and education.

The telemedicine grant program helps bring specialty care to rural Americans, lessens provider professional isolation, and enables patients to stay in their communities. The ORHP Rural Research Centers provide a very important glimpse into rural health care delivery systems—helping us determine what works, under what circumstances, and where—this is real world research.

Through the State Offices of Rural Health, the Center for Rural Health Initiatives here in Texas, the ORHP helps link health providers and communities, provides technical assistance, and is a continuing source of local support.

In sum, the Federal Office of Rural Health Policy represents rural Americans, it hears rural voices. We cannot afford to lose it!

Sincerely,

GAIL R. BELLAMY,
President.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

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

Mr. HINCHEY. Mr. Chairman, Republicans have been running ads about how they are helping the children in the next generation by reducing the deficit. That is very nice but they are making sure that the kids pay for it by cutting programs that help those same kids and provide them with an education.

Elementary and secondary education cuts force communities to make an unwelcome choice. They either reduce the services that Federal funds paid for or they raise property taxes to keep them going. Either way, it is the people least able to help themselves, children or older homeowners with fixed incomes who are being required to pay the bills.

This bill cuts funding for title I compensatory education by $1.1 billion, that is 17 percent. My state, New York, will lose $123 million, and 100,000 New York students will be affected.

This program has the strongest support of any Federal education program from our own school districts, whether they are urban, rural, liberal, or conservative. They tell us how important the program is. The program cuts funding for safe and drug free schools. It will cost New York $59 million at the same time that we hear about students shooting other students and selling drugs in schools.

It is time that we had some rationale about what we are doing and pass a sensible bill. This bill needs to be defeated.

Republicans have been running ads about how they are helping children and the next generation by reducing the deficit. That's very nice, but they are making sure that the kids pay for it by cutting programs that help kids and that provide them with an education.

Elementary and secondary education cuts force communities to make an unwelcome choice: either reduce the services that Federal funds paid for, or raise property taxes to keep them going. Either way, it is the people least able to help themselves—children or older homeowners with fixed incomes—who are being required to pay the bills.

The bill would cut funding for title I compensatory education by $1.1 billion, 17 percent. New York will lose $103 million, and 100,000 New York students will be affected. Title I pays for remedial education. It has the strongest support of any Federal education program from our own school districts—liberal and conservative, rural and urban. They tell us how important they think the program is.

It cuts funding for Safe and Drug-Free Schools Programs by 59 percent, $286 million nationwide, $59 million in New York. Does this make sense when we hear almost daily about students shooting other students, or students selling drugs in schools?

It cuts funding for children at risk—52-percent cut in Healthy Start, HHS program to reduce infant mortality; $137 million in Head Start, cutting 60,000 children out of Nancy Reagan's favorite program for children; cut of 20 percent in programs for homeless children.

It cuts funding for education reform—$250 million in funding for Eisenhower Professional Development Program for teacher improvement; total elimination of funding for Goals 2000, to improve and upgrade school curricula. Cost to NY: $18.8 million for Eisenhower, $27 million for Goals. Goals was the product of the bipartisan effort by governors, blessed by the Bush Administration, to respond to the ''Nation at Risk'' report which said that our education system was weak enough and inconsistent enough that it threatened our economic future.

So, maybe today's kids will be paying less in Federal taxes—but they'll be living in a third-rate economy that was too cheap to give them the good education that all children need and deserve.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Chairman, the real story of this bill is that it is punishing those in the dawn of life, our children, and those in the twilight of life, our senior citizens.

In the case of the elderly, if this bill passes in its present form, our Nation better get out the ambulances. At a time when our aging population is growing so rapidly, this bill hits 16 key programs for the elderly that are a lifeline for our seniors. It eliminates programs like the elderly abuse program at a time when elderly abuse has gone up 94 percent over the last 5 years. These are seniors that are being physically abused. They are being exploited. They are in a position where they cannot defend themselves and, yet, this Congress eliminates that program.

The same is true of the long-term care ombudsman program, a program that provides an early warning signal to seniors that are being abused in long-term care.

Let us not do this. We have supported those programs in the past on a bipartisan basis. Let us keep them strong for our Nation's seniors.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

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

Mr. FORD. Mr. Chairman, I rise in strong opposition to what the Republicans and what the chairman of this committee is trying to lay before the House.

Mr. Chairman, I rise in strong opposition to the Labor-HHS-Education appropriations bill. H.R. 2127 is an assault on our Nation's most vulnerable.

Mr. Chairman, historically, the Labor-HHS-Education bill has been a testament to our commitment to the things which have held our Nation together: good health, education, and jobs.

But this bill is a disgrace. In one giant sweep we manage to cut the funding for programs that alleviate the misery this Nation experiences from lack of economic opportunity and poor health.

If this bill is passed, we will turn our backs on poor mothers, babies and young people.

HEALTHY START

Healthy Start cuts will deepen the infant mortality crisis in the United States.

The bill will cut Healthy Start by $55 million in 1996 and eliminate funding after 1996.

The United States—the wealthiest and most industrialized country in the world—has an infant mortality rate that is worse than many third world countries.

Babies born in the United States are less likely to reach their first birthday than babies born in 22 other industrialized countries.

In my district alone, the infant mortality rate is over 17 percent. In other urban areas across the United States, the infant mortality rate is over 20 percent.

These cuts will be devastating to the public hospital in my congressional district that is struggling to reduce the number of low-birthweight babies.

LOW-INCOME HOME ENERGY ASSISTANCE

Abolishing funding for LIHEAP will worsen the devastating effects of this summer's heat wave.

According to the public health officials, over 700 people have died from the heat wave this summer. Of these, 550 were in Chicago which has had temperatures as high as 103 degrees and average temperatures of 96 degrees. Are we going to turn our backs on the hundreds that could die as a result of eliminating LIHEAP?

The National Weather Service predicts that this heatwave will continue unabated. Are we going to turn our backs on the 6 million families who will suffer if LIHEAP is eliminated?

SUMMER YOUTH EMPLOYMENT

This bill cancels appropriations for summer jobs for young people. The President rightfully requested $958 million for this program.

In Memphis, over 30,000 young people have benefited from this program since 1984.

In 1995, Memphis received $2.3 million and employed 1,600 kids who worked in summer jobs as a result of this program.

Summer jobs give our neediest young people a vital income and keeps them productive when school is out.

CONCLUSION

Abolishing Healthy Start, summer jobs, and energy assistance will result in the deaths of thousands of Americans.

In South Carolina, a jury sentenced Susan Smith to life imprisonment for killing two innocent children.

What will the sentence be for Republicans who are cutting programs that will cost the lives of thousands?

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I want to balance the budget for our children. I agree. I voted for a balanced budget amendment this year and in years past. I voted for the Stenholm amendment to balance the budget in 7 years.

But those who stand on this floor and say we are balancing the budget do not tell the truth. We are taking $9 billion from children that my constituents do not believe are pork, from seniors that my constituents do not think is waste, from rural health that my constituents do not believe is fraud, and from people who need energy assistance to keep warm and cool in distress, and people do not believe that is abuse.

Mr. Chairman, we are taking that $9 billion and we are giving it not to balance the budget, not to bring down the deficit, not to save our children from debt, but we are taking that money and we are shifting it over here to the wealthiest Americans among us so that they can have a tax cut.

We are not saving any money. We are not reducing the deficit by these cuts. In point of fact, we have been on a downhill slide on domestic spending like education and like health care.

Reject this bill. It is bad for America, it is bad for the future, it is bad for our children, and it does not make sense.

□ 1215

Mr. PORTER. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, all of us in Congress have our priorities. We are rural or city. We are putting education or health or national defense or agriculture at the top of our list. Every one of us are here crying for a balanced budget, provided we do so on someone else's priorities.

The gentleman from Indiana, the gentleman from Wisconsin said earlier it is the B–2 bomber that is the problem. We are for balancing the budget provided we do it on the B–2 bomber or national defense or elsewhere.

Let me say that you cannot balance the budget on someone else's priorities. Everyone has to contribute to this process. I voted against the B–2 bomber, consistently. I am voting against tax cuts now until the budget is into balance. We cannot do it without everybody giving something to the process. Those who say balance it on someone else's priorities are part of the problem and not part of the solution.

If I may say to the gentleman on the other side and some on my side as well, the funding under this section of the bill is not going down. It is going from $181 to $198.2 billion. It is going up substantially. The cut in the discretionary portion is 3.5 percent and in services probably a good deal less than 3 percent.

Should it make a contribution? Yes. Is this the way to move toward a balanced budget? Yes. I believe that we have done a very responsible job in handling this section of the bill. I think the hyperbole on the other side is, frankly, just that, hyperbole.

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

The CHAIRMAN. Time for general debate on title II has expired.

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. MORAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment numbered 95, offered by Mr. MORAN: Page 30, line 13, insert before the period the following: ": *Provided further,* That of the funds made available under this heading, $7,500,000 shall be available for carrying out the activities of the Office of Alternative Medicine under section 404E of the Public Health Service Act".

The CHAIRMAN. Pursuant to the order of yesterday, the gentleman from Virginia [Mr. MORAN] will be recognized for 10 minutes in support of the amendment, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Illinois [Mr. PORTER] wish to claim the time as the opponent?

Mr. PORTER. We have no objection to the amendment, so if there is a Member opposed, they should claim the time.

Mr. MORAN. Mr. Chairman, I know of no one who objects to the amendment. I would like to explain it, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Mr. Chairman, this amendment simply earmarks an additional $1.9 million within the Office of the Director of NIH for the Office of Alternative Medicine. It does not increase the budget. In fact, as I say, this is unallocated money, but I think it is terribly important that we put a little bit more money into the Office of Alternative Medicine.

You know, 80 percent of the world's medicine is considered alternative medicine. It is amazing, the fact that 80 percent of the rest of the world uses different therapies than the conventional therapies that we use in the United States and that, in fact, 50 percent of the American people who are faced with a very serious illness like cancer try alternative medicines. In fact, they pay out of pocket about $10 billion. As much as they pay out of pocket for hospital care, they are paying out of pocket, uninsured, for alternative approaches to traditional medicine.

Now, Mr. Chairman, I came across this issue because of a personal experience in our family. My child had a malignant brain tumor and had maybe a 10- to 20-percent chance of living up to the age of 5, we were told, and so it was recommended to take the traditional approach, which is surgery, chemotherapy and radiation. Essentially cut, poison, and burn.

The surgery was not able to get all of the tumor and so we gave her chemotherapy. We soon realized, the debilitating effect that chemotherapy was having on her. She is only a 3-year-old, but it generally has an adverse impact on anyone taking chemotherapy. We also put off the radiation.

A story was written about our situation, and we got thousands of letters from all over the world, primarily from the United States. We got boxes of them. I do not have the time to read them. My wife has been reading most of them. It is amazing the common experiences that are shared and the fact that the majority of people have tried alternative approaches and yet they do not have anywhere to go to determine the efficacy of these different approaches, because there are no random clinical professional trials done on most of these approaches.

We are trying something that we found out about from hundreds of people who have had success with powdered shark cartilage. People wince when we mention it. We do not have anywhere to go to determine whether, and under what conditions, it is likely to be effective, but the reality is, it seems to be working with our daughter in combination with high doses of vitamin C and other nutrients.

I only mention the personal experience because our experience is being shared by thousands of families, if not millions across the country. We need some professional analysis. We need random trials that are done in a professional, scrupulous manner.

We have a new director at the Office of Alternative Medicine with the right kind of background in clinical trials. He was at Walter Reed. He is an extremely competent physician. He is going to direct this office, but we need to give him at least the minimal amount of resources to determine whether some of these alternative therapies work.

They will be done in collaboration with what the other National Institutes of Health are doing, and so I would urge that this small amount of increase to the Office of Alternative Medicine, which would bring it up to $7.5 million out of billions we put into the total budget for the National Institutes of Health, be approved by this body and that we make some progress in giving the kind of professional analysis we have the ability to provide, to so many American families who are desperately in need of it.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I appreciate the gentleman yielding time to me. The issue is, you know, will we transfer a small amount of funds, $1.9 million, to the Office of Alternative Medicine. The director's office from which we would transfer this receives $3.5 million more than the President asked for. The Office of Alternative Medicine is receiving the same small amount of funds it got last year.

We are in kind of a catch-22. People say to me, well, Congressman, your idea is here, the ideas expressed by Mr. MORAN are not clinically and scientifically proven, but we are not funding the Office of Alternative Medicine so we can conduct those scientific and clinical tests.

You know, the problem is many of these potential cures are nonproprietary. They are not going to be billion dollar drugs. Many of them are natural substances. Many of them have long been in use in other countries. They cannot be patented in the United States under current law. They are orphans.

So unless the Office of Alternative Medicine has the budget to research these substances, to do clinical tests, we are not going to move forward.

This is preventive medicine. It can save tremendous amounts of money. You can look at folic acid for heart attack prevention. A lot of documentation in other countries, some in this country, but no clinically scientifically proven tests, so doctors are prescribing other things that perhaps are not even as effective.

Degylcyrrhizinated licorice, tough word to say, for stomach problems, as opposed to tagamet and other proprietary drugs, not a lot enthusiasm out there for something that you can buy for $15 a month when you can prescribe something for $100 or $200 a month.

If we are going to save money, if we are going to have a healthier populous, we need to begin looking at some of these alternatives, and this small amount of money transferred over to the already existing Office of Alternative Medicine, doing nothing to impact the director's budget which will still exceed the President's request, would move this country forward tremendously, and it would meet the goals of all of us who want to see that Americans have the widest range of choices available to them when they or their loved ones have health problems.

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

Mr. Chairman, since it is such an important topic, I am going to make a few more remarks, and I appreciate the fact that the chairman is not opposed to this amendment. In fact, he would probably like me to speed this up as rapidly as possible and get on to more controversial amendments.

□ 1230

I think it is important to recognize that with a $1 trillion health budget, 70 percent of the illnesses that we come down with are preventable, if we had a better concept of how to keep ourselves healthy, and that is largely what this is all about. It is determining how we can bring about the healthiest population possible and not rejecting things because they are not taught in traditional schools of medicine, even though they have been used efficaciously throughout the globe.

So I would appreciate greater attention being given to what I think is an area at NIH that holds tremendous

promise, that does not cost a lot of money. The rewards are going to be far more than what they cost for investing in the Office of Alternative Medicine.

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

The CHAIRMAN. Is there any Member who wishes to be recognized in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I would like to say it is acceptable on both sides of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles II and III of the School-to-Work Opportunities Act, $95,000,000, which shall become available on July 1, 1996, and remain available through September 30, 1997.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, $6,014,499,000, which shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided,* That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995 to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That no funds shall be reserved under section 1003(a) of said Act.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $645,000,000, of which $550,000,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), and $5,000,000 shall be for construction under section 8007: *Provided,* That notwithstanding the provisions of section 8003(a)(2), children described in section 8003(a)(1)(D) shall have a weight of zero for the purpose of computing basic support payments under section 8003(b) and construction payments under section 8007: *Provided further,* That no payments shall be made under section 8003(d) or 8003(g) for children described in section 8003(a)(1)(D): *Provided further,* That none of the funds provided shall be used for payments under section 8003(e).

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1, V–A, VI, and X of the Elementary and Secondary Education Act of 1965 and the Stewart B. McKinney Homeless Assistance Act; $842,000,000, of which $723,000,000 shall become available on July 1, 1996, and remain available through September 30, 1997.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, $103,000,000: *Provided,* That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further,* That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas: *Provided further,* That no funds shall be available for subpart 3 of part A.

SPECIAL EDUCATION

For carrying out parts B, C, D, F, and H of the Individuals with Disabilities Education Act, $3,092,491,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,455,760,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $4,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $39,737,000: *Provided,* That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $72,028,000: *Provided,* That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,057,919,000, of which $1,055,000,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided,* That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $1,000,000 shall be for national programs under title IV without regard to section 451.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,916,915,000, which shall remain available through September 30, 1997.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,440: *Provided,* That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $5,697,000,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose: *Provided further,* That no Pell grant shall be awarded to any student during award year 1996–1997 if the amount of that grant as determined under section 401(b) of the Act is less than $600.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), chapter 1 of subpart 2 of part A of title IV, subpart 2 of part E of title V, parts A and B of title VI, title VII, part D of title IX, and part A and subpart 1 of part B of title X of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $757,700,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $170,366,000.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; part A of title III, parts A and B and section 10601 of

title X of the Elementary and Secondary Education Act of 1965, as amended, $255,107,000: *Provided,* That $3,000,000 shall be for section 10601 of the Elementary and Secondary Education Act: *Provided further,* That $25,000,000 shall be for section 3136 of the Elementary and Secondary Education Act (K–12 technology learning challenge): *Provided further,* That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act, $101,227,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $53,951,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,154,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available for section 458 of the Higher Education Act shall not exceed $320,000,000 for fiscal year 1996, of which $160,000,000 shall be available for the payment of administrative cost allowances to guaranty agencies. The Department of Education shall, within 30 days of enactment, develop a plan for the payment of administrative cost allowances which shall be submitted to the Chairs of the House Committee on Economic and Educational Opportunities and the Senate Committee on Labor and Human Resources. Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program during fiscal year 1996, nor may the Secretary require the return of guaranty agency reserve funds during fiscal year 1996.

No funds available to the Secretary may be used for (1) marketing, advertising or promotion of the William D. Ford Direct Loan Program, or for the hiring of advertising agencies or other third parties to provide advertising services, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

None of the funds provided by this Act may be used to hire staff at the Department of Education if such hiring would increase onboard employment at the Department as of the date of enactment of this Act.

None of the funds provided by this Act may be used to conduct an evaluation of the William D. Ford Direct Loan Program except as administered by the Advisory Committee on Student Financial Assistance.

None of the funds provided by this Act may be used by the Department of Education to implement new Individual Procurement Agreements (IPAs).

SEC. 306. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, section 621(b) of Public Law 101–589, the President's Advisory Commission on Educational Excellence for Hispanic Americans, and the President's Board of Advisors on Historically Black Colleges and Universities.

SEC. 307. Section 444(b)(1)(E) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)(E)) is amended to read as follows:

''(E) State and local officials or authorities to whom such information is specifically—

''(i) required to be reported or disclosed pursuant to State statute adopted before November 19, 1974;

''(ii) allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or

''(iii) allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, if—

''(I) the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

''(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent of the student;''.

SEC. 308. None of the funds made available in this Act may be used by the Office of Civil Rights of the Department of Education after December 31, 1995, to enforce title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) with respect to gender equity in intercollegiate athletic programs, except when it is made known to the Office that the Department has issued updated policy guidance to institutions of higher education which includes objective criteria clarifying how such institutions can demonstrate a history and continuing practice of program expansion for members of the underrepresented sex and full and effective accommodation of the interests and abilities of the underrepresented sex.

This title may be cited as the ''Department of Education Appropriations Act, 1996''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

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

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

Mr. Chairman, at the outset, let us agree that if money, both Federal, State, and local were the problem, we should have already solved our education problems. Between 1960 and 1990, inflation adjusted spending for education rose from $50 billion to almost $190 billion and per pupil spending, again adjusted for inflation, increased from $1,454 in 1960 to $4,622 in 1990; an increase of over 300 percent in real terms. However, student scores on their SAT's and National Assessment of Educational Progress declined. Between 1976 and 1994, Federal funding for elementary, secondary, and vocational education rose from $4.6 billion to $14.8 billion, again, an increase of over 300 percent.

As in other titles, the bill sets clear priorities while providing significant contributions to our goal of eliminating the Federal deficit by 2000.

Total discretionary funding for the Department of Education declines by $4.5 billion from the fiscal year 1995 originally enacted levels and $3.7 billion from the post-rescission levels.

The bill places a high priority on student assistance. The maximum Pell grant is increased by $100 to $2,440, the largest increase ever provided to raise the grants to the highest levels in history, Federal Supplemental Educational Opportunity grants, Federal Work-Study and TRIO programs are all held at last year's levels.

The Committee recommendation maintains the $6 billion available for Perkins loans. While ending the Federal contribution, prudent management by the schools plus their continued contribution to this high priority program will allow the balance available for loans to students to increase.

The bill eliminates over 90 mostly small, duplicative programs in the Department of Education.

The mark terminates many of over 50 planning, dissemination, technical assistance, and research programs in education, including Goals 2000.

The Goals 2000 program initiated by the Bush administration was a voluntary effort by States to develop and implement goals and standards. The current program is simply another Federal grant-in-aid program which, while having few formal requirements, will see a proliferation of informal rules and specifications as it is implemented down through the multi-layered bureaucracy of the Washington office and the regional offices.

While this program has no specific, written substantive requirements, there are many connections between Goals 2000 and funding for other programs. Not so subtle pressures will

surely arise to address issues such as opportunity to learn, gender equity and other issues that are part of the administration's national educational policy.

This account funds National Opportunity to Learn Standards and School Financial Equity programs. The administration would impose these social experiments on localities with little evaluation and where evaluation exists, it indicates that there is little relationship between spending and learning outcomes. According to Dr. Dianne Ravitch ''. . . No one knows what such standards are, so it seems premature to expect States to establish them.''

School-to-Work and tech-prep activities are funded at $190 million in anticipation of their inclusion in larger block grants. These programs are slated to be consolidated into a block grant by the Economic and Educational Opportunities Committee and this funding level was decided upon in anticipation action by the authorization committee.

Title I funding for Education for the Disadvantaged is reduced by $1.14 billion, or 17.9 percent based on evaluations indicating little impact and the fact that the broad distribution of funds, to even the wealthiest school districts in America, diffuses the effectiveness of this program.

I would say, Mr. Chairman, that I believe very strongly that this money should be targeted only to the schools most in need, those in the inner cities and rural areas that have a high percentage of at risk children, and not be sent to school districts all over the country, including those in the most wealthy areas, as it is today. The program is extremely poorly targeted.

Mr. Chairman, according to the final report of the National Assessment of the chapter I program, the program ''* * * Does not appear to be helping close the learning gap.'' Recently enacted reforms make some changes, but their impact on performance is unclear.

There is little targeting in the program, 90 percent of the local school districts receive funding from this program, including many of the most wealthy school districts in the country. Those districts that do not participate are generally not those that are rich, but those that are so small as to not meet the minimum number of poor school aged children.

Four hundred eighty-nine million dollars of fiscal year 1994 funding for Education for the Disadvantaged went to the 100 richest counties in America—with per capita personal income ranging from $24,000 to $49,000. While these counties surely contain disadvantaged children, with this level of income, these localities can provide more of the support for disadvantaged education themselves.

Impact Aid, which reimburses local schools for the costs of educating military dependents, is reduced by 11 percent to $645 million. Funding is targeted only to students whose parents live and work on Federal installations. Funding for military ''b'' students is provided for in the Defense bill.

Library service grants and interlibrary cooperation programs are supported at approximately last year's level while funds are terminated for smaller, categorical library programs.

The bill amends authorizing statutes to limit the administrative costs of the Direct Student Loan Program and to prevent implementation of opportunity to learn standards.

Opportunity to learn standards focus on inputs rather than results. They divert attention to issues such as amounts spent per pupil, class size, years of schooling of the teacher, numbers of computers, and allow justification of failure rather than the focus on results.

This title represents the clearest example of priority setting by the committee, of elimination of duplicative and redundant programs and of reform of programs and administration.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, in the first section of our debate we discussed what this bill was doing to cripple our workers and worker programs. In the second section we talked about what it was doing to savage programs that support the most vulnerable people in this society. Now we are turning to a discussion of how this bill is, pure and simple, an attack on education.

This bill is the anti-education appropriation act of 1995, pure and simple. It cuts 18 percent out of what we appropriated just last year for Federal education programs. That means almost one out of every 5 dollars that was there a year ago will not be there this year.

It takes almost $2.5 billion away from local school districts, and that is most assuredly going to result in lower quality and higher property taxes. And it does it all to provide a $20,000 tax cut for people making $350,000 a year.

I would suggest there are an awfully lot of people in society who make that amount of money, who recognize that if they have to choose between getting a $20,000 tax cut at that bracket, and seeing to it that the basic education structure of this country is sound, they will opt for education, because they know they cannot in the end disconnect from society. You cannot achieve success by working up the opportunity ladder yourselves, and then pull it on up so that someone else cannot use that ladder as well.

The answer from the Republican side of the aisle seems to be, Well, our education programs do not work, so let's give up and give some rich guy a tax cut. Well, I do not think that is an especially effective way to go about it.

I have one last simple thought: For as long as I have been in this House, support for education has been a bipartisan proposition. But whether back home in Wisconsin, when I served in the legislature, or here in the Congress, support for education has always been bipartisan. Look at some of the programs that are named after distinguished Republican leaders in the area of education: Stafford, Javitz, Goldwater, Eisenhower. Has this party really moved even beyond them? Are they no longer acceptable? I simply do not believe it.

It just seems to me that the most fundamental purpose of any society is to see to it that its children are made top priority, that they receive decent opportunity, decent education. That is what this bill walks away from. That is why this bill ought to be defeated.

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

Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. HOYER] be allowed to control my time and yield time from this point.

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

There was no objection.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us get back to basics on this and why we are doing this. These are tough choices we are making. It is not easy to have to establish priorities in our spending. But that is exactly what we are doing. So let us remember what we are doing. We are balancing the budget, the most important single thing we can do for the generation today and for future generations.

Let me just show you what numbers amount to. The budget of approximately $176 billion means we are overspending right now $670 for every man, woman, and child in this country. We are overspending. We are going into debt. I have a family with two children. That is $2,700 worth of debt we are going into this year. We have a debt for every man, woman, and child in this country of over $18,000 per person. We are going to build it and get it larger and larger, and spend more and more on interest.

So our goal is to balance this budget, start that glide path to a balanced budget. The other side just wants to spend, spend, spend, and we know how to spend in Washington. We have had lots of experience in spending for the past 25 years. We have to get some sense and fiscal sanity to what we are doing here.

We keep hearing the rhetoric: We are cutting this. We heard it earlier this year: We cut the school lunch program. We increased it by 4.5 percent. They say we are cutting Medicare. We are increasing Medicare spending from $4,800 for every man and woman in Medicare, to $6,700, in 7 years, in the Medicare Program. We are increasing spending. So the most important thing we can do is to balance this budget and get on that glide path. It is important to every American.

Let me show why. As a member of the Committee on the Budget, Mr.

Greenspan, the Chairman of the Federal Reserve Board appeared before us on two different occasions, discussing what would it mean if we balanced the budget. He uses the word remarkable, what is going to happen over the next years. Some of the thoughts he is talking about is children will have a higher standard of living than their parents if we can get this budget under control and stop wasting money on interest of the national debt. There will be improvement in the purchasing power of their incomes. There will be a rise in productivity.

Our competitiveness in the world is important in this issue. There would be a reduction in inflation. There is a strengthening of the financial markets, actual rates of long-term economic growth. That means jobs.

There would be a significant drop in long-term interest rates. He says it will be around 2 percent; that is, for someone having a $75,000 mortgage on their home, that is about $100 a month less they are going to have to spend on that mortgage. That is money in someone's pocket.

We have to get this deficit under control. That is what we are talking about here today. We can say I wish we had more money here or there. Maybe we could have changed it a little bit. These are tough choices. We are trying to balance what we have to work with. We have to live within our budget.

I have to live within my personal budget. Every American has to live within a personal budget. Only the Federal budget has this credit card that has no spending limit; you just spend, spend, spend. That is not right. It is wrong. Balancing the budget is the best thing we will do for every single American today and for the future generations.

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

Mr. HOYER. Mr. Chairman, I yield myself 5 minutes.

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

Mr. HOYER. Mr. Chairman, this title of the bill is education. Americans believe strongly in education, and everybody on this floor wants to balance the budget. As a matter of fact, unlike the gentleman who just spoke, I voted to reduce the deficit by $500 billion in 1993. The gentleman did not.

Whether conservative or liberal, all Americans believe in the American opportunity society. My parents wanted me to have a better life than they had. That is what I want for my three daughters, and, yes, for my granddaughter. The United States is a great Nation because we give people that opportunity, the opportunity to make a better life for themselves and their children. Education is the doorway through which American access that opportunity.

But this appropriation bill is an all-out assault on the American opportunity society. The words opportunity society are meaningless if you do not have the education you need to compete in today's global marketplace. The word opportunity is meaningless if you cannot make a living wage and your kids cannot get a good education in school.

Why are the Republicans waging this attack? The reason is not so they can bring that deficit down, I tell my friend, but so that we can take that money and shift it over to a tax cut for the wealthiest folks in America.

□ 1245

That is what we are doing. We are not taking that money that they gentleman just talked about to bring down that $670 figure, what we are doing is taking that money and shifting it over here for a tax cut: a $245 billion tax cut.

Nobody likes paying taxes, but I do not talk to any constituents who believe that it is not important to see that our kids are educated, and that is what that title is about.

Mr. Chairman, what does this attack mean for local schools? Let me talk about a school in my district, Carrollton Elementary School in Prince George's County.

At Carrollton, parents attend workshops to learn what their children are learning in the classroom to help their kids at home. We know if parents are not doing the job, nothing we do is going to suffice. The budget cuts in this bill would end those parent workshops.

Carrollton needs reading and writing materials to reach the new higher educational standards the State of Maryland has set, appropriately, so we can compete in the world markets. The school board has approved them and the contract has been signed, but these budget cuts will cancel that program.

Mr. Chairman, at Carrollton more than 100 third- and fourth-grade students are struggling to learn to read. Some kids have a tough time. These cuts mean the teacher who works to help those kids catch up with their classmates will lose their job.

This is real. This is not some chart so that we can shift money to the wealthiest in America, not bring down the deficit, I tell the gentleman from Florida. It is to give that $245 billion cut, that seems so important, at the expense of these kids.

The American people know that cutting support for kids at Carrollton and across the country is bad educational and economic policy. That is why the polls show, I tell my colleagues, over 90 percent of the voters in America believe we must invest more, not less, in improving education.

Mr. Chairman, this bill is shortsighted. I am going to mention this again, but I want to mention it now, do not take my word for it. Let me quote from a statement made by Secretary Terrel Bell, who served as the Secretary of Education under Ronald Reagan. It was not a Democratic administration, you understand; Ronald Reagan. Let me read to my colleagues what he says on July 13, 1995:

''The drastic and unwarranted education cuts made in congress by the House Appropriations Subcommittee,'' the bill we are considering, ''must be restored or we will undercut community efforts to better educate our children.''

He closes with this: ''The American people support educational excellence, not political extremism.''

That is what he refers to this bill as. That, Mr. Chairman, was Secretary Terrel Bell, the Secretary of Education under Ronald Reagan.

Mr. Chairman, let us reject this political extremism that is masked as deficit reduction, when it shifts from our kids to the wealthiest Americans our resources to improve this country.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and Economic Opportunities.

Mr. GOODLING. Mr. Chairman, I rise to put to rest, once and for all, this phony business that has been going on in this House for many weeks, in fact several months, where people keep trying to say that we are taking from the poor and giving to the rich through a tax program.

Let me tell my colleagues a little bit about the tax program. Is a $500 credit for home care for the rich? Darn right, it is not. It is for the most needy people around here.

Is a $500 credit for long-term care insurance for the rich? One of the most important things for senior citizens is that long-term care. That is not for the rich.

Is a $2,000 IRA for the parent who stays at home for the rich? No, that is not for the rich.

Is the $500 for an adoption? We talk about pro-choice/pro-life all the time. Is that for the rich? No, it is not.

Mr. Chairman, I was a sucker for a while, thinking that the $500 credit for every child was for the rich. Then I got off my high horse and did a little study, and I discovered that, as a matter of fact, 31 percent of that goes to families with incomes of $18,000 and less; 65 percent of it goes to families with incomes of $50,000 and less.

Yes, then they say, but what about capital gains? In my district, every farmer and every fruit grower that I have is not rich by a long sight, but they sure are at the point where they should be retiring and they would love to retire.

If they retire, Mr. Chairman, they have to sell what it is they have in order to take care of themselves in their golden years, or we have to send money out to do that. But if they sell, between us and the State, we take 60 percent of everything that they have.

So I think we ought to put that nonsense to rest.

If this were a perfect world, Mr. Chairman, I would be here screaming

for billions more for education and billions more for training. I would be screaming for what Terrel Bell said, which we had better emphasize.

He talked about quality education, and I have been here saying over and over again for 20 years, just do not pour $40 billion into chapter 1. Do not just pour $20 billion into Head Start, if that is all you are going to do. Pour it in to get quality. We do not have any studies to really tell us that we have done a remarkable job in helping the people that we wanted to try to help with that $60 billion of expenditure.

Mr. Chairman, as I said yesterday, the one thing I wanted to do with a slight reduction in both of those areas is finally get a message out there that they have to clean up their act and they have to provide quality in every one of those programs, all over this Nation. Access is not acceptable. Access will not serve us well in the 21st century.

Mr. Chairman, I would hope that we can do the very best we can with what we have, because if we do not, since it is not a perfect world, we are then faced with a deficit that does this to the very young people we are trying to train, the very young people we are trying to educate.

We are saying to them, after you get all your training and all your education, we will take 80 percent of everything you make in tax dollars. Why get up in the morning and go to work if that is what we are going to do?

Mr. Chairman, I hope we can develop a program where we are talking about quality education, quality training. I hope we will be in a position sometime to put more money into those programs, and we will do some of that today, after we are ensured that it is quality that we are talking about.

Again, access is no longer acceptable, Mr. Chairman. It has to be access to quality, because we are failing the very young people we are trying to help because we are not giving them an opportunity to get a piece of the American dream because they do not have, in many instances, a quality program.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California

Mr. LEWIS of California. Mr. Chairman, I rise simply to say that the statement of the gentleman from Pennsylvania [Mr. GOODLING] is one of the finer statements I have ever heard on this floor.

Mr. Chairman, just sending money without worrying about quality is what has been wrong with this place. It is why the American taxpayer is reacting. They want to see people served and they want to see them served well.

The gentleman from Pennsylvania has worked at this for years, very, very effectively. Finally, the gentleman is in a position to really impact that process, and I commend the gentleman for his good work.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the bill. I rise today to express my disgust with this bill. This is the bill where Republicans rewrite the world in their own image—where they create their own brave new world, if you will. They will weed out the poor, the needy and the weak to provide subsidies to corporate interests and tax cuts to the wealthy. And the middle class will foot the bill. A world where capital is more important than labor.

Let me tell how this image will play out in New Jersey. According to the Children's Defense Fund, this image will mean 3,850 children will lose Head Start services, 54,200 New Jersey students will lose access to remedial education through title I and 42,200 babies, preschoolers and pregnant women in New Jersey will lose infant formula and other WIC supplements. This is the new America Republicans have created for your children and grandchildren.

The new America will have $4.5 billion less in funding for education, less funding to keep schools safe and drug free and less funding for young people struggling to earn a bachelors degree. The new America will provide less assistance for dislocated workers, like the 2000 individuals working at MOTBY, in my district, unemployed due to recent base closings. It will have fewer resources for job training and it will have no funding for the Low-Income Home Energy Assistance which serves 51,000 needy seniors in New Jersey.

And yet Republicans can find the resources to fund Agriculture subsidies for wealthy farmers and to fund B–2 bombers that the Defense Department didn't even want?

I have a clear image of this brave new world which Republicans seek. It has nothing to do with balancing the budget and it has nothing to do with making a better America for the working poor, our children, our young people or our seniors. Clearly it is designed to be a world where the rich and privileged will be free to prosper without the nagging and nettlesome problem of caring for their less fortunate brothers and sisters.

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

Mr. KILDEE. Mr. Chairman, I rise today in very strong opposition to the Labor-HHS appropriations bill, because it will result in very real damage to very real students and teachers in real schools in communities throughout this country.

Mr. Chairman, I say to my colleagues, the education policy in this bill is based on two somewhat conflicting assumptions. First, that because the national contribution to education funding is so small that it does not matter and will not be missed; second, that the national role in education is too large and too intrusive and needs to be scaled back.

Mr. Chairman, these assumptions are both wrong. These assumptions dishonor decades of bipartisan cooperation over education policy as a shared priority.

Mr. Chairman, this bill will seriously erode the long-standing role that we play on the national level to ensure that educational opportunities are available to those who have been denied them. Laws like the Individuals With Disabilities Education Act [IDEA] were enacted 20 years ago because over 1 million disabled children were excluded entirely from public schools. Those 1 million disabled children now have a chance to realize their full potential and contribute to American society because of what Congress did then.

Mr. Chairman, ask the parents of Caitlin Cody, who live in my community. Caitlin is a bright 8-year-old with spina bifida who joins her classmates every day in her neighborhood public school to discover the joys of learning. They will tell you that in the absence of the Federal role in education, Caitlin's future would not be as promising as it is.

Mr. Chairman, this bill cuts IDEA. It cuts funding which will severely curtail professional development, research, and outreach activities which are crucial for improving services to children with disabilities.

This bill also cuts chapter 1 by $1.2 billion. With this cut, over 1 million disadvantaged children across this country will be denied a chance to succeed. In Flint, MI, which is struggling right now to regain its economic footing, over 2,800 students will lose vital academic help. These students will lose the guidance of 47 teachers and 109 teaching aids.

Who are these children and who are their teachers? Mr. Chairman, let me tell my colleagues the story of one chapter 1 student. Shelly is a real person who lives right now in my district. She is not a composite; a real individual person.

Shelly entered middle school in the seventh grade last fall. Shelly came to school every day, because there she could get a meal. Then her teachers discovered that Shelly lived with her mother and younger brother right in my neighborhood, wherever they could find a place to stay at night. They had been evicted from their apartment and stayed in a shelter or with friends.

When Shelly moved to Michigan, she was identified as a chapter 1 student. Shelly's teacher recognized that she needed the stability of a regular classroom and instead of pulling her away from her peers, she provided Shelly with reading support services in her science and social studies classes.

As the year progressed, because of this program, Shelly's life improved and her teacher made connections to mentors and helped find a place for her to live because this teacher believed in Shelly's potential.

Shelly entered middle school as a homeless child. She finished the year as an honor student.

Mr. Chairman, we should not take opportunities away from the Caitlin's and the Shelly's to finance a tax cut for the very, very rich.

Vote ''no'' on this.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I especially commend the gentleman from Pennsylvania [Mr. GOODLING], my chairman, for his outstanding statement a few moments ago in which he gave a clear rebuttal for the mindless political rhetoric, that we hear over and over again, in which the opponents of this bill recite like a mantra the phrase ''tax breaks for the wealthiest in our society.''

Mr. Chairman, are the wealthiest in our society like that couple in my district that makes $25,000 a year with two children who are going to find, with the $500 per child tax credit, that their Federal tax liability will be eliminated altogether? Or like my wealthy friends, the grandmother and the grandfather who have worked for 30 years on a farm in northwest Arkansas and as they reach retirement age and want to move in town, to get close to quality health care, discover they cannot afford to sell their farm because of exorbitant capital gains tax rates?

Mr. Chairman, yes, these are the wealthy friends that we want to help in our society.

My colleague says that, yes, 90 percent of the American people support higher investment in education. I believe that. I believe my constituents do. But they want to invest it where it will work and it will work when we invest that money locally, not when we invest it in more Federal spending on education.

Mr. Chairman, Americans last November rejected the ''government-knows-best'' philosophy that has held sway for far too long.

Goals 2000, which we defund in this appropriation bill, is a manifestation of that very failed philosophy. What Goals 2000 does is lay the groundwork for all future Federal experimentation with education, which takes control away from parents and local school districts where it belongs.

It increases the Federal role by imposing a congressional formula for reform on any State, school district, or local school that wishes to receive funding under the act.

□ 1300

Only 40 percent of the money appropriated for Goals 2000 ever reaches the schools. The other 60 percent constitutes the bureaucratic skim that is being used at each level to create the new framework for the educational system.

The American people did not buy into the misguided idea of national health boards in the last Congress, and they do not want national school boards. If the past 30 years have taught us anything, it is that national solutions do not solve local problems.

It is amazing to me my colleagues on the other side of the aisle can stand and defend the status quo. The past three decades, American taxpayers have been pouring money into the public school system with almost no encouraging signs that this money is buying better education for our children.

Who knows best what children need but their parents and people who are in contact with them every day? This appropriation bill begins to put the focus back upon the local schools, empowering parents to control the education of their children.

There were originally six national goals that were developed in 1989, hand in hand with the States, but they now have been increased to eight. The two additional goals differ from the States' original intentions, leading us even further away from the direction that education in this country should be taking, which is back to the parents.

We can, in defunding Goals 2000, as we do in this appropriations bill, we can take a decisive first step in returning education to the State and to the local school boards and empowering parents to participate and to control the education of their children.

I urge support of this Labor-HHS appropriations bill.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a distinguished member of the authorizing committee.

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

Mr. SAWYER. Mr. Chairman, I am grateful for the opportunity to join with my colleagues on this side of the aisle, but with some regret, to oppose the passage of this bill.

The work that we do today, the work that has preceded us over the last decade really emphasizes a singular important message, and that is that today's graduates have got to be prepared to enter a world of profound and constant change. The people of this Nation are moving more rapidly across and within this Nation than we have for 100 years, and all of today's children simply must be able to graduate equipped with skills that are not just technologically adaptable to a variety of different employment situations across the United States, but which also will make them intellectually flexible.

Now, our colleagues have suggested that somehow this is not a national problem. The truth of the matter is that education has always been a local function and a State responsibility, but today, my colleagues, it is an overarching national concern. Education from the national level is not a matter of federalizing education at all. It is not even a matter of directing education, but it is recognizing that if we are to be successful, we must connect education all across this country, 50 million students, 2.5 million faculty, 15,000 school districts in diverse communities all across this country, as diverse as Missoula, MT, or Meridian, MS, or all of the metropolitan areas of this Nation. The children have got to be equipped to be competitive and to contribute to this Nation's capacity.

Education is, indeed, a national priority, nowhere more so than in recognizing that the expectations that we have for these children have vastly outstripped the ability of some schools to keep pace. We have got to elevate the expectations of our schools, of our teachers and our children, and in that sense what we do here today or ought to be doing here today is to provide the connective tissue, the ability to improve and elevate a curriculum, not to be forced upon local schools, not to be adopted, but to be adapted throughout this country to local need. We have got to recognize that in a 30-year career, a teacher who began with certification that may have been perfectly sufficient in 1960 is no longer suitable to the kind of change that has been undertaken in this world and in this Nation in the 30 intervening years.

We need to have the capacity to share that improved curriculum, that improved professional development all across this country. I have to tell you I do not think that anybody ever said it better than Allen Wertzel, vice chairman of Circuit City, who agreed that growing businesses need students to graduate with higher skills. He said, ''High academic expectations in schools is probably the single most important component of education reform.''

Drawing this Nation together in that capacity is our single highest priority.

Mr. MILLER of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I wish to enter into a colloquy.

Mr. Chairman, with regard to the Education Research Statistics and Improvement account within the Department of Education there is an interest among a number of House Members to provide funding of about $300,000 within the total provided to not less than two institutions to support programs utilizing innovative technologies and practices for the professional development and training of teachers in music education. Is it correct to say that the House report accompanying the Labor-HHS fiscal year 1996 bill speaks favorably, but with less specificity, to music education and its impact on learning?

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Chairman, the gentleman is correct. We attempted to economize on verbiage where we could in preparing the committee report.

Mr. CLEMENT. Mr. Chairman, the bill will shortly be considered by the other body. If, during that consideration, the other body includes more specific language regarding music education, could I have the chairman's assurance that the House conferees would carefully consider the generic direction

for these funds in light of my favorable recommendation to accept the more specific allocations of funds for music education programs?

Mr. MILLER of Florida. Mr. Chairman, I assure the gentleman from Tennessee that the House conferees will keep your recommendation in mind when we address this issue in conference.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for his support on this issue.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

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

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

Well, we hear the Republicans say they want to balance the budget and that is why we are cutting so dramatically into education programs.

Well, do we want to balance the budget?

We are cutting about $450 million out of two programs very important to our children: Safe and Drug Free Schools, which makes sure we try to protect our children as they go to school so they do not have to worry about drug dealers on the corner trying to sell them drugs or the gang violence they may encounter on the way to school; Special Education, $174 million is being cut out of that program for our kids who are disabled, who need a little bit of extra attention so they can succeed with their peers.

On the other hand, we put $500 million extra into the defense budget which was not even requested by the Department of Defense for new spending on barracks and other pork that the Pentagon, as I said, never requested, and all of it targeted to 26 of the 31 States represented by the people who sit on the Committee on Appropriations.

Cut in education: $1.2 billion in our title I program that helps kids that are behind in their reading and in their sciences learning. What is not cut? Well, we see on the Senate side the Armed Services wants to spend $1.3 billion for an amphibious assault ship that the Navy says is does not even want. Cut in education: $55 million for a school-to-work program which helps our kids have abilities once they get out of school. What is not cut? Well, $42 million, that is the amount the Committee on Appropriations preserved in taxpayer subsidies for tobacco growers.

We are talking about balancing the budget? At the same time that we hear that we must cut the $4 billion out of education to balance a $5 trillion debt and an annual deficit of about $200 billion, we find that the Defense Department got $8 billion more than it even asked for, and we find that the Republicans are trying to spend about $300 billion on tax cuts over 7 years.

That is not the way to go. We do not need to cut $4 billion out of education when it is so dramatic and so needed.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. WYNN].

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

Mr. WYNN. Mr. Chairman, I take strong exception to the unconscionable cuts in this bill for the Safe and Drug Free School zones.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman form California [Mr. MILLER], one of the ranking members of the Committee on Economic and Educational Opportunities, former chairman of the Children's Task Force.

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

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding this time to me and for adding to my resume here.

Mr. Chairman, members of the committee, these cuts in education are deep, and they are serious, and they are real, and they are going to have an impact in each and every one of our districts.

Because let us understand something, they are not cutting this money to give it back to the schools at the local level. They are cutting this money to provide for a tax cut, the overwhelming benefit of which goes to people earning in excess of $200,000 a year. So they are gathering up money from poor schools, from poor children, from handicapped children, from all of the school districts in the country and transferring that to the wealthiest people in the country. That is simply not fair, and it does not make sense.

Let us understand that these Federal dollars are what allows these school districts to engage in teacher training, to provide inservice training for teachers, to move toward 21st century technologies for many of our school districts that have no ability to do that. They do not have the financial capability of doing that.

These Federal dollars are what allows school districts to take care of the neediest, the poorest children in our society, because they do not have the capability of doing it without these dollars.

Let us understand something. We hear time and time again about the inability of the local school board and the local school district. Let me explain to you that many of those school districts are bringing you today the abysmal education that America's children are reaching. And why? Because they do not do these activities without Federal help. They were not educating the poorest children in this country without Federal help. They were not educating handicapped children without Federal help. They were not providing teacher training without Federal help, and it is very likely they will not again if the Federal Government does not help them out.

So understand the Federal Government is a catalyst for education programs. Goals 2000 is a catalyst to make the States, and to help them, finance world-class standards for our children so that our children can compete with the children of any country in the world in the future.

Today they cannot. They cannot compete in math. They cannot compete in language skills. They cannot compete in critical thinking. It is a national disgrace, and these few Federal dollars, very, very important to meeting those goals, because in fact in my own district and many other districts, without these moneys, those efforts will go by the wayside and we will continue to see children graduated who cannot read their diploma. We will continue to see children passed on to the next grade who cannot read at grade level.

This is that opportunity. But this is the opportunity that the Republican budget cuts would deny our school districts. This is a disinvestment, a disinvestment in the children of this Nation, in the education of this Nation and their ability to participate in the world economy of the future.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN], a member of the subcommittee.

Mr. BUNN of Oregon. Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, I understand the great fiscal pressure under which the chairman put together his appropriations bill. I applaud his efforts to make this a fair bill, not only for the taxpayers of the country but also by addressing the out-of-control spending that is costing our children their future earnings.

With that in mind, I would like to address the level of the general strengthening institutions program, title III(A) of the Education Act. I am concerned that the current funding level of the program will not allow the Federal Government to fully fund continuing multiyear grants. Under the administration's request, the title III grants will be phased out over 2 years, with public community colleges cut out of the system immediately.

□ 1315

Mr. BUNN of Oregon. As the gentleman knows, I offered an amendment during the full committee to partially restore the necessary funding to the title III program. But due to the tight constraints that we are working under, we were unable to find adequate funding for the program.

I ask the subcommittee chairman if the other body does find a way to more fully fund the title III section A program, if there is a way to consent to the other body's funding level?

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

Mr. BUNN of Oregon. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I understand that the level of funding in our bill would perhaps create financial difficulties for many of the institutions that have relied on this funding in the past and I will work with the members of the conference in the other body to achieve a higher level of funding of transition funding for this program than was possible in this bill.

Mr. BUNN of Oregon. I thank the gentleman and appreciate his efforts on behalf of community colleges of the Nation.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. I thank the gentleman from Maryland for yielding me time.

Mr. Chairman, I stand here in absolute dismay at this bill that we are being asked to vote on today, which decimates the funding for education throughout the country. This debate is basically a debate of the disavowal of the majority of our national promise that we would care, defend, and protect our Nation's children.

Under this camouflage of budget rhetoric, the majority party has appropriated an appropriations bill that cuts $3.9 billion from our education programs and dismantles a 30-year record of increasing support for our children.

I feel betrayed because I always believed the discussions with respect to our national priority, always put our children on the top. In discussing our care and compassion for children in this country, we always pledged our full support to their education.

Mr. Chairman, we all recognize that there are vast differences in our country, rural, urban America, rich and poor, but we have always said that the National Government has a responsibility to make sure that no matter what the circumstances of poverty or whatever the location is in geography, that the children would be protected and that the assurance of equal educational opportunity was a solemn pledge and contract that we made for our children.

This appropriation bill denies that. It takes money away from children in the poorest of circumstances, children who come from middle America, who have disabilities, who have difficulties, who come from troubled circumstances, who have handicaps, who have deficiencies in learning. The smallest of our children all over the country are going to be hurt by this budget. I ask this House to vote it down..

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I was on the floor 1½ hours ago talking about how this bill is devastating and cutting Head Start children out of the program when even President Reagan, President Bush, talked about how much do we increase this bipartisan program that is working. Where in Michigan City, IN, 80 children are waiting to get into the program, this bill is going to say to these children, not only can you not get in, we do not have room for you; we are going to cut more children out of Head Start. That is what this bill says.

This bill is like a Shakespearean comedy of errors. It is tragically almost funny. We debated drug-free schools the last few years and I have joined with my colleagues on the Republican side, many of whom I have the utmost respect for, and the gentleman from Delaware, Mr. CASTLE and I, Mr. BARRETT and I proposed amendments to restore Dare and drug-free school money. This year, we are cutting drug-free school money by over 50 percent.

Mr. Chairman, it is not that Democrats want the status quo and Republicans want to balance the budget. I voted for a balanced budget amendment. I led the efforts to cut a space station that is $80 billion over budget. I will vote to cut 20 B–2 bombers that the Pentagon doesn't even want out of the budget. Let us make up our minds what is important around here.

A recent survey done by the Columbia University Institute asked our schoolchildren, What is the biggest problem you face in school today? Is it an algebra equation? They did not say that. Was it a biology test? No. Was it a gun in a school? No. By a 2-to-1 margin, children in America today said, we are afraid of drugs in our schools, 2 to 1.

So what are we doing about it? We cut the drug-free school money by over 50 percent. What does that tell you about our priorities? I want to move toward a balanced budget. I want to make some of the tough cuts to move there, but we should do that in a fair and evenhanded manner.

Mr. Chairman, it seems sometimes around here that if you have got a lobbyist working for you, you are going to do real well. You are going to maintain the B–2 bomber. You are going to maintain a space station. You are going to maintain hydrogen programs. But if you are a child, if you are in a Head Start program, if you are in a drug-free school program, you are on your own. Good luck.

Mr. Chairman, that is not what the priorities of America should be about today.

Doris Kerns Goodwin has got a wonderful book and I will have to continue my review of that wonderful book later.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. DICKEY], an excellent member of our subcommittee.

Mr. DICKEY. Mr. Chairman, I think what we need to do is have the gentleman from Indiana [Mr. ROEMER] go talk to the members of the subcommittee of the Labor-HHS Committee on Appropriations because what happened one night was that Head Start was made available to have funds restored to the tune of $161 million. Every member of the subcommittee who were Democrats voted against Head Start, $161 million.

Those of us who voted for both of those issues said we wanted to put children first. We wanted Head Start to come first, and those members on that subcommittee could have taken the argument of the gentleman from Indiana and said, we want to honor Head Start.

Who did they honor? We honored lawyers in the NLRB, $26 million. The offer was made to your colleagues, let us give this to Head Start because we are listening to what you are saying that it is important——

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

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

Mr. ROEMER. As the gentleman knows, I am not a member of the Committee on Appropriations. I did not vote on that particular appropriations bill as it was going through at 1 or 2 o'clock in the morning. But certainly we have the ability on the floor today to try to correct the bill that is kicking 48,000 children off of Head Start, and I know the gentleman from Arkansas [Mr. DICKEY] would love to support those children.

We do not want to go to places like Michigan City, IN, where 880 children are waiting to get on Head Start, where I only have 35 percent of my eligible children enrolled, and tell the children there, which ones are going to get kicked off, I ask the gentleman?

Mr. Chairman, I would not want to be going into Head Start programs around this country saying, you, you, and you are out of Head Start. That is not the direction this country should be going in.

Mr. DICKEY. Reclaiming my time, all I am trying to say, for the sake of the people who might be listening to this conversation, is that your talking should be to them, not to us. If we had been successful on our end of the table late that one night for Head Start, we would have $161 million restored.

Not one of your colleagues voted in favor of that because they wanted to honor things like lawyers, and they wanted to honor the NLRB that is going out here and causing destruction in our economy and walking over people who are trying to keep jobs in place so that we can have taxes so we can have more money for education.

All I am saying is it does not seem proper. It is not right that we get to the point where we start talking about you all over there, or you all over there, when we are all trying to help Head Start.

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

Mr. DICKEY. Certainly, I yield to the gentleman from Indiana.

Mr. ROEMER. I would just like to engage the gentleman, the Republican

gentleman from Arkansas, in a colloquy. He and I worked together on many issues. This should not be a partisan issue. We have always agreed in this body to support Head Start and increase funding on Head Start, whether it was in committee or on the floor.

Now, for the first time, we are kicking children off. How can we work together to restore that cut, increase Head Start?

Mr. DICKEY. I think what we ought to do is we ought to look from the standpoint of trying to help the children, rather than trying to make a political statement. What is unfortunate about this is that $161 million could have been restored to Head Start and it was not because there were other programs that were preferred over this.

Now, if your colleagues could talk it over and we could talk it over, then we would not have this partisanship. The partisanship occurred. All five Democrats voted against Head Start in both of those instances, and there are two standing right here that will also try to make this a partisan issue and say that we somehow are at fault for not bringing Head Start in in the proper funding.

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

Mr. DICKEY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Arkansas [Mr. DICKEY] is my friend and we work closely together on some things, but so that everybody on the floor knows what we are talking about, has sought to cut justice for workers.

We will pursue it further.

Mr. DICKEY. I will be happy to.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

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

Mr. Chairman, this bill clearly demonstrates our Nation's commitment to education and to our youth, mostly words but not real resources. Where a Nation invests its resources indicates its priorities. Education should be our Nation's priority.

This bill is blindness march toward a balanced budget, without consideration of the merits of the programs proposed to be cut or eliminated.

But worse, this bill ignores the pain it will cause to the many children, youth, and elderly of America. This is a shame.

The Labor-HHS bill is an obstruction to education.

Half of the cuts in the bill—some $4.5 billion—comes from education.

Fifty thousand disadvantaged children who need a little help in the beginning of our lives—at the onset of their education—will not get that help. Head start is cut by $137 million. Healthy Start is cut by 52 percent.

Thousands of needy school children, in my congressional districts during their most important educational and formative years, will be without vital support. Title I is cut by $1.1 billion. Drug-free schools is cut by 59 percent. The Goals 2000 Program is eliminated, and, vocational education is cut by 27 percent.

And, thousands of those school children, willing to work, who have found hoe in a mountain of hopelessness, will not be able to work. The School-to-Work Program is cut by 22 percent. And, worse, the Summer Jobs program is terminated.

The privilege of an education belongs to all in America. Many have toiled long and hard to achieve that aim.

The Labor-HHS appropriations bill, with the stroke of a pen, takes that privilege away.

The deep and irresponsible cuts in education are made worse by other cuts in this bill.

In fact, more than 170 programs are eliminated by the kind of slicing and carving undertaken in this bill, like nothing we have ever seen before in the history of this Nation.

Even the Low-Income Home Energy Assistance Program [LIHEAP] is eliminated.

This bill says to young people in America, ''You have no future'' and to seniors, ''You have no past.''

Mr. Chairman. I am at a loss.

Critical programs are being cut—programs that have served our citizens well—and, the savings will go to increasing the wealth of the wealthy.

Mr. Chairman, our colleagues tell us that this bill and others puts us on the glide to a balanced budget.

To balance, however, means to steady. Steadiness promotes stability. Stability promotes security. And, security is what every American seeks.

This bill gives us neither steadiness, nor stability, nor security. It is not good for this Nation. It should give us shame.

Vote ''No'' on this bill.

□ 1330

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], a member of the authorizing committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER] for yielding this time to me.

This morning in the Committee on the Budget we had the opportunity to have what I thought would be a good dialog and debate about much of what has been going on here on the floor today, a discussion and a debate about what our policy agenda is on both sides of the aisle as the President and as the majority here in the House both strive to reach for a balanced budget. But then it became very, very clear that the two sides are playing with a different set of rules. The Republican plan scored under this Congressional Budget Office does within 7 years get to a balanced budget. The President's plan scored under the same rules, however, enables the president to have $200 billion more per year to spend.

So, as we are talking about how are we going to achieve and what policies are we going to implement to achieve a balanced budget, we are finding that one side is playing with one hand tied behind their back. One side actually gets to a balanced budget, the other side can continue going around the country and can continue going around to special interest groups promising a whole set of programs and priorities and spending that really does not exist and that totals out to about $200 billion.

We also find that the other side is really trying to perpetuate a program and a philosophy that over many years we know does not work, and this book here, ''Reviving the American Dream,'' written by Alice Rivlin, who is the head of the Office of Management and Budget, Director of the Office of Management and Budget, she highlights the failed policies that in many cases we are finding are being debated in this bill. Here is what she said about education, and remember this person works for the President:

> Improving education will take bottom-up reform, Presidential speeches and photo opportunities, national testing and assessment, federally funded experimental schools. Even new grants spent in accordance with Federal guidelines can make only marginal contributions in fixing the schools. The popular Federal Head Start Program demonstrates that preschool education helps children from poor families cope better in school. The negative legacy of Head Start, however, is that States and communities have come to believe that the responsibilities for preschool education lie with Washington, not with them. Change would come more rapidly if concerned citizens, parents, and educators worked to improve their own preschools instead of lobbying Washington to allocate more funds for Head Start.

Mr. Chairman, she goes on to say that top-down management by the Federal Government is unlikely to bring about needed change in education, skilled training, and other areas where reform is essential. She also goes on to state that when these programs and responsibility for these programs are moved from the Federal Government to the State government, we will see more action, more effectiveness, and better results.

This is coming from the administration.

All of what we are seeing here debated from the other side is a continuation of pushing policies and programs that we have had for too long and that we know do not work. Let us embrace the future, let us move to a balanced budget, and let us move to move decisionmaking where it is most appropriate.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, I rise in strong, vigorous opposition to this bill and title III, and I rise today to protest the

shortsighted cuts included in this mean-spirited bill. In an effort to frantically balance the budget on the backs of poor and middle income families, Republicans have completely lost sight of those important, cost-effective programs which work well.

One such program is the Low-Income Home Energy Assistance Program. This program is not welfare. Each State participates in this program. It reaches more than 5.8 million people nationwide. Last year, the average benefit for the 452,000 recipients in my home State of North Carolina was $91. Seventy-nine percent of these recipients have an average income of less than $8,000. In many cases this was the safety net that kept the poor and elderly from being cold or freezing to death.

Who are these people, you might ask. In North Carolina, almost 64,000 households have recipients over the age of 60. Almost 60,000 households have recipients who are children under the age of six. And over 36,000 households have recipients who are disabled. How can we expect these people, whose annual income is less than the poverty level, to survive these vicious cuts?

These cuts border on being criminal, Mr. Chairman. If they're not criminal, they're certainly irresponsible. We should not penalize these people because they are poor. Yet that is exactly what we are going to do by passing this mean-spirited bill.

In this body, we have a tendency to get caught up in arguing over numbers and lose sight of the people whose lives depend upon these programs. This program is a success. Let's not let the Low-Income Home Energy Assistance Program become another victim in the Republican numbers game. This program will not break the Government but it will break the little comfort and will of the 452,000 recipients in my State who depend on this program.

I urge every Member of this House to reject this bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Philadelphia, PA [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today to urge my colleagues to vote against this shortsighted, hardhearted Labor-HHS-Education appropriations bill. As chairman of the Congressional Urban Caucus, I tell you that this bill is the most antiurban, Government act since President Ford told New York City to drop dead. It is antifamily. Antichild. Antisenior. Antieducation.

Our constituents sent us to Congress to make choices on their behalf. Sometimes they are tough choices. But the choices made in this bill are nothing but harsh, mean, and cruel. The education title demonstrates this vividly.

Last week, this Congress protected Gallo Wine's welfare program—giving them tax dollars to market their wine to the French.

But today, we vote to send our kids to school to fend for their lives—on their own—against guns and drugs. The French get Gallo wine, while our children risk their lives in schoolyards. Bad choice.

Time and time again, this Congress spares the space station from extinction. But today, we'll cut vocational skills programs for youths who will never make it to college. We'll build shelter in space, but leave our young people little or no job opportunity at home. Bad choice.

This Congress spends billions to build B–2 bombers that we don't need. The cold war is over. Yet today, we'll vote to cut Head Start. Thus, we're making fat-cat defense contractors fatter, while Head Start turns into a no start. Bad choice.

This is a lesson in poor choices. Wrong choices. The best thing—the only thing—we can do is throw this bill out and try again. Again, I urge my colleagues to vote a resounding ''no'' against this legislation.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON], one of the whips on the Democratic side who has done such extraordinary work internationally.

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

Mr. RICHARDSON. Mr. Chairman, I cannot support this bill. The education cuts in it are devastating for the country and for my State.

In one school district where 60 percent of the students beginning school do not speak English, these cuts mean that 6,000 students will not understand what is being taught.

Bilingual education programs teach students like Elisa, who started the 2d grade not able to speak one word of English. Last year Elisa walked across the stage as the valedictorian of her 1,200 member graduating class.

Impact aid funds provide a kindergarten for Gallup-McKinley County School District. The cuts contained in this bill mean 300 children will not go to kindergarten.

Clovis municipal school system will lose a school counselor who works with children who are at risk of drug and alcohol abuse.

The Belen School District has over 1,700 children who need reading and math help. With cuts to chapter 1 funding, the school district will have to choose which lucky 400 students out of 1,700 will get the help they need.

Mr. Speaker I cannot go back to my district and look into the faces of children and explain to them that I voted to eliminate their chance to go to college, stay away from drugs and violence, and improve their reading and math skills.

Vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MILLER], a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I think it is a shame that this debate constantly veers away from the true issue for which we are here in Congress and here today. We are currently facing one of the most important moral and economic challenges of our time, to balance the Federal budget. For too long the Federal Government has lived beyond its means, and our problem in getting this budget into balance is spending. We have got to cut the spending side. President Reagan said the problem we had was not that we are taxed too little, we spend too much. We must cut spending and control the spending in order to balance our budget.

Mr. Chairman, due to this gluttonous behavior here is what we are facing today. The national debt is almost $5 trillion. What are the practical implications of this? In just 2 years the Federal Government will pay more for interest on the debt than we pay for national defense. Think about that. What does that say of our national priorities?

If we had adopted the President's budget proposal, the amount U.S. taxpayers will pay in taxes over the next 11 years for interest would have equaled the entire debt we have today. This is a kind of out-of-control spending, without regard to consequences. That spending must be under control now.

The Democrats cannot believe that we are only going to spend $60 billion, over $60 billion in this program. We are spending over $60 billion in this one appropriation bill for the discretionary programs alone. ''Why would Republicans want to make cuts in Federal spending,'' the frustrated minority keeps asking. Here is the answer:

Next year we are going to spend $235 billion for interest on the national debt. That is four times what we are spending on this bill, four times more then we are going to spend on interest on the national debt, and we keep wanting to increase it.

Someone said, ''What is our priority of spending?'' A Member on the other side was asking, ''What is our priority of spending? Where do we rate priorities?'' Well, if we just want to keep spending, spending, spending, our priority must be more interest on the national debt. We are overspending this year by $670 for every man, woman, and child in the United States, and that just adds to our national debt, and that increases our interest that we are going to pay.

Now I am a big supporter of education. I am a former college professor. My son just graduated from college. My daughter is just getting ready to start graduate school, getting a master's in social work, by the way. So I feel very strongly about the need for education, but education is primarily a local, State, and family matter. Ninety-five percent of the money for elementary and secondary education comes from the State and local government, not the Federal Government. Unfortunately for the 5 percent of money the Federal Government provides, we get all the bureaucracy, all the regulations that are imposed in our local schools.

In 1950 the average family sent 5 percent of their wages to Washington. Today, with a bloated Federal Government, we are sending 24 percent of our

money to the Federal Government. We are not spending 24 percent of our incomes for Federal Government. We cannot continue doing it. What will be the best thing we can do for our children today is to not continue to fund these duplicative wasteful programs and the huge bureaucracy in the Department of Education. Let us prioritize our spending.

Before the Democrats stand up again and rant and rave about Republicans, just stop and think for a moment that we are going to spend four times as much in interest for the national debt than we are going to spend for the Department of Labor, the Department of HHS, the Department of Education. That's the disgrace that we must stop.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding this time to me.

Mr. Chairman, there are many reasons to vote against this Labor-HHS bill, but this education title is just an abomination. It cuts $3.7 billion from last year's education budget, a 14-percent decrease, and it is $5.2 billion less than the Clinton administration requests for an investment in our children.

The sad thing is to hear our colleagues come to this floor and say we have to cut the education of our children to balance the budget. I ask my colleagues, ''Don't you know by now you're never going to be able to balance the budget unless we invest in our children, unless we give them personal opportunity, unless we give them the earning power, the education to achieve the earning power to contribute to the competitiveness of our country?'' So balancing the budget is tied to investing in our children. Any family can tell us that.

Their protestations about balancing the budget ring hollow in light of the fact that they are cutting education for children in order to give a tax cut to the wealthiest Americans. They tried trickle down once. It didn't work then, and it will not work now. Vote ''no'' on this bad bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

□ 1345

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman from Maryland for his kindness and his leadership.

First, Mr. Chairman, we begin to eliminate good health for our children, and then we go on and put the nail in the coffin by taking away the dollars for their education.

What we are doing today with the Labor-HHS bill is simply saying that we are taking $266 million from the safe and drug-free schools program, we are taking some $174 million from our special education program, $325 million from our vocational and adult education program and $701 million from student financial assistance.

Let me talk about special education, and that is special. It is for our special children, not our children that we have given up on. It is the child that needs an extra helping hand, the child that can be a successful contributor to this society and yet today we find that this legislation is undermining that child's opportunity to get an education.

And what about vocational and adult training for dislocated workers, opportunities for them to start anew?

Mr. Chairman, this is not a bill for our future. It is one that nails the coffin shut on the lives of Americans. I oppose the major cuts in this legislation in vital health and education services, that Americans need and deserve.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise to discuss a few key points on higher education that are contained in this bill.

First let me say this. In a perfect world, a world without these enormous deficits as far as the eye can see, it would be nice for us to consider providing additional support to our Nation's college students. They hold the future of the Nation in their hands, and they deserve our support, all that we are able and can afford to give.

However, this is not a perfect world. Given our current fiscal environment we have one overriding issue we must focus on over and over above all others, and that is reducing the Federal deficit. Given this priority, this is a bill that does the best it can for higher education. This is a bill that does a number of important things for higher education, such as providing the highest maximum Pell grant in the history of the program. It saves important campus-based programs such as work study and SEOG. It restricts the Department of Education's ability to spend wastefully on its gold-plated direct loan program by eliminating its ability to spend on lavish trips for bureaucrats and campaign ads for the President.

These key items as well as other key education reforms that my subcommittee is considering provide important supporting to higher education. Because of the fiscal realities we are facing, the time is now to bring much-needed focus to Federal higher education programs.

This bill does what it needs to do. It puts us on a path toward a balanced budget while at the same time supporting key higher education programs for young Americans.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I bring today to the floor this shirt which says ''shame.'' It was given out yesterday by people in the labor movement, but it is just as good to illustrate what we are doing to the children of America today, for shame.

S is for selling out the children of America, selling them out by eliminating the safe and drug-free schools program, by a 27-percent cut in vocational and adult training, $1.2 billion cut from title I, the Goals 2000 education standards eliminated, 50-percent cut in bilingual education.

H is for Head Start, which will lose more than $137 million when we sacrifice our future.

A is for the aged, which will have to choose between food and heat when we destroy their low-income home energy assistance program.

M is for mean spirited, which is what these attacks on the most vulnerable in our society are.

E is for enough, enough of taking from working people, the aged, our children, to pay for the Republican tax cuts for the rich, these same people who gained the most from the trickle-down years.

Mr. Chairman, this is a sad day for this institution, and it is a sad day for America. It has been said that we should be judged by how we treat those who are least able to defend themselves. By that standard, our Republican friends should feel nothing but shame for what they are about to do.

This is the worst bill I have seen in my 7 years in Congress, and it should be soundly defeated. Shame on all of us if we pass this bill. Shame on what we are doing to the children of America, to the working people of America and to the elderly of America, all to pay for a tax cut for the rich. Shame.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BONILLA], my colleague from the subcommittee.

Mr. BONILLA. Mr. Chairman, I think those who oppose this bill should be ashamed of themselves for working off of a fallacy and a myth in this country that somehow throwing money at an educational problem is going to solve it.

I do not need a lecture from anyone in this Chamber about what it is like to grow up in a low-income neighborhood. I did such a thing. I went to a high school that had a 50-percent drop-out rate where, when I started high school in south San Antonio, all of the teachers quit because of the mess that the school board was involved in at the time.

And you know what made a difference in me finishing school? It was not a government program. It was the fact that my parents cared enough to get involved in my education, to show up at the after-school projects and some of the events that we held in the evenings to promote education. It was not because someone threw a bunch of money at us and suddenly decided that they were going to help me graduate.

The problem with education in this country is that the parental responsibility is broken down in neighborhoods. We need to work at a grassroots level, at a civic level like I do, trying to talk to parents at schools, trying to organize efforts and support efforts in our local neighborhoods to get parents to be involved in a person's education.

We only have to look right here in our own backyard, in Washington, DC, where we spend over $9,000 per capita for each student to put them through the D.C. school system. What good has that done? They have a terrible success rate.

It is unfortunate that that has occurred, but it is because adults in this country have not taken the responsibility upon themselves to get involved and be responsible for their child's education. It is not going to matter what we do up here with Federal programs.

There are some that work. We are supporting Head Start. The 190-percent increase over 5 years, we are for that because it is a program that works. We are going to help the TRIO program because that works as well. We are fully funding that this year. We are funding bilingual education programs to the point where they can be administered in a transitional way and not allow students to exist on a bilingual program forever and they never learn to adapt to the English-speaking society that we have and succeed.

We are also supporting the greatest increase, to refer to this chart, the greatest increase in history, the greatest increase that is allowed by law in Pell grants, because this is a program that has helped kids as well that want to go to college.

So we are trying to preserve the good programs that work in this country, but do not stand up here and give me a lecture and give us lectures about what it takes to help people in low-income neighborhoods. We understand that very well on this side of the aisle, and we want to continue to support these good programs. Do not stand up and give us a lecture about what it is like to grow up in a low-income neighborhood. We understand that very well. So do not act like you understand it any better than we do.

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

Understanding it is not enough, I say to my friend, the gentleman from Texas, you need to act on your understanding, not just talk about it.

Mr. Chairman, I yield 1 minute to the very distinguished gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, all taxes are local. The Federal money came from the local level. We pay our income taxes and send them to Washington.

We need our money back for education. The States and the cities are not going to be able to take care of the education problems.

Let me just tell you about two schools in my district. Public school 208 in East Flatbush, Brooklyn, is one of them. Nearly 70 percent of all the children are from low-income families. Most of them are working poor. The school is overcrowded, filled to 120 percent capacity, with an average class size of 30. About one-third of the students test below what the State considers minimum competency in math and reading. If this bill passes next year, the title I tutoring of 270 of these children will no longer be there.

Prospect High School is another school in my district. It is 68 percent of students from low-income families. The building is almost 70 years old, in shocking disrepair. Many of the classrooms do not even have blackboards. There are not even enough chairs in the cafeteria to seat all the students, so some of them must stand up and eat or they eat propped up against the wall. Extracurricular activities are nonexistent. If this bill passes next year, these students will not have title I programs they need, 1,000 students will miss out on title I programs.

Mr. HOYER. Mr. Chairman, I yield 1 minutes to the gentleman from Massachusetts [Mr. OLVER], the distinguished successor of Silvio Conte, who would have opposed this bill.

Mr. OLVER. Mr. Chairman, I heard this bill described today as a careful consideration of priorities and elimination of useless Federal programs. Well, Mr. Chairman, I do not consider education goals for the year 2000 as useless, nor dropout prevention useless, nor education for homeless children useless, nor a Teacher Corps useless, nor workplace literacy useless, and I deplore the cuts in student financial aid and Head Start for affording 8,000 students and cuts in safe and drug-free schools.

And as for priorities, Mr. Chairman, the start-up cost for the B–2 bombers, the 20 new B–2 bombers which are unneeded and were not even asked for by the Pentagon, they would pay for all the costs of all those cuts in all these education programs that we are talking about today.

The Republican priorities here are simply wrong. We should kill this turkey. As the gentleman from Wisconsin had said, we should kill this turkey of a bill.

□ 1400

Mr. HOYER. Mr. Chairman. I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time. I serve on the Committee on Economic and Educational Opportunities and am proud to serve there.

Like my colleague from Texas himself, I remember where I come from, and I remember in 1965 was the first time we received public Federal education funds at the school that I went to, at Jeff Davis High School in northside Houston. We did not have audiovisual equipment until we got that funding.

Nowadays it pays for much more than hardware. It pays for teachers and better education. That is why I wanted to serve on the Committee on Economic and Educational Opportunities. I represent a district that the median income is $20,000, compared to my Republican colleagues which is double that and more.

If we are going to increase that level of funding for our families, then we have got to do it with better education. This bill today, cutting it is wrong. The difference between the Democrats who are opposed to this bill and the Republicans is that we remember where we come from and we know what we have to do to provide a better quality of life for the future of the United States, and that is provide more education funding.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

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

Mr. Chairman, I sat back in my office and I am watching the rhetoric on both sides, and I think there are some things that we can actually work to help some of these things. We have got an amendment, for example, that is coming up that is going to provide $6 million in outlays, in which we are going to be able to plus-up the Eisenhower grants. We talk about we want teachers to be better and our students to be better. I understand you all are going to accept the amendment, which is great. This is the kind of thing we need to fight toward, to work together.

I also feel eventually I would like to take education and would like to move most of it to the States. We get a very low percentage of the tax dollars back down to the classroom. A lot of it is eaten up with the in-between in the bureaucracy. I think it is better off down there. But in the meantime, what we need to take a look at is, while we are doing this, education is front loaded. It is forward funded. And unless we provide some transportation or some in-between time to do that, we are going to actually damage some of the things that we need to do.

We are going to provide the money for Eisenhower grants. We are going to provide the money to help impact aid for B's and B's. We are going to take some of the money, over $100 million, and put back into other programs, in job training for students. These are the kinds of things that I would hope my colleagues would focus on.

Yes, I think in some places we have probably gone a little too far. Let us work together and bring it back in line. Let us work at it, instead of just firing rockets at each other all day long.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

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

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

Mr. Chairman, we are engaged in a great debate of priorities on this floor and it is a necessary debate. We have been told by the other side that we are establishing priorities with this appropriation, that this is the basic purpose here—we want to create the glide path to a balanced budget.

Nothing could be truer and it is abundantly clear that the priorities of the other side do not include children, the priorities of the other side do not include programs which will help our young people take advantage of economic opportunities, become more competitive in the world market, in short, become educated. The priorities of the other side do not include education, planning for it, using it as a basis to expand opportunity for the most vulnerable in our society.

The other side has made the comparison to doing our own family budget and that we must get our own Nation in order in the way we get our own home in order. Well based on what the other side has come up with, we have a family budget which has invested in burglar alarms at the expense of school books, a family budget which has invested in military toys instead of computers and a family budget which guarantees that your rich uncle will be getting more in the future than your retired grandmother.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], a senior Member of our body and a member of our subcommittee.

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

Mr. Chairman, we need to be up front in telling the American people what this bill does to the education of the Nation's children. We need to tell parents how this bill threatens the quality of their children's education, their school safety, and their future career opportunities. And, while we are doing this, let's be mindful that everyday parents across-the-country are telling their children to study hard, get a good education, and you will be a success.

Parents need to know that the Republicans on the committee voted against amendment after amendment to even partially restore funding to critical education programs. Even as we meet here today, the Republicans have said that these cuts are meaningless.

Well, I do not think that the parents of the 1 million children that will be denied title-I assisted learning in reading and math will find the over $1 billion cut in title-I meaningless. I do not think that parents who are concerned about drugs and crime in their community's schools will find the $266 million cut in safe and drug free schools meaningless.

Mr. Chairman, our children should not be forced to pay for a tax cut for the wealthy. Let's not deny our children their chance to achieve the American dream. For the children's sake, I ask my colleagues to vote against H.R. 2127.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the chairman of the Republican Conference, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I want to thank the chairman of the subcommittee for the fine job that he had done and for yielding me this time.

Mr. Chairman, to my colleagues that have been about watching this debate over the last several days and to people whom I am sure have been watching it, probably wondering why all of this rancorous debate, why all of this strife. A lot of people might call it partisan bickering, yelling at one another. But what is really going on here I think we all understand is a very serious debate about what the appropriate role of the Federal Government here in Washington is today.

Now, last November the American people, I think, made a big decision. They sent this town a very serious message, that they want government in Washington to be smaller, less costly, and less intrusive into their lives.

While they said that, they sent a new Congress here to change the way Washington does its business. Probably our largest priority is to actually put forward, and we are going to pass, a plan that will actually balance the Federal budget here in Washington. As we do that, we are going to reinvent government here in Washington and reinvent the role of government here in Washington.

I am surprised as I listen to some of the debate from my colleagues on the other side of the aisle, that they think that compassion ends at the outer edges of the beltway in Washington, that our States and local communities, that parents do not really care about what happens to their children's future.

Well, they do.

Another point I would make is that as we redesign this Government and shrink this Government, what we are going to do is save the future for our children and theirs. I ask my colleagues on the other side of the aisle who have designed these 240 Federal education programs, what good it really does for our children and theirs if we are going to have these programs, but we are going to let them pay for them over the next 40, 50, 60 years, because all it is doing is adding to the national debt?

How fair is that? The fact is I think we can go a lot further moving these programs back.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I would like to engage the gentleman from Illinois [Mr. PORTER] and the distinguished chairman of the subcommittee, in a brief colloquy if I may.

Chairman PORTER, I greatly appreciate your taking the time to talk with me about my concerns over the 40-percent cut made in the budget of the American Printing House for the Blind. As you know, the American Printing House is located in my district, in Louisville, KY, and carries out the mandate of the 1879 Act of Congress to promote the education of the blind.

Over these many years, the American Printing House has produced and distributed special educational materials to legally blind students enrolled in pre-college programs. In fact, I understand that the Hadley School for the Blind in your district utilizes American Printing House materials.

Mr. Chairman, the 1995 budget last year provided $107 per youngster for a total of $6.6 million in the budget. The cut in this bill would have a very detrimental effect on the ability of the American Printing House to carry out its vital mission. If the cut proposed becomes final, legally blind students in every State will have less access to the educational aides that are produced only at the Printing House for the Blind.

Mr. Chairman, I know you share my concern for these young people. When the House goes to conference with the other body, I would be most grateful for any held you can give to restore the necessary funding for the American Printing House for the Blind.

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

Mr. WARD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am very well acquainted with the work of the American Printing House for the Blind, both through the Hadley School and through my work on the subcommittee. I do share the gentleman from Kentucky's interest in providing for the educational needs obviously of blind people. In conference I will do all I can to increase the amount of funding for the American Printing House.

Mr. WARD. Mr. Chairman, I thank the gentleman very much, on behalf of all those people at the American Printing House for the Blind, for his assistance.

Mr. PORTER. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

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

Mr. Chairman, I would just like to speak very briefly about three areas of concern that I have. I think, first of all, it is probably not the end of the world that we are making some cuts in education. I think we can probably live with some of that. But there are areas about which I am concerned.

I believe the goals panel, the national goals panel is a very, very important step we should reinstate. I am talking about $3 million or some relatively small amount of money. But those goals are not standards, they are not telling anybody how to do anything, they are goals that we need to reach by the year 2000 and I do not think we are doing it.

I would hope at some point as this goes through the Senate and goes through conference, we will look at the safe and drug-free schools, and hopefully we can restore that money, because I think that program has worked so significantly well.

Also, if there is anything left over, I think that the chapter 1 program has by and large worked effectively in the United States of America. I realize that we have to make the cuts, and I realize we are going to have to make a lot of tough decisions, but I also believe these are programs we should look at.

So I would urge all of us as we continue this to take a look at those particular programs.

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

Mr. Chairman, we started this debate talking about opportunity, and that all of us on this floor, I believe, are for an opportunity society, and that, generally speaking, our constituents believe that opportunity's door is through the schoolhouse.

The schoolhouse door is the door that has given most Americans the opportunity to better themselves, prepare themselves for the workplace, prepare themselves to be responsible, participating citizens. Yes, taxpaying citizens of our country who wanted to participate in making America great, they have done so.

We have then talked about, however, the deficit, and how the deficit is of great concern to all of us. I want to tell again my friends that I voted for the balanced budget amendment. I voted for the Stenholm amendment, which would balance the budget in 7 years. I did not vote, however, for a large tax cut in the face of large deficits. It clearly does not make sense, because we need to get the deficit down first.

The only reason I continue to suggest that we need to make these draconian cuts in education, in shortchanging the children of America, is because of the necessity of the Republican side to get to some numbers caused by their very significant tax cut of $245 billion.

Now, someone said oh, yes, but that is distributed evenly throughout middle American the middle class, and the rich were not getting rich, and it was unfair of us to say we were taking $9 billion from children and putting that $9 billion, just a portion of the $245 billion, over here for a tax cut for the wealthy.

My friends, here is the distribution: Here is the distribution of the tax cut. On the far right you have the bottom 20 percent, then the second 20 percent, the third, the fourth, and the top 20 percent. But then, my friends, you have the top 1 percent, and the tax cut they get.

Now, I suggest if somebody says this is factually incorrect, I am sure they will correct me. But I am sure that I will not be corrected, because this is the accurate depiction of what your tax cut will result in and that is the distribution.

□ 1415

Twenty thousand dollars that everybody in the top 1 percent will get is being taken from Head Start children, chapter 1 children, student loan children, energy assistance, from this bill.

Now, an additional argument that was made was, it all ought not to be in Washington. We agree with that. As a matter of fact, we agree very much that it ought to be local people, local school systems, local parents, local teachers that become engaged in how to make the education of our children better and more effective.

That is why only 2 percent, only 2 percent of the money in this bill for education is kept in Washington; 98 percent, out to students, goes out to State school systems and local school systems. Hear me now, 98 percent. That is not a bureaucracy in Washington being made fat. That is Washington trying to make sure that, as a nation, these are not just Maryland students and California students and Maine students and Florida students. These are Americans who will participate in the future in making America great. That is why we who represent all of the American people direct ourselves to this program.

It is $3.8 billion cut in education in this bill, again, I suggest to you, made necessary not by budget deficit reduction but by the $245 billion in the tax cut. You have to get it from somewhere, and the kids are here, and that is where you are getting it.

Now, title I, 1 million students are being cut out. Safe and drug-free schools, 60 percent is being cut. I frankly do not have any of my constituents come up to me and say, hey, we have accomplished our objective. We have safe schools, no violence in them, no drugs in them; we do not need to make the effort anymore. They do not believe that. We still have a very virulent cancer on our community, and it is drugs and violence in our schools. We need to help.

We are not the sole answer, but we need to help our local school systems, Goals 2000. The former Governor of Delaware rose and said this is a good program. The gentleman from Wisconsin [Mr. GUNDERSON] came up and said, the macroobjective of bringing the deficit down is excellent. I disagree with that. But the micromethod you have undertaken on your side of the aisle, he said, Republicans, you are wrong. That was Mr. GUNDERSON from Wisconsin, not the gentleman from Maryland, Mr. HOYER.

Under the Reagan-Bush 12 years, we quadrupled the budget. Let me say to my Republican friends again, not one red cent was spent in America from 1981 to 1993 that Ronald Reagan and George Bush did not sign off on. They could have stopped any and all funding in its tracks. They did not do that. They chose to endorse the priorities that were sent to them.

This President, by the way, is not going to do that, because he is right. These priorities stink and he is going to veto this bill. I am going to support his veto and applaud him in effort. I guarantee you in my opinion the American public are going to support him, too.

Why? Because over 90 percent of them think, yes, balancing the deficit is important, but saying to a child, you will not be able to compete, you will not be able to have a job, you will not be able to support your family, you will not be able to compete in global economy but, by the way, you will owe less debt, you think that makes any sense to them? They will not have a job. They will not care what debt they owe.

Vote against this cruel cut in education for our children.

Ms. JACKSON-LEE. Mr. Chairman, well, here we go again. Once more, my Democratic colleagues and myself are needing to stand up against the majority's assaults on poor women, children and the elderly.

Poor women on Medicaid who will be denied good health care for them and their children. The legislation even undercuts the very successful healthy short program that give poor children early preventive health care.

The Head Start program gives millions of American children the opportunity to start their adolescent and academic development on the right foot. The Republicans are choosing to reduce funding for this program. I can envision it now * * * little by little, they will try to dwindle this program into obscurity as well. We will not stand for this.

And our poor seniors. What will come of them during this so-called revolution? We have already seen a glimpse of what the majority wishes to do to the Medicare program * * * and now, they want not to reduce funding for the Low Income Home Energy Assistance program, but to eliminate it!

Houston, a city that experiences extreme temperatures and a high heat index, needs a program like LIHEAP. I spoke today with the Houston Harris County Area Agency on Aging about the effects on our seniors if this program is eliminated. The outlook is not good.

In our most recent Houston heat wave, the city's multi-purpose and senior centers increased their hours of operation for the emergency placement of elderly citizens at alternative sites—they needed a cooler place to stay * * * not only for their health, but for their safety. This can often be a life or death situation. Swiftly eliminating a program of such importance is irresponsible legislating.

I urge my colleagues to oppose this legislation which effectively disregards this Nation's commitment to life, liberty, and equality for all.

Mr. LEVIN. Mr. Chairman, I rise in opposition to these unwise and unwarranted cuts to the future of our country. By cutting funds to

student aid programs we are dulling the edge of our Nation's future competitiveness.

This bill decimates the Perkins Loan Program for our neediest students. In my district 682 students at Macomb Community College alone may be forced to leave school.

This bill takes seed money away from the Michigan Competitive Scholarship Program, which provides college assistance to disadvantaged students who show unusual academic promise. Isn't academic promise what we're trying to encourage?

And 250,000 currently-eligible students will be denied a Pell Grant. This is not progress, this is moving backwards.

Finally, for our youngest kids, Safe and Drug-Free Schools funding is reduced by more than 50 percent, cutting $9.2 million from my state's DARE and school-based anti-drug efforts.

Why is this happening? Because Republicans have put a priority on tax cuts for very wealthy families that just don't need it. These priorities are backwards and just plain wrong.

The CHAIRMAN. All time for general debate on title III has expired.

Are there amendments to title III?

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

Mr. Chairman, I will take just a moment because the gentleman was unable to yield to me. I had yielded to a Member on his side as part of our debate.

I say that sounds wonderful, but with the cuts in this section of the bill, in education, they amount to exactly three-quarters of 1 percent of the money spent in education in our country this year, three-quarters of 1 percent is what these cuts amount to. The sky is not falling. The sky is not falling.

AMENDMENT OFFERED BY MR. GOODLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Page 45, line 7, strike ''$1,057,919,000.'' and insert ''$1,062,788,000, of which $4,869,000 shall be for the National Institute for Literacy; and''.

Page 49, line 1, strike ''$255,107,000'' and insert ''$250,238,000''.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 10 minutes, and a Member opposed to the amendment will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

Today I am offering an amendment to support the continued funding of the National Institute for Literacy. In my mind, there is no more effective solution to many of the social ills facing today's society than ensuring that we have a literate society. Unfortunately, in the United States of America we do not. A large percentage of our people have an eighth grade literacy ability.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the Goodling amendment to restore funding for the National Institute for Literacy. We have done a great deal of work over the last 5 years. It has been in the best tradition of the bipartisan effort that we have enjoyed for many years on our committee. Adult literacy problems remain in the forefront of America's educational and productive economic needs throughout the country. The National Institute for Literacy has been instrumental in forwarding its goals.

I have to add that, even with this amendment, the bill will continue to force programs that invest in our people to fight for the same pot of insufficient funds, but this amendment reflects a return to the kind of bipartisan support for adult education and literacy that has been so important to our work together.

Funding from OERI to the National Institute for Literacy extends this bipartisan commitment to education research. However, given the cuts in education research and the increase in number of programs that would come out of the OERI line item, I would like to ask the gentleman from Pennsylvania to clarify if it is his intention in any way to affect the current distribution of funding levels between the education and the research centers and the clearinghouses within the overall OERI budget, or is it simply a positive step toward ensuring the availability of all times of educational research.

Mr. GOODLING. Mr. Chairman, I appreciate the gentleman's support for the amendment. He has always been in the forefront in our fight to improve the literacy of this country.

It is fitting that we are standing here today since we stood together on this floor in 1991, and the gentleman is correct about the intention of my amendment. I have no intention of affecting the current structure of funding for the lab, center, and clearinghouses within OERI.

Mr. SAWYER. Mr. Chairman, I appreciate the commitment of the gentleman from Pennsylvania, his leadership in this arena, commend him for his support for this and research activities. I urge my colleagues to fight against illiteracy and yield back the balance of my time.

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

The CHAIRMAN. Does the gentleman from Wisconsin, [Mr. OBEY] wish to be recognized in opposition to the amendment?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

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

I will not make a big thing of this because I understand that it is just a small item, but I did nonetheless want Members to understand that, while everyone would like to restore funds for the institute for literacy, it does come at a cost. I do not think that cost is advisable.

The amendment, as I understand it, obtains the funding for the gentleman's purposes by reducing the increase in the education research account by $5 million so there would be $15 million above last year left in the education research account.

The problem with that is that, while it sounds like that account is being healthily enhanced, the problem is that, in fact, this bill is cutting some 70 education programs, which the gentleman from Illinois, the distinguished chairman of the subcommittee, has described as being duplicative. We have said about 115 times on this side of the aisle that we agree with the elimination of many of those programs in the interest of consolidation and in the interest of rationalizing administrative structures and delivering more service for dollars spent. And because of the deficit squeeze.

But the problem with the elimination of those 70 programs is that we have been told by the committee that because those programs represent about $200 million in previous expenditures, some of those people interested in those programs have been told, well, you can try to apply, you can try to be funded in some way out of education research.

If you are cutting out $200 million and telling folks to go apply at door B but door B is only increased by $20 million, then you have got a very small percentage chance of actually getting an answer when you knock on that door.

So while I am certainly not going to strenuously insist on my point, and I am not even going to push this to a rollcall, I assure the gentleman from Pennsylvania, I take this time mainly to explain the fact that there is a cost to this amendment.

I am dubious about the value of the trade-off. I recognize the intention of the gentleman, but I wanted to indicate that, if this were pushed to a rollcall, I for one would vote ''no'' because I think that, while we can have great arguments about the Federal role in education, it seems to me there can be no argument about the necessity for the Federal Government to try to stimulate research which can help us find answers to many questions which have so far being unanswerable.

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

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

I rise to make a couple of observations. The chairman of the committee just a few seconds ago—he would not yield to me—said, look, we are just cutting a little bit of money and the sky is not falling. Well, apparently the gentleman from Pennsylvania believes the sky is falling as it relates to the literacy council.

Other colleagues on his side of the aisle said, we ought to send the money out of Washington. We ought to let the local people make the decision. We ought to have local application. We ought to have local people working on that.

Is it not ironic that the first amendment offered is to add $5 million, and do you know where that $5 million goes? Here in Washington, not out to the States, not out to local school systems, not out to local literacy councils, here in Washington.

So, my friends, I say to you, we have had a lot of rhetoric about the awful Democrats that centralizing money in Washington, and the first amendment offered by the Republican chairman of the committee, of the authorizing committee, offers an amendment to restore totally $5 million which, if divided, obviously, into 50 states, means $100,000 a State. But it does not go to the States. It stays right here in Washington,

I find it a little bit ironic. I am not against it, by the way. I want to tell the gentleman from Pennsylvania, for whom I have a great deal of respect and with whom, as he knows, I agree on his comments in the earlier part of our debate where we need to make sure that programs work effectively. He and I agree on that, whether it is chapter 1, Head Start or any other program. I am not just spending these resources and not making sure they work. But the fact of the matter is, this money, as the distinguished ranking member knows, stays right here in Washington with all those Washington bureaucrats. I am shocked that this amendment would be offered.

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

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

I want to make several points. First off, there is a 23.5-percent increase in the bill at the present time for OERI.

Second, I want to take issue, great issue with whether the money stays in Washington, DC. We have a lot of literacy programs. We need a combination, we need somebody to be a clearinghouse. We need somebody to make sure that the local and the State government efforts are coordinated. That is exactly where this money is going, my dear man from Maryland, the money is going for the development of technical assistance and information that is provided to State and local programs. They need that kind of assistance. We give them that kind of assistance, and OERI still has a 17-percent increase in this budget.

I cannot think of a better way to spend money, if you really are interested in tackling the illiteracy problem that exists in the United States.

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

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, as I understood the gentleman's answer was that the local governments needed to have this information coordinated and sent back to them on literacy.

Mr. Chairman, I agree with the gentleman. What I said was that the $5 million was for work done here in Washington to coordinate that information, to send it back to the locals. But the money that the gentleman's amendment is adding back in is going to be spent here in Washington. I believe I am correct on that. If I am not, I stand to be corrected, but staff seems to believe that is the case.

The gentleman, in his answer to me, simply said that we sent it back, that we sent that information back. That is correct. He said they need it; they need that kind of coordination from Washington. I appreciate his observation.

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

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if the gentleman will look on page 1079 of the hearings, part 5, you will find absolutely no question this is a Washington-based activity.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for calling my attention to the specific page and am pleased to hear that I was correct.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I think it is important to note that there has been a misstatement about adding $5 million. This is squeezing of $5 million out of other programs that are already in OERI. OERI's budget was increased by 17 percent, but at the same time, they were forced to assume responsibility for a number of other programs that were defunded.

Mr. Chairman, if we add up the money taken away from those other programs, like the desegregation centers, the technical assistance centers, we will find what is taken away from them is far greater than the increase that OERI received. Assuming that this colloquy had some meaning, the colloquy protects the labs, the centers, and one other item that was mentioned there as being protected. Only those 3 items are protected. All of the other entities that are included in OERI will have to suffer as a result.

Mr. Chairman, this is a squeezing, because of the fact that we start out with the wrong amount for OERI to begin with, because we have the wrong amount for the Department of Education totally. The problem is, back to the B–2 bombers, back to the F–22s, back to all the wastes that exist in other parts of the budget. We are forcing the other education programs to eat each other, and that is not proper.

We should not be laboring under the illusion, thinking that $5 million is being added here and that is going to take care of the literacy program and none of the other programs in OERI will be hurt. Many vital programs in OERI have already been eliminated and they must make up for that and assume those responsibilities with the existing money that they have.

Mr. Chairman, this amendment does not allow them to do that. It only places a greater burden on what is left in OERI, including the funding of five institutes that have to be started up and they are part of the existing OERI structure that has been approved.

All of that is being put under the hammer in terms of $5 million being taken away.

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

Mr. Chairman, of course the money does not come from the existing programs; it comes from the increase. There is still a 17-percent increase for all of those programs.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, to make one point.

Mr. Chairman, there is $20 million increase in the budget for this operation. There is a potential increase in responsibilities of $200 million. Sounds to me like that is about 10 cents on the dollar. Far from having increased ability to do the research they need, they are going to be squeezed incredibly. I think Members need to understand that.

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

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

AMENDMENT NO. 129 OFFERED BY MR. HASTERT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTERT: Page 54, line 14, strike ''objective criteria'' and insert ''specific criteria''.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Illinois [Mr. HASTERT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentlewoman from Hawaii [Mrs. MINK] take the time in opposition?

Mrs. MINK of Hawaii. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Hawaii [Mrs. MINK] will be recognized for 10 minutes.

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

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

Mr. HASTERT. Mr. Chairman, I want to acknowledge the work of the gentlewoman from Connecticut [Mrs. JOHNSON] in bringing to my attention a possible unintended consequence of the current title IX language included in H.R. 2127.

As one who has pointed out the unintended consequences of title IX, in general, I certainly do not want to create any possible problems. I commend the strong commitment of the gentlewoman from Connecticut to the promotion of women's athletics and to title IX in general. We agree that women's opportunities must continue to grow.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON] to discuss the concern that she has with the current language in H.R. 2127.

Mrs. JOHNSON of Connecticut. Mr. Chairman, the current language reads that the Office of Civil Rights of the Department of Education must have updated policy guidance, including objective criteria clarifying how colleges and universities can demonstrate, first, a history and continuing practice of program expansion; and, second, full and effective accommodation of the interests and abilities of the underrepresented sex.

I believe the word ''objective'' can, ironically, be a subjective standard. It is my fear that parties who oppose title IX, or schools that simply do not wish to comply, could take the policy guidance developed, by OCR, to court over whether or not the criteria developed are truly objective.

If such a court case was pending, Mr. Chairman, it is entirely possible that funding for OCR's enforcement of all civil rights laws would be in jeopardy. This is absolutely ludicrous and far from the gentleman's intent and far from anyone's intent in proposing the language in the bill.

My concern is alleviated by the substitute amendment we offer today, which replaces objective criteria with specific criteria. This language still ensures OCR must provide more guidance to schools by December 31, 1995. However, it is hard to argue in court that criteria are not specific. Therefore, I do not believe the same threat of a loss of funds for civil rights enforcement due to court cases exists with this language.

Mr. HASTERT. Mr. Chairman, reclaiming my time, I further emphasize the intent of this language is to make sure that OCR issues clear guidance to make the second and third prongs of the opportunities test of title IX usable for colleges and universities. Current guidance is simply not working. We definitely do not want to eliminate funding for the enforcement of important civil rights laws.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week I filed an amendment which would have struck all of the language with reference to title IX, because I felt that it would do egregious harm to the enforcement of the program and to all the wonderful things that title IX has achieved over the years since 1972.

I want to acknowledge the willingness of the gentleman from Illinois [Mr. HASTERT] to modify the language of the provision in the appropriations bill and to address our very grave concerns about the use of the word ''objective'' and how it could completely modify the enforcement potential of title IX with respect to athletic programs.

In taking the lead, my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON], has shown great leadership. The gentlewoman's concern was brought to my attention at one of our meetings. I shared that concern, and we have been working together to try to work our modification of the language.

However, Mr. Chairman, I stand in opposition to the inclusion of any language whatsoever. I appreciate the modification that it makes is less onerous to the department and less difficult to deal with. However, my general feeling is that this language is not necessary, should not be included as legislation in an appropriations bill, and certainly, from the majority point of view, where it has been expressed on so many occasions that we ought not to be micromanaging the executive branch, this is a clear indication of micromanagement in an area where I do not feel this type of instruction is either useful or necessary.

Mr. Chairman, I would like to point to a letter which was sent to two of our colleagues on that side of the aisle. It is a letter from the U.S. Department of Education in June 1995. We had public hearings on this issue and the gentleman from Illinois [Mr. HASTERT] came and testified and provided us with a clear view of the concerns that the gentleman was raising with respect to the intercollegiate athletic programs.

The Department of Education pointed out that, notwithstanding the views that are out there in the public, the Department of Education's guidelines clearly point out that the three areas of concern that have been expressed in the hearings are in the alternative that is repeatedly expressed at the hearings, and that these three guidances that have been elaborated in part of the policy documents of the Department, are expressed in alternatives. It is not a situation where all three of these guidelines need to be complied with.

The first has to do with substantial, proportionate enrollment. That is an alternative.

The second alternative is the establishment of history and continuing practice of program expansion for members of the underrepresented sex. That is an alternative way in which the universities' programs could meet the requirements of title IX.

The third alternative is whether full and effective accommodation of the interests and abilities of the underrepresented sex have been accommodated by the universities' programs. That is another alternative.

Mr. Chairman, it seems to me that the hearing clearly put forth the Department's understanding as to how they apply these guidance criteria and that in no case does the department take the point of view that all three criteria need to be met.

Furthermore, Mr. Chairman, the Department has recently stated that they are in the process of trying to meet these concerns that are out there in the various universities, and that they are in the process of putting forth new guidance with respect to these three guidance positions.

Mr. Chairman, the Department has more than adequately stated their position and clarified the problem. This provision in the appropriations bill is totally unnecessary. I would have hoped that the provision would have been stricken, together with all of the other legislative language that had been included in the global amendment of the gentleman from Wisconsin [Mr. OBEY] the other day, but it was not, so the problem still persists.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR], our minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding and I want to commend her and the gentlewoman from Connecticut [Mrs. JOHNSON] for their leadership on this issue.

Mr. Chairman, as a young man, 32 years ago, I was fortunate enough to receive an athletic scholarship to the University of Iowa. Quite frankly, had I not received that scholarship, I am not so sure that I would have been able to continue my education at that time.

I went through the University of Iowa, played football, and I do not recall at that time if there were any women at that university who were on athletic scholarships.

Mr. Chairman, title IX, instituted 20 years ago, has helped literally tens of thousands of women and young women in this country get an education who normally would not have had a chance to get an education.

□ 1445

The opportunity that an athletic scholarship provided me in terms of my education is now available, the door is now open to literally tens of thousands of young women. It has been a tremendous success, and I would hope that we would not in this Congress or in this legislation or in this amendment roll back the door, roll back the opportunities that are available to young women.

I want for my daughter the same opportunities that my son will have, and title IX has provided that for literally countless numbers of young women today in America.

Even though title IX has been in force for over 20 years now, women athletes still have far fewer opportunities to play in intercollegiate sports than male athletes. While women are over half the undergraduates in our colleges

and universities, female athletes are limited to just one-third of all varsity slots.

I might also point out at this point, Mr. Chairman, that men's athletic opportunities have not suffered overall as a result of title IX. Men's participation in intercollegiate sports has increased since the passage of title IX. In fact, for every new dollar spent on women's sports, two new dollars have been spent on men's sports. So let us not turn back the clock. Let us keep the door open. Let us make sure that these young women coming out of high school today who would normally not have had a chance to get an education and live a dream that many of them seek, have that opportunity, and I encourage my colleagues to be supportive of this program.

I want to associate myself at this time with the remarks of the distinguished gentlewoman from Hawaii [Mrs. MINK].

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

I would like to associate myself and address myself to the gentleman, the minority whip. You know, the purpose of this thing, I absolutely support women's athletics. As a matter of fact, my spouse is a women's athletic coach, and I think it has been great, the growth that title IX has brought forward in the last few years.

The problem is in my district and in districts across this country, many schools, when confronted, because the law has not been clearly laid out for them, especially in two of the three prongs, they have decided, many schools have decided, not to expand women's sports but to instead cut back men's sports to meet the proportionality rule. That certainly was never the intent of the law.

What we are asking in this is for them to set up a more definite, specific language so they can meet those last two wordings of those tests.

I think that is certainly something that we can work together on, that I am completely dedicated to and, as a matter of fact, one of the things that has happened across this country, in the gentleman's State of Michigan, my State, Iowa, your alma mater State, we have lost literally hundreds of minor men's sports teams because of this type of cutback, swimming programs, gymnastic programs, wrestling programs, those types of sports. Those participants have lost the opportunity to participate.

We are hoping that we can clarify that language and make it easier for everybody to have an opportunity to compete.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would just like to say that as one who probably would not be here today if I had not had the opportunity to participate in a very competitive women's sports program, I am pleased that we are all united on the value of title IX. We would not have the women in basketball, women excelling at the Olympics, women tennis players of the excellence and caliber, women drivers, women excelling in all of the sports, without title IX, and I commend my friend, the gentleman from Illinois [Mr. HASTERT], and the gentleman from Oklahoma [Mr. ISTOOK], for their commitment to title IX and making sure it works well for women throughout America in the course of our discussions about this amendment.

It is very important that the Federal Government be able to work with institutions so that competitive sports is a strong, healthy part of the lives of all Americans, and I believe it is critical that together we assure that not only are these regulations completed on time but they are completed in a way that the universities and colleges of America can comply with them readily, and we can all assure that progress is made toward equal opportunity for sports, to participate in competitive sports in the decades ahead for all of our kids.

I thank the gentleman from Illinois for his work on this important issue.

Mrs. MINK. Mr. Chairman, I yield the remainder of my time, 1 minute, to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of my colleagues, the gentlewoman from Hawaii [Mrs. MINK] and the gentlewoman from Connecticut [Mrs. JOHNSON] and in support of title IX.

I would just like to say that I have very athletic children. In fact, my youngest son is an Honorable Mention All-American college football player. I know how important that experience was to him. He also has a brother that is an athlete and a sister that is an athlete. It was equally important for them to have athletic experience. It gave them a grounding that we cannot overlook, and it taught all of them, boys and girls alike in my family, teamwork, taught them individual competitiveness, and it taught them self-assurance and self-respect.

We must, must support title IX, and we cannot ever take away from that program. As a matter of fact, I do not suggest that we cut men's sports. I suggest we expand our contribution to all sports.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, I rise in strong support of this amendment. I want everyone to understand this is not a debate about title IX. This is a debate about some kind of clarity and equity in the enforcement of title IX.

We have held hearings on this issue in front of our subcommittee in the Committee on Economic and Educational Opportunities as recently as July. I received a personal letter from Norma Cantu, the assistant secretary, where she said:

> I agree OCR should take steps to clarify our existing standards and to ensure that colleges and universities fully understand what steps are required to comply with title IX.

I have to tell you this right here is just part of the communication between the University of Wisconsin and the Office of Civil Rights on this issue, and it is clear that the Office of Civil Rights has decided you meet standard 1 or you do not qualify, and if you do not accept standard 1, initially, we are going to require additional remedial corrections by you; it is absolutely absurd. Either this office clarifies and corrects this, or next year we are going to have to prohibit any funding for this particular activity, and I hope none of us arrives at that point in the process.

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

Mr. Chairman, the whole purpose of putting this, as I regret in doing it because it stemmed out of a letter written to the Office of Civil Rights on June 30 with 134 signatures asking for clarification. We have never received that clarification.

It is not out intent to stop or to limit any activity, athletic activity, but we want to clarify that for schools who are participating.

I think this language takes that action, and I ask for a positive vote on this amendment.

Mr. EWING. Mr. Chairman, I rise in strong support of the Hastert amendment. In my district in east-central Illinois, I represent Illinois State University which has been wrestling with the gender equity issue for the last half year. In the last 6 months, the university has seen lawsuits raised for fraud, the canceling of its men's wrestling and soccer programs, and student athletic scholarships canceled. We have a policy at the Department of Education that is in desperate need of clarification and review.

In May of this year, the Postsecondary Education, Training and Lifelong Learning Subcommittee held hearings in which it was abundantly clear that universities nationwide had no idea if they were in compliance with gender unity or not. In some cases, even after schools had been OK'd by the Department of Education for title 9 compliance they later found in court that they were not in compliance at all.

Back at Illinois State University, the men's wrestling and soccer teams have been eliminated in the name of gender equity while women's soccer has been added. I am happy to see that many young women have gained new opportunities in sports at ISU, but I am also disappointed that many young men have lost opportunities as well, especially when they had been recruited to the university to participate in those programs. In 1974, when Congress first enacted gender equity its intent was clear: Expand athletic opportunities for female athletes. The authors of this legislation never intended to eliminate opportunities for men. Nevertheless, in the middle of their spring semester many young men were told that their

team was going to be eliminated and that if they wanted to play soccer or wrestle they would have to do it somewhere else. These students had invested time and hard work, and were very disappointed, so disappointed that these young athletes now have an attorney.

We have heard that the gender equity regulations are under review, but promises are no longer good enough. This inconsistent and confusing regulation is another example of the Federal Government micromanaging the local lives of Americans. I urge a ''yes'' vote on the Hastert amendment which will require the Department to clarify their regulations by December 31, 1995.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of the amendment offered by Representative HASTERT that modifies a provision in H.R. 2127 that would require the Department of Education's Office of Civil Rights [OCR] to clarify its enforcement policy of title IX of the Educational Amendments Act of 1972.

Colleges and universities across Nebraska have asked that the Department clear up the confusion that's been created because OCR has failed to clarify two of the three tests that ensure women and men have equal athletic opportunities.

While we all want to ensure that all students have equal opportunities to participate in and have athletic programs, the Department has continued to apply only one of three tests that are supposed to be used to help schools decide if they're meeting this requirement. Because of the Department's actions, there now exists a quota system in college athletics.

The other two tests have become meaningless because schools have no objectionable standard in which to gage full compliance with title IX.

The Hastert modifying amendment simply requires that that the Department issue specific standards on these two tests by the end of this year, so that colleges and universities will finally be able to evaluate their programs based on solid standards, instead of the current quota system.

Mr. Chairman, current title IX enforcement is threatening viable athletic programs that have benefited men and women. In Nebraska, our outstanding football program has provided a valuable source of income to the athletic department which has in turn helped the University's other athletic programs. It would be unfortunate that what has taken years to develop and has become the pride of Nebraska, could be threatened because the Department has failed to fully clarify title IX's opportunities tests.

I urge my colleagues to support the Hastert amendment to H.R. 2127.

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

The CHAIRMAN. All time has expired.

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

The amendment was agreed to.

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

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

Mr. THORNTON. Mr. Chairman, I rise to express my appreciation to the distinguished colleagues on both sides of the aisle who truly believe that education is important. The gentlewoman from New York [Mrs. LOWEY] will be bringing forward an amendment to accent education.

This is an important occasion because we are addressing problems that will affect the future of the United States well into the next century.

We are concerned because our Nation has deep problems. We are wrestling with the problems of poverty, because we have had an imbalance in our budget.

But we are also wrestling, I submit, with a larger poverty, a poverty of vision and of self-assurance that would teach us that we have the resources in this Nation to enter the next century as the greatest Nation on Earth economically, the mightiest militarily, and the strongest in pursuit of democratic ideals. But we are too poor, we are told and I am here today to say that I am tired of people saying that this country is too poor to meet its obligations to our young people for an education, we are too poor, to meet our commitment to our veterans, we are too poor, we are told, to continue to live up to the trust of Medicare.

Mr. Chairman, this Nation does have financial problems. We have great financial problems. I have been told that every person in this country owes $18,000 in debt. That is a terrible amount of debt. It is terrible to think that we are that deeply in debt.

But let me tell you something, Mr. Chairman, this is not the worst debt this country has ever had. At the end of World War II, after the Great Depression and after fighting Germany and the Axis powers and Japan to a victory, this Nation owed 120 percent of its gross national product in debt, head over heels in debt. We owed $260 billion and our total income, for everyone, was only $212 billion. By contrast, in the 1970's, we had pulled our debt down to 23 percent of our gross national product. By wise investments and increased productivity we reduced our debt down to 23 percent of our gross national product in the 1970's. Then we went on a spree of spending more and cutting revenues, creating huge deficits with the result that our debt is nearly 70 percent of our gross national product. This is bad, but not as bad as the 120 percent at the end of World War II.

These percentages of financial poverty are not as important as the poverty of courage, the poverty of vision. At the end of World War II our Nation was head over heels in debt, worse than at any point in its history, but we did not say, ''We are too poor to meet our obligations to our servicemen, we are too poor to educate our young people.'' No, sir, we did not say that.

One of the last things President Franklin Delano Roosevelt proposed before he died at Warm Springs was that when they return from conflict, we should establish a GI bill to provide an education for every serviceman and servicewoman in this country. Mr. Chairman, we are not too poor to educate our children. We were not then, and we are not now.

Just a few years later, another great President, Dwight David Eisenhower, proposed to a country which was still head over heels in debt, that we are not too poor to build an interstate system that stretches from Maine to California, from Florida to Washington, and we built the infrastructure of this country so we could have a thriving economy which has made us the mightiest Nation on Earth.

Mr. Chairman, I am deeply concerned that today, as we address the problems of the future, we are making the excuse we are just too poor, we just cannot afford it, we just cannot afford to educate our children, to keep our commitment to our elderly, we cannot keep our commitment to our veterans, because, you see, we are broke, we are broke. We owe $18,000 per person.

□ 1500

But where in that accounting of debt are our assets? How much is it worth to be an American citizen? Mr. Chairman, please tell me why people from Central America and the Caribbean and East Europe are battering the doors of this country down to move here? Do you believe they want to come in and help us carry that $18,000 of debt; that they just want to be a part of this bankrupt country? No. sir.

They know what every American citizen knows, that we are the richest and most powerful Nation on the face of the earth and that what we have is much greater than what we owe. We have an obligation to invest our money wisely.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. THORNTON] has expired.

(On request of Mr. WILLIAMS, and by unanimous consent, Mr. THORNTON was allowed to proceed for 3 additional minutes.)

Mr. THORNTON. Mr. Chairman, the point is, that every businessman worth his salt has debts far greater than $18,000, but will wisely make investments for future returns. Everyone knows that poverty is not a thing to be proud of, nor ashamed of, but to be gotten rid of as quickly as conveniently possible, and as my grandad told me, if you are head over heels in debt, you cannot spend your way out of debt, but you cannot starve you way out of debt. The only way to get out of debt is to work your way out of debt, and the way you do that is by investing in the future, in the education and training of our young people.

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

Mr. THORNTON. I yield to the gentleman from Montana.

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

Mr. Chairman, along with the attention that I think we owe the gentleman in the well is also our attention to his

statements about the poverty of courage and boldness and grandness in America today.

Let me extend that just one additional step. Not only were those who came before us in Franklin Roosevelt and Harry Truman's time and the citizens who served with them, not only did they have great courage, even in the face of debt, but they understood something that this particular Congress appears not to understand, and that is, investments in education will, in fact, in the near term, reduce the deficit.

Mr. Chairman, a former Speaker of this House asked for a review of a cost-benefit analysis of the cost of the GI bill and the benefits returned to the Treasury. When the results came back, they were astonishing. The GI bill has now paid off the entire capital cost of World War II several times. Had we not spent that education money in the 1940's, the debt would be much higher than it is today.

One of the reasons that debt continues to rise under Republican Presidential leadership is because they do not understand the necessity of investment. Businesspeople understand it. Certainly the Japanese have understood it. America not only lacks, it seems to me, in its leadership the power of courage today, but we misunderstand the necessity of investments, such as continued and increased national investments in education.

Mr. THORNTON. Mr. Chairman, reclaiming my time, every family in America understands the importance of educating our children, and, Mr. Chairman, I come before you today urging support of the Lowey amendment and to urge that we recapture the self-assurance, courage, and vision which guided us after World War II to invest in the future. An investment in education reduces our deficit, and secures our future.

AMENDMENT NO. 30 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment, marked as amendment No. 30.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mrs. LOWEY: On page 45 line 15, strike ''and 3'' and insert ''3 and 4'' and on page 45 line 17, strike $6,916,915,000 and insert $6,920,915,000.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentlewoman from New York [Mrs. LOWEY] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Mr. Chairman, I rise today to oppose the bill's cuts in student aid. Unfortunately, these cuts only foreshadow the $10 billion in student aid cuts which will be made this fall in the reconciliation bill. This bill alone cuts the Perkins loan program, one of the oldest and most important Federal student aid programs in this country.

Three-quarters of a million students across America depend upon the Perkins program. In my State of New York alone, Perkins provided low interest loans to nearly 60,000 deserving students.

As you can see on this chart, over 88 percent of undergraduate students who benefit from Perkins loans come from families with incomes under $50,000. These are kids from hard-working, middle-class families who are feeling squeezed, squeezed in whatever they do in their life. These families need more, not less, help to send their kids to college.

The bill completely eliminates another program, State student incentive grants. Over 200,000 students depend upon these grants. The modest $63 million which the Federal Government spends on the program drives over $650 million in State funds, a huge return on the Federal dollar.

The elimination of SSIG will not be made up by other sources of student aid. Where will these 200,000 students turn for help?

Let me tell my colleagues about two students who depend on Federal student aid. Sebastian Tuccitto of the Bronx attends St. John's University in my district. Sebastian is in his junior year studying accounting. Unfortunately, like so many other families in this country struggling to get by, Sebastian's parents cannot contribute much to his education. His father is a carpenter who was injured on the job and his mom works at a supermarket. Neither of his parents went to college, and let me say, school is anything but fun and games for this young man who works several jobs struggling to get that education. He works at least 20 hours a week while he attends school and he still gets a 3.1 GPA.

Does this Congress really want to make it more difficult for young men like this to go to college?

Or Denise Fiacco who will be a senior at a State school where she will major in chemistry and math. Like Sebastian, Denise is on her own. Her parents are not able to help with her tuition so Denise works to earn money for school which supplements her student aid. She even had to drop out of school for a year in order to earn money for college.

Is this Congress willing to tell Denise and Sebastian that they cannot be part of the American dream? Are we today in the United States of America, the most prosperous Nation in the world, going to tell these young people that we are not going to invest so they can get the skills so they can earn their way in this great country our ours so they can compete in the global marketplace?

A college degree today is simply a matter of economic survival. Again, my colleagues, look at this chart. Look at the fact. A person with a college degree earns close to twice as much as someone with only a high school education earns. The more a person learns, the more a person earns.

Are we willing to tell Denise and Sebastian that we do not care about their future today? I certainly am not.

I cannot find any way, my colleagues, to defend these cuts. We are going to hear a lot of excuses, but there is no way to defend these cuts. Let us not balance the budget on the backs of our Nation's future, our students. Let us give each and every student the same chance at the American dream that our own children have.

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

The CHAIRMAN. Does the gentleman from Illinois wish to be recognized in opposition?

Mr. PORTER. Mr. Chairman, I would.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 20 minutes.

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

Mr. Chairman, the bill contains the largest single year increase in Pell grants ever and raises the maximum grant to the highest level in history, $2,440. This is the program that provides access to the most financially needy students in America who would otherwise not be able to afford to go to college.

The bill fully funds the supplemental educational opportunity grants at the President's request and at the 1995 level. The bill fully funds the work study program at the President's request at the 1995 level. The bill fully funds the TRIO program at the President's request at the 1995 level. That is over $7 billion in student assistance and it is all grant assistance, not loans that have to be repaid.

As the gentlewoman from New York notes, we have reductions in funding for two programs which together previously represented less than 3 percent of Federal student financial assistance in this bill. The Perkins loan program is a revolving loan program that already has $6 billion in assets in it. I might note that the President himself proposed terminating capital contributions for this program last year as we have done in this bill.

The Perkins funds are funds that are controlled and matched by over 2,000 participating schools. Loans are made by the schools and when they come into repayment, new loans are made.

Our bill in no way affects the $6 billion in those revolving loan funds.

It is true, however, that we are not adding new capital to the program. In this budget environment, we simply cannot be increasing the program. But the funding that is already out there is going to stay there. Now loans will be made.

Earlier, the gentleman from Wisconsin suggested that hundreds of thousands of students are not going to get loans because we are not adding $158 million in new capital to the Perkins

program. That contention is simply wrong. Every kid that would be served by Perkins if we put that $158 million in new capital in the program will qualify for a direct student loan or a Federal family education loan. This decision on Perkins will not prevent a single student anywhere from getting a Federal loan, period.

Now, we have some who have suggested that if we do not add capital to this program, it will wither and die over time. This is also misleading, Mr. Chairman. Students pay 5 percent interest on Perkins loans, which means that they repay more than they are loaned. So the program actually grows over time. In addition, schools must match at least one-third of the Federal contribution. They tell us that this is a very high priority program for them.

Well, if the schools continue making their contribution to the program in addition to the $6 billion they already have in their revolving funds, the program will continue to grow.

The only way Perkins will shrink in the absence of Federal capital contributions is if schools do a poor job of collecting loans, if they permit defaults in excess of 5 percent plus their contributions to the programs.

Mr. Chairman, the gentlewoman's heart is in the right place, but the Perkins program is going to remain strong. It is going to continue to grow despite this small, reasonable contribution to deficit reduction.

I want to address the issue of the State student incentive grant program for which the Federal contribution is terminated in this bill. Just like Perkins, this is a program that President Clinton proposed to terminate last year and he still proposes terminating it.

This program was created in 1972 as a temporary incentive program to encourage States to establish their own need-based grant programs. It was not intended to be a permanent subsidy to the States. In 1972, only 26 States had need-based grant programs. Today, all 50 States and the District of Columbia have these programs.

As the National Performance Review indicated, the program has achieved its purpose and should now be terminated. In addition, today 46 States overmatch the SSIG requirement; 42 States award need-based aid other than SSIG and 33 States award non-need-based grants; 23 States make grants to part-time students and 21 States make grants to graduate students. Clearly, the Federal responsibility and role have disappeared.

According to the Department of Education, the Federal contribution to SSIGs represents only 2.5 percent of grants awarded by States. The members of our subcommittee felt, I think rightly, that at a time when we have to reduce spending in this bill by 13 percent overall, 9 percent in this cycle, it is certainly fair to ask the States to accept a reduction in Federal subsidies of their grant programs of only one-fifth of that amount.

Some critics have suggested that some states may discontinue their grant programs if the SSIG funding is terminated. I cannot imagine a more irresponsible response to this bill. All of the States have had 24 years of Federal assistance to get their systems up and running and to become self-sufficient. If the States cannot become self-sufficient in 24 years, they have either grossly mismanaged their education funds or they have abused the Federal assistance by treating it as a permanent operating subsidy rather than as start-up assistance, as it was intended.

□ 1515

Mr. Chairman, this bill and the student loan entitlements will make available to students $35 billion in student financial assistance in 1996. These reasonable reductions and strong support for student aid proposed in this bill will not adversely affect students, and they should be adopted.

The sky is not falling.

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

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the Perkins Loan Program began in 1958 in response to the Russian Sputnik program. It was part of the National Defense Education Act. I would not be here in Congress today if it were not for that National Defense Education Act. That is what enabled me to get a college education.

This Congress, a long time ago, decided to give people like me the opportunity to work their way up the opportunity ladder, and I am very grateful for it. About one-third of the Members of this Congress have been beneficiaries of the very same program which we are suggesting now that we will not fund for the first time since 1958. I ask my colleagues to not pull the ladder of opportunity up after they have climbed it before they let others do the same thing. Give them the same opportunity that we have had.

The Republican majority says, ''Oh, don't worry, don't worry. This isn't much of a cut.'' Tell that to the 150,000 students who are not going to get Perkins loans. Tell that to them. Go ahead. And keep in mind the second step is going to come in September when the reconciliation bill comes to this House, and in that bill the Congress is going to be cutting $10 billion additional money out of student aid. That is estimated to increase the cost to student borrowers on average by 20 percent. If my colleagues think increasing the cost to student borrowers by 20 percent is opening the door of opportunity, I think they need a new dictionary.

I just cannot believe that we are about to do this. You talk about a $10 billion reduction, they talk about the elimination of the Perkins loan program, as though it is nothing at all. Well, if it is not real savings, then how are we going to be able to use that $10 billion for the purpose you intend, which is again to provide those tax cuts for people making more than $100,000 a year. It is a bad mistake.

Defeat this bill.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for yielding this time to me.

Mr. Chairman, Lu Ann Nye and her daughter are the kind of folks that are going to be impacted by what is happening here today. She is a courageous woman who had the courage to leave welfare, and go back to Austin Community College, and get a degree to support her daughter. Our Republican friends came after the daughter and her friends when they began cutting school lunch earlier in the year. Now they come after the big brothers, and the big sisters, and the older students, like Lu Ann, and cut into their Federal study financial assistance, and when they cut, it is not just dollars that they are cutting, but the hopes, and the aspirations, and the dreams of a generation of people, up to, as the chairman said, the ranking member said, 150,000 young people on the Perkins loan program.

How extraordinary it is that this House is headed by a Speaker who is a sometime professor of history at a time that we are ending an historic Federal commitment to education.

Mr. RIGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, there is a difference in philosophy, and I think, if debate boils down, I think we ought to point out the differences in philosophy.

This side of the aisle are saying that we are cutting education. On our side we think that they will fail to see the solution to a very simple problem, that there is too much bureaucracy that eats up the dollars that we send back to the Federal Government, and, by the time we send it back to the States, we only get about 23 cents out of every dollar back down into the classroom.

The second misnomer is it is not their money. Every time that my colleagues take and give a dollar out, they have got to first take it away from somebody. They are taking it away from the very people that they try to give it back to, and they give it out, and only 23 cents on the dollar. I say to my colleagues they sure could not run a business like that.

So, if my colleagues want to increase the amount of spending on education, we need to send it back to the States. We also need to limit the size of State government so that that bureaucracy does not eat up the money for the very thing that we are trying to do.

Let me give my colleagues a classic example. I have got a school in Scripps

Ranch. That school has got fiber optics into it. It was a partnership between the city and State. We have got computers in every classroom. I have got boys and girls in vocational education swinging hammers. They are building modular units. And guess what? They are selling those units, and then they reinvest the money in high-tech education equipment within that school. Those that are college-bound in architecture, design, and computerization are also encouraged, and they have actually redesigned the whole school, and guess what, in the summertime the partnership of labor and private enterprise are higher in those same kids.

Now think of the advantage that these kids have over someone that does not have that program. It is on a local level.

And then they chastise us and say we do not care about kids because we are cutting money from the summers jobs program. The summer jobs program has probably taught less than 5 percent of the kids how to work and how to get a job. The place to teach kids on how to survive in the future is in education, is at the site, either vocational or those that go for college bound, and we need to take those kinds of moneys and invest them in those programs.

We double our knowledge every year now, not 30 years like we used to, Mr. Chairman, and, if we do not have the facilities for the kids to learn, then they have a legitimate gripe that the difference between those that have money and those on a low-income will increase disproportionately, and that is what we need to do.

If my colleagues really want to take a look at how to kill education, keep the Federal bureaucracy going. We have got to eliminate the power of Members in this body to send home dollars so that they can get reelected over and over, and take that power away and give it back to the people, and that is the difference of opinion.

We are not killing education. We are giving the power of the people and the States the power to control their own destiny and take the money and the power away from Washington, DC. That is the total difference.

Now the gentleman from Wisconsin [Mr. OBEY] said that, if it had not been for the National Defense Education Act, he would not be here. Many of us wish in that case that it had never existed. Mr. Chairman, I am joking. The gentleman from Wisconsin [Mr. OBEY] is a good friend.

But in the grant that the gentleman from Mississippi [Mr. MONTGOMERY] worked hard on, those are good grants out of the Federal Government.

Education is financed by 95 percent in the States. We only fund about 5 percent, and we are destroying it? No, what we are doing is saying we need to turn that 5 percent, get most of it back into the classroom, eliminate the bureaucracy in Washington, limit the bureaucracy in the States, and get more of the money down into the classroom. That is not a concept that should be beyond the Members over here, but yet they want to hang on to the power, the power to get reelected.

And I look at the Pell grants, and the history and look at the number of dollars that have been taken from the GI bill. We did not have the bureaucracy we had when the GI bill was stated. Most of it went directly down to those people that loaned it, and, Mr. Chairman, when my colleagues think about cutting education they should take a look and mention the school lunch. The school lunch program is set to feed those kids that need it, 185 percent below poverty level, and the gentleman from Texas fails to see that solution also. Why should the Government, why should they have the power to send dollars to feed my daughters? They do not need the money, but yet they want the exclusive right to control all the dollars.

That is wrong, Mr. Chairman, and that is the difference between the philosophies. Let us take care of the people that really need it, and let us take the power away from the Federal Government. I am trying to take my own power away, and my colleagues', and treat that power and get it to the kids and to the families. That is the difference of opinion. We are not cutting education. My colleagues are stopping education from growing because of the big-government Clinton politics that their side supports.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, beginning with Thomas Jefferson and throughout the ensuing two centuries this Nation has followed a grand and productive tradition of the local, State, and Federal education partnership. Today with shame the U.S. House of Representatives sounds an unprecedented retreat on that centuries-old commitment to America's students, and this amendment describes why.

Three years ago this Congress passed, and President Bush thankfully signed, the Middle Income Student Assistance Act, of which I was the sponsor. Today with shame the House of Representatives reneges on that commitment.

Perkins student loans are particularly valuable to middle-income college students and their families, and with shame this House is about to vote to cut 157,000 middle-income students off of that assistance. I say to my colleague, those aren't bureaucrats, Mr. CONNINGHAM. Those are middle-income students, American citizens. Today the House changes in the Pell grant program will deny 220,000 middle-income students a Pell grant. Those aren't bureaucrats. Those are your kids.

AmeriCorps accepts middle-income people, as it should, and they can earn $9,000 in college stipends. Shamefully that program was eliminated by the Republican majority law week.

These efforts of the new majority in this House aimed at America's middle-income struggling parents and students are shameful, and they are unnecessary, and they are imprudent, and they are unwise, and worse, my colleagues, they will end up increasing the Federal deficit in just the next decade. That is the shame.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mr. Chairman, the legislation before us will impose severe cuts on educational assistance, and it will deny millions of Americans the chance to go to college, and this is an opportunity that is increasingly elusive for middle-income Americans, and I would like to illustrate the effect of these cuts by introducing my colleagues to a young lady. Her name is Jenifer. She is from Hockum, WA. She is one of eight children, the first in her family to go to college. Jenifer lives on her own. She supports herself, and indeed she helps her family with their expenses. Her father is a logger, and he makes about $28,000 a year. She has to pay a tuition of about $11,600 a year. She commutes 60 miles a day to school. She works 30 hours a week in her hometown, and she works an additional 15 to 20 hours at her college, and when she graduates she wants to become a teacher. Jenifer currently receives Federal financial assistance in the form of Pell grants, Perkins loans, State student senate grants, all of which are reduced or eliminated under this legislation. Under this bill she would most likely loose her SSIG grant and her Pell grant, and the amount of her Perkins loan would either be reduced, at best, or eliminated. This adds up for her education to an additional $2,000 to $3,000 in added costs, and I ask my Republican colleagues where is she going to get this money? She cannot possibly work any longer. She already commutes 60 miles a day to school, but I tell my colleagues what I think is likely to happen.

□ 1530

She very well might be forced to drop out and to compromise her chance for a college education. She represents exactly the type of young person we should support, but instead this legislation is taking away that support.

We must continue to support higher education through these programs. We must continue to provide people a chance to achieve the American dream. Let us not take that dream away by passing this legislation. Let us reinforce and reinvent the future of this country.

Mr. RIGGS. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished Chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Chairman, it has been a long day or two on this bill. Every time I walk into the Chamber I hear some of the most incredible stuff imaginable. The world is truly coming to an end, according to the other side. We are reneging on our commitments, whether you are talking about violence against women, which has nothing to do with this section of the bill but I know is a primary source of concern for the gentlewoman from New York who spoke earlier on that.

We are spending more on this bill than has ever been spent on that program. Speaking of spending more than ever—$278 billion—is what this bill would spend—$278 billion on health, education, labor issues, and workfare issues—$270 billion—more than we spent on defense of the Nation.

Now, $7 billion of that would be spent directly on education assistance for people who do not have any money, $7 billion. As I said earlier, you remember Everett Dirksen's comment that a billion dollars here and a billion dollars there and pretty soon you are speaking of real money, $7 billion is a lot of money. Not only is it a lot of money, but the fact is it breaks down into some 240 separate programs, each with its own constituency, each with its own bureaucracy, each overlapping, each spending money unnecessarily.

I heard the gentleman who preceded me say unnecessary cuts. I would say there is unnecessary spending because we are spending money on bureaucracies that compete with each other to shovel out money. But whose money is it? The money belongs to the American taxpayer. As long as these people can stand there and say how much they are doing for people in America, using money from the American taxpayer, as long as they can write the checks, as long as they can pass out the credit card, they are happy. They do not want to streamline Government. They do not want to cut back. They do not want to make it more efficient. And then they have the gall, the audacity, the effrontery to stand in this well and say how badly we are cutting.

Let me show you how we are cutting. Here is a good example. We have heard Pell grants talked about for the last several minutes. This bill supports student assistance by providing the largest maximum Pell grant award in history, $2,440 per student. Now, that is the largest amount ever in the history of the Pell grant system, $2,440 per student.

So are we cutting back? Oh my goodness, we are giving more money to the students than ever before. In the work study program it is fully funded at last year's level, $617 million. The program provides grants to 3,700 schools to provide work study opportunities for 713,000 students who receive $1,092 per year.

The Federal supplemental education opportunities grants program provides $583 million, and the Trio program provides $463 million, which benefits minority and disadvantaged students. They are both preserved at last year's spending levels. Let me repeat that for those that missed it, last year's spending levels.

There is $6 billion left in the Perkins loan program, which we heard so much about. If schools manage their portfolios, do not permit defaults and continue their current contributions, that account could actually grow so not a single student will go without aid as a result of these actions.

Now they say the sky is falling, the world is coming to an end, but not a single student will go without aid as a result of these actions. I urge the adoption of this bill.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, this Congress has passed some awful legislation, but this bill is worse than I ever thought possible.

Mr. Chairman, this bill signals the beginning of the end of the Federal Government having any responsibility whatsoever, in helping middle income and low income students get a college education.

Mr. Chairman, I know first hand the importance of education, because, 27 years ago, I was a single, working mother receiving no child support.

I was forced to go on welfare, even though I was working, in order to give my three small children the health care, child care, and food they needed.

Fortunately, I had advantages that many mothers on welfare do not. You see, I had an education. I had some college and I had good job skills.

But, just because I made it off welfare, I will never, not for 1 minute, think that so can others with fewer advantages—those with less education, or no education at all. That is why, for the life of me, I cannot understand why some Members who used student aid, the G.I. bill, as a ladder to make a better life for themselves now want to pull that ladder up behind them.

This righteous attitude of ''I did it, so why can't you'' has no place in this body. It has no place because it leads to elitist and dangerous policy like the drastic cuts in student loans we are considering today.

These cuts make it clear that the Gingrich Republicans would rather invest in a tax break for the fat cats, then student loans for low and middle income families.

Mr friends, I could go on and on about the other faults of this bill, but they are much too numerous to mention.

But, one thing is for sure. This bill will go down in history as a declaration of war on our children, our working families, and seniors.

I urge all Americans who care about the education of their children to tell their Representatives to oppose this bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman of the Committee on Economic and Educational Opportunities.

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

Mr. Chairman, I take this time just to make two observations. One I made yesterday when the gentleman from Ohio offered his amendment where I indicated that he was buying 40 minutes of time, but he was not buying any education or any training.

I have to say the same is true, of course, in this amendment, where we are buying 40 minutes of time or how much ever time it is but only buying $600,000 worth of outlays in money.

The second observation I want to make, two or three speakers ago made the statement that we are cutting out the Perkins loan, and I want to make very sure that nobody goes home with that thought in mind, because, of course, the $6 billion in the revolving fund is still there. The encouragement is to make sure that you collect it so it can revolve so more students can use it.

So we are not cutting out the Perkins loan, as a matter of fact. What we are doing is allowing the $6 billion in the revolving fund to continue. I wanted to make those two observations to bring a little reality to the debate.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me the 1½ minutes.

Mr. Chairman, the value of a college education is unquestioned in our society yet the Republican majority has decided that a college education should only be granted to those with enough cash to pay up front. By reducing the funding available to the Federal student loan program, 5 million undergraduate students will see increased costs for their college education. Again, the Republicans are asking a generation of Americans who did not run up our debt to pay the cost of reducing the deficit.

The message is simple. If your parents are wealthy, you can expect the finest education anywhere in the world. However, if you are from a working class family you can expect to work harder, make less, and have no hope of a college education unless you can manage to work full-time while you go to school just to pay the interest on your college debt.

This is the most profound attack on the American dream in over 20 years. By eliminating the opportunity of a college education, the Republicans are sentencing millions of young Americans to the McJob market: low pay, no benefits, no potential for growth.

In essence, the cuts in higher education equal an attack on the standard of living for every American. A less

educated society demands less in the terms of salary and cheap labor results in mega-profits. We are no longer in the era of sending jobs overseas for cheap labor, the Republicans are attempting to grow their own cheap labor right here in the United States by ensuring that the children of the well-off get educated and the children off the middle class and working class become the cheap labor force of the future.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, in 1935 Thomas Wolfe said, America, it is a fabulous country. It is the only country where miracles not only happen but they happen all the time.

Well, Mr. Chairman, I have lived an American miracle. I began my adult life as a mother at 18, mother of two by 21, and my husband and I struggled with the problems that ordinary people all over this country are facing. We know first hand what it is like to be in a job market without any real skills, to go without health insurance, to have a table full of bills that add up to more money than there is in the checkbook. Yet today I have both undergraduate and law degrees, and I have had the opportunity to serve my community at all levels in government.

What happened? Hard work and lots of it. But hard work was not enough for me or for many other people in this country. Without the helping hand of student loans and grants, my college education would have been out of my reach. My husband and I could not afford it. My parents were not in a position to help me. My father was a mailman, my mother was a homemaker, ordinary people without resources to contribute to my education. Financial aid was the key to my success.

Of course now, as a Member of Congress, I can easily pay for my children's education. In fact, all 435 Members of this body can pony up the money necessary for college tuition. In fact, these cuts we are discussing will not hurt the children of the people who are vigorously defending them.

It is also interesting to note that many of the individuals who support these cuts took help from these very programs when they were on the way up. What hypocrisy. I guess it is easy to pull up the ladder of success once you and your children are safely on top.

But what about students like me, the children of mailmen, of autoworkers, of waitresses, of cabbies, of ordinary people all over this country who want so very much for those kids?

Mr. Chairman, we must keep the doors of educational opportunity open. Miracles are waiting to happen.

□ 1545

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

Mr. Chairman, let me just say I have to marvel at some of the comments coming from the other side of the aisle. one would think that we have in fact defunded or we are proposing to eliminate funding for worthy and needy college bound students, when nothing could be further from the truth. What we are actually talking about here is increasing access for needy young people in America to a college education.

Now, the gentleman from Illinois, Mr. PORTER stood just a moment ago and explained I thought very thoroughly, very patiently, that we are increasing in this bill funding for the Pell Grant Program. In fact, we are providing the largest maximum Pell grants in the history of the country, $2,440 per student.

We are also in this bill making sure, of course, that the Perkins Loan Program, the revolving loan program, continues in existence. That program has $6 billion in assets already in it. Assuming that the default rate stays at a reasonable level, that program should continue for a considerable length of time, in fact in perpetuity. Loans are made by the schools participating in this program. and, frankly, we have over 2,000 schools participating in the Perkins program today.

All we are doing here in response to the amendment of the gentlewoman from New York [Mrs. LOWEY] is, frankly, acceding to a budget recommendation made by the administration, which proposed to eliminate the capital contribution to the Perkins Loan Program.

We also want to stress, again, Mr. Chairman, that we have attempted to be responsive in the preparation of this particular bill. Chairman PORTER cited earlier that the bill fully funds the supplemental education opportunities grants at the President's budget request and at the 1995 level. The bill also fully funds the work study program at the President's request and the 1995 level. The bill fully funds the TRIO program, which is designed to assist minority and disadvantaged students, at the President's request and the 1995 level.

Taken together, that adds up to over $7 billion in student assistance. It is all grant assistance, not loans, that have to be repaid. We can stand today and say to our Democratic colleagues that in fact we have made a good faith effort here to increase access to a college education. We have provided again the largest maximum increase in Pell grants in history, and, frankly, the gentlewoman's amendment should be defeated in the face of this overwhelming evidence that no needy, qualified young person who is college bound is going to go without Federal assistance should they qualify.

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

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, the chairman of the full committee got before us and he gave us some mind-boggling numbers. Let us reduce it to something a little more understandable. There are a few people who did not make it into his scale. There are 2,600 young people in the State of Oregon getting State student grants this year who will not get those grants next year because we are zeroing out that program. That is 2,600 Oregonians.

That is mirrored time and time again around the country. State student incentive grants are gone. They are zeroed out. They can go over and apply for the increased Pell grants. We heard a lot about the increased Pell grants. It is partially true. They are increasing the amount of the grant, but there are an estimated 221,000 students who would be eligible under this year's income guidelines, middle-income kids, who will not be eligible under their new guidelines.

So yes, those lucky few who still get the grants will get a little bit more, but 221,000 middle-income American kids, scholastically qualified to go to college, will not get help with Pell grants next year because of changes they are making in the program. Seven hundred fifty-seven thousand Perkins loan kids are put at risk because of the changes we are making in the program.

I got student loans, many of you got student loans. Let us remember back to those distant days. There are others here who are much more wealthy, they never needed student loans. Try and have a little compassion. Try and understand the plight of the average American family. I know it is hard when you are at $133,600 a year and you live in the cocoon of Washington, DC to understand average American families. But just try. They need this help so their kids can do a little better, like we did.

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

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes.

Mrs. LOWEY. Mr. Chairman, yes, in the words of the gentleman from California [Mr. CUNNINGHAM], there really is a difference in philosophy, and nothing has made it clearer than the debate we have seen over this amendment, and in fact through the entire bill. We have heard people say ''Cut the bureaucrats.''

Mr. Chairman, we are cutting kids; we are not cutting bureaucrats. These are loans to middle-income kids, families who are striving, who are working hard to find the American dream. We are not cutting bureaucrats. Let us tell it to Denise, let us tell it to Sebastian in my district, let us tell it to the million or more youngsters who are not getting a student loan as a result of our actions today. And the best is yet to come, because we have seen promises in the budget, in the reconciliation bill of the leadership, that would cut

even more deeply into student loan programs.

We are talking about the American dream. We are talking about investing in our youngsters. We are talking about giving youngsters the opportunity to get that education, to work hard, so they can be something.

Government should not be a handout, government should be a hand up. I cannot think of any program that fulfills that philosophy. Oh, yes, the distinguished chairman of the committee said that we have the gall, the audacity, to fight for these programs. Yes, we have the gall, yes, we have the audacity, to stand up for working families, to stand up for their children, to stand up for the future of our country.

Let us be sure that our student loan program is protected. Let us be sure that we continue to establish our priorities and invest in our young people and our future.

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

Mr. Chairman, in response to the comments by the gentleman from Oregon, I would just like the gentleman to know that not everyone on this side of the aisle is completely heartless and insensitive. I am currently supporting my 19, soon-to-be-20-year-old son, who is attending a vocational education program in the Washington metropolitan area, so I think I know a little bit about the kind of financial commitment it takes to help support a dependent child obtain a career education.

Second, Mr. Chairman, I simply would like to say that, again, in cutting the State student incentive grant program, in eliminating the capital contribution to the Perkins program, we have adopted proposals made by the President and his administration to terminate those two particular programs.

Overall, Mr. Chairman, in this bill, the funding in this bill, coupled with student loan entitlements, will make available to students $35 billion in student financial assistance in 1996. We think that demonstrates strong support for student aid. I urge Members to oppose the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, pursuant to an agreement with the majority, I ask unanimous consent to withdraw my amendment, because there could not possibly be enough resources allocated in this bill to make up for the cuts.

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

There was no objection.

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

Mr. Chairman, this bill contains legislative provisions concerning the new direct student loan program that would severely damage the Department of Education's ability to manage that program effectively; and that constitutes blatant protection for special interests at the taxpayers' expense.

The bill cuts student loan administrative funds from $550 million to $320 million, and reserves half of that for the guarantee agencies. Since the guarantee agencies were projected to receive only $156 million based on this year's ACA formula and next year's projected loan volume, they are guaranteed a $4 million increase by this bill, and it could be more. Meanwhile, funds available for the Department are cut from $394 to $160 million. That's a cut of $234 million, or 60 percent. The Department says it could easily live with a $100 million cut, and perhaps it could absorb somewhat more. But a 60 percent cut is nothing more than a clear attempt to totally gut the administration of direct loans. This is a stealth attack on that program carried out in this appropriations bill where it does not belong, before the proper authorizing committee has considered the issue.

Now when we are cutting everything else, why on Earth are we guaranteeing an increase of at least $4 million, and possibly much more, for these guarantee agencies? Is this the Guarantee Agency Protection Act? This is ridiculous.

Chairman PORTER argued in his ''Dear Colleague'' letter yesterday that guaranteed loans, with 69 percent of the total loan volume, would be managed with only half of the administrative funds, namely this $160 million reserved for the guarantee agencies. I respect my colleague so highly that I know he has been terribly misled by someone, for he would never knowingly put out such total claptrap. Here is what guarantee agencies get in addition to the $160 million in administrative cost allowance. They get a 1 percent fee from borrowers, totalling about $170 million next year. By the way, that is not scored by CBO as a cost of guaranteed loans, even though the Federal Government gets to keep that amount on direct loans. They get the interest on their $1.8 billion of taxpayer-provided reserve funds. At 6 percent, that would be about $108 million. That's also not scored as a cost of guaranteed loans, even though the taxpayers could take back that entire $1.8 billion under 100 percent direct lending. They get to keep 27 percent of whatever they collect on loans after they have gone into default. That's about $300 million a year. By the way, it also gives them an incentive to allow loans to go into default. Finally, they make untold profits as secondary market players by arbitraging with tax free bonds at cost to the taxpayers of $2.3 billion over 5 years, also not scored as a cost of guaranteed loans even though it would not happen with direct loans.

All told, the guarantee agencies support their 8,000 employees with revenues of about $638 million plus their arbitraging profits. Actually, 5,000 employees are supported by the $638 million, an average of $127,600 per employee. But these agencies aren't the servicers of most guaranteed loans at all. The lenders do that using part of the interest paid by students. These agencies are nothing but middlemen who would be completely unnecessary under direct lending. Their entire $638 million plus cost could be wiped out. So, the claim that $160 million of their funds represents the total cost of administering guaranteed loans is an outrageous distortion.

Now let's look at the Department's funds. Of the $394 million the Department was to get next year, it says $200 million was for the guaranteed loan program—to administer the default payment system, the loan application and management system, and the collection system. By the way, the recent CBO scoring actually counted that money as a cost of direct loans rather than of guaranteed loans—an inexcusable plain error.

Now, if the department has only $160 million to administer both guaranteed and direct loans, including the entire cost of direct loans—even the servicing—there's no way that can be done without gutting direct loans. That's the real purpose of these provisions, and we should not be fighting that battle on this bill.

The second purpose is to protect the guarantee agencies. If that's not obvious from the provision increasing their ACA to $160 million, it's obvious from the provision preventing the Secretary from taking back any of their reserve funds. With direct lending growing, we will not need as many guarantee agencies. Why prevent us from taking tack the reserves when any of them go out of business? This is blatant special interest protection, and we should be ashamed to be putting it in this bill.

Mr. Chairman, the gentleman from New Jersey, [Mr. ANDREWS] and I were going to offer an amendment to eliminate these terrible provisions. Because he cannot be here today, and because we have not had enough time to educate the Members about these issues, I will not offer that amendment. But I do urge the committee to reconsider this issue, and change these provisions in conference.

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

Mr. Chairman, I take this time simply to try to tie up some loose ends on the last discussion. By all means, cut the deficit. By all means, for the 105th time we say: ''We agree, cut duplicative programs and cut waste.'' But you cannot have it both ways. You cannot say to the American people, ''Oh, we are going to have sweeping change throughout this country,'' and then say, ''Oh, but, by the way, do not worry about it, folks; nobody will feel anything when we make these major cuts.''

The distinguished chairman of the Committee on Appropriations says let

us quit taking money from the taxpayers. The fact is that the education programs we have been describing have been our Nation's effort to give money back to those working taxpayers. Evidently our friends on the majority side do not want to do that, at least not as much as we used to. Instead, they want to give billions of dollars back to the truly needy corporations of this world, everybody from AT&T, Texaco, International Minerals, Xerox, Union Camp, Panhandle, Grace, you name it. They want to give them back billions of dollars, because they want to eliminate the corporate minimum tax. Even though companies make billions of dollars in profits, they do not pay zip in taxes. So you put corporations ahead of students and working families. I do not think that makes much sense.

We are also told, ''Oh, we are increasing opportunity.'' Very interesting. The last time I looked, the discretionary funds in this bill went from $72 billion last year to $62 billion this year. That is a $10 billion reduction. In addition to that, in the reconciliation bill which you intend to do, it is to take away another $10 billion in student aid and raise the cost to the average student getting help under these programs by 20 percent over their lifetime.

You say, ''Oh, we didn't cut Pell.'' Thank God for small favors. But the fact is that the Pell program under this budget is still in real dollar terms $300 below where it was in 1991.

The reason we are upset with these reductions in education is because this is what has happened in the budget since 1980. In 1980, what we spent on our budget on investment, and I mean investment in kids by way of education, investment in infrastructure by way of decent roads and bridges, investment in science so we could make the economy grow and create better opportunity for everybody, investment was 16 cents out of every budget dollar in 1980, before Ronald Reagan walked into the White House.

□ 1600

By 1992 it had been cut down to 9 percent. That is about a 40-percent reduction as the share of our national budget. That is a mistake. We are eating our own seed corn. When you deny student loans to kids, that is exactly what you are doing. It is penny-wise and pound-foolish, and it is cruel to boot. We urge Members to vote no on this bill.

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

Mr. Chairman, I rise to engage in a colloquy with the gentleman from California [Mr. RIGGS].

Mr. Chairman, last year I introduced H.R. 1337, legislation which provided competitive grants for public secondary schools wishing to increase their academic year.

Mr. Chairman, on this floor we debate the question of funding in education. It is, of course, not only a question of funds. Our students can do no more than we challenge them to do. America has the shortest school day and the shortest school year in the industrialized world. The language that was included in the elementary and secondary schools reauthorization bill provided for a Federal program to allow school districts to begin experimenting with a longer school year.

That legislation included an explicit authorization for $90 million for fiscal year 1995 and such sums as may have been necessary in the ensuing 4 years to begin experimentation with a longer school year.

In title II of the bill we are currently debating, $842 million is authorized for school improvement programs. While I regret the Committee on Appropriations was unable to specifically allocate money for this program, I would like to make it clear that this is not a reflection of a lack of support for the authorization that this Congress voted upon last year but, rather, a simple reflection of the reality of difficult fiscal constraints that the committee currently faces.

Mr. Chairman, it is my understanding that efforts are under way in the other body to include a limited appropriation which would enable this program to commence. Should this occur, it is my hope that the House conferees, on a bipartisan basis, will consider the importance of extending the school year, as evidenced by last year's authorization, and carefully consider appropriating a limited amount of funds.

Mr. Chairman, in my own district in the community in which I live, in Englewood, NJ, we have begun exactly this program. We have found that during the summer months much of what students learned in the preceding year is lost. Indeed, studies have found that up to a third of the new school year is lost simply refreshing students about what they forgot from previous instruction.

I believe that experimentation to extend this year and, indeed, to lengthen the day would do a great deal as, unfortunately, our German and Japanese competitors have already found, to improve instruction.

I would like, Mr. Chairman, like to include in the RECORD the authorizing language from last year and a full statement of my own in support of a longer school year.

Mr. Chairman, I rise in strong support of the Longer School Day Program.

While we have spent a good deal of time over the past few years debating the quality of what we teach in the schools, we have paid little attention to the far simpler question of whether we are spending enough time teaching. I was pleased when Congress finally gave serious consideration to lengthening the school year in the United States so that our students can compete on equal footing with their counterparts in other countries.

In 1991, Congress authorized the National Education Commission on Time and Learning to conduct a comprehensive review of the relationship between time and learning in the Nation's schools. The report released last year confirms that the United States will not maintain its economic superiority unless we provide our children with a competitive education by reforming the structure of or school year.

The report specifically cites that the current American educational system consists of 6 hour days where students spend less than half of their school day studying core academic subjects. It also notes that in order to graduate from high school, the United States currently requires a 180-day school year. In contrast, our counterparts in Germany have a 210-day schedule and Japan imposes a 240-day school year.

The International Educational Association conducted a study which compared the academic skills of the top 1 percent of all 12th graders. Those from the United States ranked dead last. Their study also found that among 15 developed and less developed countries, students from the United States scored at or near the bottom in the areas of Advanced Algebra, Functions/Calculus and Geometry.

These numbers show how woefully inadequate our school system is in preparing our children to compete in the global economy. American students quite simply are not learning what they should be. The Longer School Year program would establish a grant program for public secondary schools who increase the academic day to 7 hours and the school year to 200 days.

A longer school day and school year clearly makes sense in a society where in 90 percent of the two-parent families, both parents work. Keeping kids off the streets and in schools should be an especially welcome relief to parents who cannot afford after-school day care or summer camp. Schools also provide a safe haven for students who come from disintegrated families, are malnourished, or are susceptible to drug abuse and violence.

At a time when international tests are showing American students scoring well below students from other countries; a time when corporate leaders are beginning to complain about a lack of skilled workers; and a time when we are clearly falling behind our economic rivals in the world marketplace, we must question whether we are doing kids a favor by granting them a long summer vacation.

My program would establish competitive grants for public secondary schools wishing to increase their academic day to at least 7 hours and their school year to at least 200 days. We are unquestionably doing our children a disservice by not requiring more time in school. It is time for Congress to send out a positive message to our Nation's youth.

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and commend him for his efforts. I can personally say, as a former school board member in my home communities and two-term school board president, that two essential reforms, based on my experience, would be the gentleman's efforts to lengthen the school day and also efforts in local communities across the country to reduce class size. So I thank the gentleman for bringing this program to my attention and to the attention of the chairman, the gentleman from Illinois [Mr. PORTER], and the other members of the subcommittee. Again, I commend the gentleman

for his longstanding commitment to this issue.

I can tell the gentleman that the committee's decision not to specifically allocate funds for this program is not an indication of a lack of support for its merits. Should the other body appropriate money for this program, the gentleman has my assurance and the assurance of Chairman PORTER and the other conferees that we will give the program every consideration that it deserves.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for his support, for his words and, of course, the gentleman from Illinois [Mr. PORTER], my friend.

I believe that, if the other body were to decide to invest these sums, it would be an important statement to local communities. All of our States and communities differ. A longer school day or year might make sense in some States more than in others. But it is an experiment that is worth pursuing, as indeed this Congress voted on a bipartisan basis in the authorization bill.

I thank the gentleman again for his comments.

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

Mr. Chairman, I yield to the gentleman from Nebraska [Mr. BARRETT], my good friend and colleague.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, I was tied up in some meetings today and was unable to be on the floor during debate on title II of H.R. 2127. I had hoped to be able to have a few minutes to discuss some concerns that I had about the funding provided in the bill for some of the various programs that address the health care delivery needs of rural America.

I would like to associate myself with some of the comments that were made earlier by the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. STENHOLM] and some of my other rural colleagues.

I have a statement to submit for the RECORD expressing my particular concern about the funding which is eliminated for the Office of Rural Health Policy and a letter addressing the importance of that funding from Dr. Keith Mueller of the University of Nebraska Medical Center.

Mr. Chairman, I insert those materials in the RECORD, as follows:

Mr. Chairman, I appreciate the opportunity to express to Chairman PORTER and the rest of the House my concern about one area of funding eliminated by this bill—that for the Federal Office of Rural Health Policy.

The Appropriations Committee stripped the Office of Rural Health Policy of $9.4 million, essentially its entire budget. Supposedly, we are told, the office may continue to exist because the salaries for its staff are funded under another line item. But no one can tell me that an office without programs to administer is going to survive, and that means rural health care takes another shot in the back of the head.

The $9.4 million for the ORHP is a mere drop in the bucket of this $256 billion bill. That funding can easily be found, but those of us concerned about the ongong struggle of rural health care are hampered in offering amendments to restore that funding—we run up against the hurdles of dealing with unauthorized programs on appropriations bills and into the brick wall of this very urban-dominated House.

Attempts to assure me that the functions of the ORHP are duplicative and its programs will be picked up elsewhere are, in reality, no assurance whatsoever. The office was established for the very reason that those other programs for years and years ignored and overlooked the needs of the rural health care.

Let me share with my colleagues comments from one of the leading experts of rural health care, Dr. Keith Mueller, who has been a constant and reliable source of information for this Congress in recent years because of the research programs he oversees at the University of Nebraska Medical Center, some of which admittedly, are a result of federal funding.

Dr. Mueller writes:

I sympathize with the imperative to eliminate unnecessary bureaucracies, but the ORHP does not fall into that classification. Contrary to the perception stated in [the report], the ORHP does much more than support state bureaucracies. Less than one full time equivalent position is devoted to the important task of assistance to state offices of rural health. The more important roles of ORHP are direct assistance to rural communities (telemedicine [for example]), developing a rural health agenda, maintaining resources for rural health analysis, monitoring regulatory activities to assess rural impact, and providing policy relevant research to a wide audience. The loss of these functions of the ORHP would be a tremendous loss to rural America.

At the proper time, Mr. Chairman, I will ask that Dr. Mueller's entire letter be included in the RECORD.

This money has a tangible and important impact on improving and maintaining access to health care for more than one-fourth of this country's population. That's a fair return on our tax dollars, and it should meet the test of programs worth retaining.

If today we can't get the amendment passed to restore ORHP funding, we will turn to the other body for help, and I want to urge Chairman PORTER to then look on this funding favorably in conference.

UNIVERSITY OF NEBRASKA,
MEDICAL CENTER,
Omaha, NE, July 25, 1995.

Hon. BILL BARRETT,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARRETT: I am writing to ask you to consider supporting the Gunderson/Poshard amendment to restore funding for the Federal Office of Rural Health Policy. The programs of ORHP benefit rural America in many ways, including direct benefits to Nebraska.

I sympathize with the imperative to eliminate unnecessary bureaucracies, but the ORHP does not fall into that classification. Contrary to the perception stated in the Chairman's mark of the budget resolution in the House, the ORHP does much more than support state bureaucracies. Less than one full time equivalent position is devoted to the important task of assistance to state offices of rural health. The much more important roles of ORHP are direct assistance to rural communities (telemedicine), developing a rural health agenda (National Advisory Committee), maintaining resources for rural health analysis (national clearinghouse), monitoring regulatory activities to assess rural impacts, and providing policy relevant research to a wide audience (rural health research centers). The loss of these functions of the ORHP would be a tremendous loss to rural America.

The ORHP has been responsible for a special grants program to assist rural health care providers and communities in developing telemedicine systems. The grants awarded thus far include one in Kearney, Nebraska. The grants make it possibly for rural providers to initiate telemedicine systems now rather than wait for urban-based systems to possible extend such services, and terms of use, later. The ORHP provides technical assistance to grantees, and has been instrumental in advancing our knowledge of how to use this technology effectively.

The National Advisory Committee on Rural Health, staffed by the ORHP, has produced annual reports that identify critical issues in rural health that are affected by federal policies. The most recent report focused on potential changes in Medicare policies, especially reimbursement for health providers. The Committee helps researchers and policy makers alike anticipate need for further analysis and policy development. Another valuable resource is the Rural Health Clearinghouse, which provides information to rural health providers, researchers, and community leaders in an on-line modality. The cornerstone of the ORHP programs, in my view, is the research center program. The ORHP provides modest support to develop and sustain rural health research centers. The ORHP also helps those centers develop research agendas and produce reports that are written for the policy maker audience. Those reports address pressing policy issues with research results that can help improve policy. A few examples are:

''The National Health Service Corps: Rural Physician Service and Retention,'' University of Washington, WAMI Rural Health Research Center

''The Feasibility of Health Care Cooperatives in Rural America: Learning from the Past to Prepare for the Future,'' University of North Carolina (UNC) Rural Health Research Program

''A Predictive Model for Retention of Rural Nurses,'' University of North Dakota Rural Health Research Center

''Access of Rural Medicaid Beneficiaries to Mental Health Services,'' Maine Rural Health Research Center

''Health Care Reform for Rural Medicaid: Finding Solutions with Limited Resources,'' New York Rural Health Research Center

''A DRG-Based Service Limitation System for Rural Primary Care Hospitals,'' Minnesota Rural Health Research Center.

The University of Nebraska Center for Rural Health Research received ORHP support for two years under this program, extended with special awards for two years to produce a series of *Policy Briefs* that critique health reform proposals from a rural perspective. We would compete for the next cycle of center support from ORHP if this program continues. The ORHP has supported, through the budget for the Maine Center, some of the work of the Rural Health Delivery Expert Panel of the Rural Policy Research Institute, on which I serve.

I cannot imagine how rural health would continue to have a voice within the Department of Health and Human Services without the ORHP. This Office is a true success story, developing programs that make important contributions directly to rural citizens and directly to you and others who

must make important policy decisions. Please support the Gunderson/Poshard amendment to restore funding. Even with rural programs, there are lower priorities than this Office. I would be pleased to comment further or answer any questions. Thank you.

Sincerely,

KEITH J. MUELLER,
Professor and Director, Nebraska Center for Rural Health Research.

Mr. RIGGS. Mr. Chairman, I would like to say in response to the comments made by the distinguished ranking member earlier, I would just like to point out for the other Members that approximately 30 percent of the spending cuts that were made to the various programs under the jurisdiction of the Labor–HHS–Education Appropriations Subcommittee were made in fact in the context of the emergency supplemental appropriations and rescissions package. I think it is important to note that for the record since that legislation has now become law with the bipartisan support of both bodies, both Houses of the Congress and, of course, the President's cooperation and signature.

AMENDMENT OFFERED BY MR. CUNNINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: Page 42, beginning on line 13, strike ''That notwithstanding'' and all that follows through the comma on line 20.

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

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

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from California [Mr. CUNNINGHAM] and a Member opposed will each be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I would like to be recognized in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

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

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may.

Mr. Chairman, I believe that Members on the other side of the aisle do have some legitimate issues. One of the issues, in my opinion, is that while we attempt to move this money back to the States that I know an example in the State of California, the devastating defense cuts have cost us nearly a million jobs. We have little things called gnat catchers and spotted owls that have affected those positions. We have had natural disasters, and the people in the State of California, on a State level and a Federal level, are taxed at pretty much an extreme rate.

It is very difficult to pass a school bond to build a school or to provide for that instruction.

When we affect education, we also affect, because it is forward-funded, not only the funds in the future but the funds that go down right now.

We have to provide a transition for those. This particular amendment helps that. It also sets the stage for a direction where we can reallocate and put a little different priority and put some of those dollars back into education. The amendment improves the Labor-HHS-Education appropriations bill that deletes legislation language in the bill that prohibits impact aid funding to schools for what they call military B kids.

Impact aid, for the Members, if you are a military recipient of funds and you register, say, in the State of Illinois and you move to the State of California, you still pay your State taxes. You shop at the commissary; you shop at the exchange. All those taxes go not to the State where your children go to school. You impact that school, but they do not get any money back for it. So what we are doing is shifting the money.

All this amendment does is, in the current language it restricts it only to impact aid. Impact aid students are those students that live on base with their parents. But the majority of Members, both Republicans and Democrats that represent districts, those military families live off base and do not qualify for that funding. This amendment eliminates that.

Second, it sets the stage. I have got two of my colleagues that, one is the gentleman from Nebraska [Mr. CHRISTENSEN], the other one is the gentleman from Texas [Mr. EDWARDS], from the other side of the aisle, who have been bulldogs on this issue. They have fought tooth, hook, and nail to preserve something that is very important, not just in their districts but around this country.

What it does, it is also going to allow us later on in an amendment to put over $18 million in authority into BA. We are going to put $15 million more back into Eisenhower grants for teacher training. We are asking our teachers to increase it. We are also going to put another $100 million in BA into the vocational education programs.

This amendment does not affect it, but it is part of a series of amendments that we are going to offer to try and help the gentleman with some of his reservations and put the money back into education. Mr. CHRISTENSEN and Mr. EDWARDS have been tigers in this field. I want to commend Members from both sides of the aisle in helping us with this.

What it is going to do is allow us to take that impact of those students and put some of it back in.

I would also like to thank my colleague from California, Mr. RIGGS, who has also been fighting not only on impact aid but these other areas to fight for that.

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

Mr. RIGGS. Mr. Chairman, I rise to engage in a brief colloquy to clarify one particular point with the gentleman regarding his amendment.

I would like to clarify that his amendment does not affect the hold harmless prohibition in the bill?

Mr. CUNNINGHAM. Mr. Chairman, this amendment has zero effect, no effect on hold harmless.

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

Mr. CUNNINGHAM. Mr. Chairman, I will not eat up the whole 10 minutes. I think this is an important piece of legislation. I think it is a piece of legislation that Members on both sides of the aisle will support or can support by taking some of those dollars and allowing the impact of military families on the school systems to help relieve those school systems and also help the teacher training and also come back and help the vocational education program.

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

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

Let me simply say that I do not want to make a Federal case out of this. Again, while I have misgivings about it, I will not push it to a roll call.

Let me simply explain to the Members of the House the situation we are in. It appears that at this point that what the gentleman is asking will in fact result in a negligible impact on a lot of districts. We are not quite certain, frankly, because we do not yet have an official computer run from the agency or CBO or anybody else.

The problem is that, at least I feel that there is a much bigger impact on the local school districts with A's than there is with B's, because you have a double loss of property tax base with the folks involved.

I also would point out that whether or not this turns out to be a reasonable balance depends upon a further contribution from the defense bill. And while I expect that that is going to occur, we do not have any official certainty that it is going to occur.

Mr. Chairman, I am minimally enthused about the gentleman's amendment, to put it politely, for the moment. But as I say, while I have misgivings about it, I am not going to push it to a vote. I understand the gentleman from Illinois [Mr. PORTER] is going to accept it.

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

Mr. EDWARDS. Mr. Chairman, I want to thank the minority ranking member for yielding.

I would like, if I could, to have a discussion with the gentleman from California [Mr. CUNNINGHAM], who has worked very hard, the gentleman from Virginia [Mr. BATEMAN], the gentleman from Nebraska [Mr. CHRISTENSEN], and others of us, trying to find money for impact aid.

I do want to be clear. This amendment does not add a single dollar to the impact aid program that has not

already been appropriated in the defense appropriations bill or elsewhere. If that is correct, I must say I am personally disappointed, because at one point I thought there was an understanding that some of this money was going to be directed to impact aid. And if it has not, we keep going on promises made and yet no action seems to occur to find any new dollars for impact aid.

□ 1615

If I am wrong, I stand corrected, but to be clear, this amendment does not add any new appropriations to impact aid; is that correct?

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

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

Mr. CUNNINGHAM. Mr. Chairman, I fully understand the frustration of the gentleman from Texas. I also have gone through a lot of frustration on this particular issue.

The reason that I brought up the impact later on and what we are going to do is, first of all, this amendment does not add direct dollars, but it gives the flexibility to move. If the gentleman's particular district has impacted A's or B's, it gives it that flexibility, and all this initial stage is doing is trying to remove it.

The second aspect of it, the $35 million from the defense authorization bill, I have been guaranteed, I would say to the gentleman from Wisconsin [Mr. OBEY], that this is going to happen and it is going to go into the general fund.

Mr. Chairman, I am also supporting an amendment of the gentleman from Texas [Mr. EDWARDS] later on, from other sources to impact, to put the $23 million into that fund also. It is kind of a series of packages, but I also understand the gentleman's reservations.

Mr. EDWARDS. Mr. Chairman, reclaiming my time, I appreciate the good intentions and I hope something will come about, but as of now, this bill cuts impact aid to military children's education by over $40 million.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to say that the gentleman indicates that he is guaranteed that the $35 million in the defense bill will materialize. That requires a little matter of having to pass the House, pass the Senate, go into conference; and frankly, at this point, I do not know if the defense bill is going to be finished before we leave here for the August recess.

The gentleman may have a greater comfort level in the security of that guarantee than I have.

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

Mr. Chairman, I recognize the problem. The way this House works sometimes boggles all of us. As far as the scoring, when they did away with the old system and they went to the A system only, the formula was a little different. We are going to make sure in the future legislation that the formulas agree, so that we do have strong confidence that it is a positive impact.

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

Mr. PORTER. Mr. Chairman, I apologize for not being able to be on the floor for the discussion. I strongly support the amendment.

Mr. Chairman, I think that everyone should understand that I probably have more impacted schools and students than many in the House. I have a vital personal interest in the Impact Aid Program.

I believe that when we finish our work on this bill, we will have achieved 95 percent of last year's funding level for Impact Aid. I believe we will have protected severely impacted schools in an ironclad way, and I believe that the Senate mark on Impact Aid will be at about 98 percent of last year's level.

Mr. Chairman, we have a very good chance of ending up with very little reduction in the program at a time when cuts are being made in many other areas. I believe we have done the best possible job that we can do on this. I will certainly be putting it at a high priority in conference, Mr. Chairman, and I think everyone will be pretty well satisfied, when we get finished, that the job has been done properly.

Mr. CUNNINGHAM. Mr. Chairman, the reason for part of that is, the gentleman from Texas [Mr. EDWARDS], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from Nebraska [Mr. CHRISTENSEN], and the coalition that is supportive of this issue. I would like to personally thank them in public.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER] for his comments and commitments to impact aid. I know he has a genuine interest in that effort and has worked tirelessly on behalf of the program.

Mr. Chairman, I do want to make the record clear to people throughout this country and to Members of Congress that, after speeches on the floor by the majority leader several months ago and several other Members of the majority party, this bill, as of today, cuts $47 million out of education funds for the children of military families, children whose parents may be serving overseas, children who may not see their parents months on end.

Mr. Chairman, I hope to have the chance to continue to work with the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. CUNNINGHAM], but I do not mind saying I am disappointed that, as of today, this bill cuts $47 million out of that terribly important education program.

Mr. Chairman, children whose parents have been willing to put on the uniform and fight for our country deserve the commitment of this Congress.

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

Mr. Chairman, the gentleman from Illinois [Mr. PORTER], the gentleman from Texas [Mr. ARMEY], the Speaker, and I have met and they have promised me their commitment to this. This whole package is part of those pledges that you talked about and that the gentleman from Illinois [Mr. PORTER] spoke of.

I do not think the gentleman from Illinois can do any more for us. I wish we could do more, and in the future, I promise to work with the gentleman to even make it ''more better,'' as they say.

Mr. Chairman, I also understand the gentleman's concerns. The gentleman has my tireless pledge to make sure that that happens, and I have the pledge of the Speaker and the majority leader to help do that.

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

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

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

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER], my subcommittee chairman, in a brief colloquy with regard to continued funding for the National Education Goals Panel.

Mr. Chairman, as the gentleman from Illinois knows, we have received a very recent communication dated, actually, August 1, a letter from a bipartisan group of six State Governors, to the gentleman from Illinois and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, I briefly would like to read this letter for the record. It says:

> Following the historic 1989 education summit in Charlottesville, Virginia, the Governors and President Bush agreed on education goals for the Nation and created the National Education Goals Panel as an accountability mechanism to monitor and report on the Nation's progress towards achieving the goals. We believe that the panel continues to play a significant role in assisting States as they work to improve educational performance for all students.
>
> The Goals Panel members have recently initiated new efforts to collect and distribute information on the development of world class academic standards and assessment of student achievement at the State level. This kind of information will fill an essential need for State policymakers.
>
> While we recognize the difficult decisions that you face, we strongly urge you to continue funding for the National Education Goals Panel in the appropriations process.''

The letter is signed by Governors Bayh of Indiana; Hunt of North Carolina; Romer of Colorado; Engler of Michigan; Rowland of Connecticut; and Whitman of New Jersey.

Mr. Chairman, as you know, and as the concern of the Governors indicates, our bill presently eliminates funding

for the National Education Goals Panel. We have acknowledged the letter from the Governors today, and the important role, as they suggest, that the national Education Goals Panel plays in helping States develop and implement academic standards within their own States.

The Goals Panel is made up primarily of Governors and State legislators for the primary purpose of helping States determine how to best implement academic standards based on the needs of their students.

Mr. Chairman, I ask the gentleman from Illinois [Mr. PORTER] whether he will be able to commit to restoring funds for the National Education Goals Panel in conference and work with me as, a fellow conferee, to get the Senate to restore these funds?

Mr. PORTER. Mr. Chairman, if the gentleman would yield, I received a call from Gov. Tommy Thompson of Wisconsin, the State neighboring my State of Illinois, and had a discussion about the panel. I will do the best I possibly can to restore funds for the National Education Goals Panel in the conference.

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from Delaware [Mr. CASTLE], our friend and colleague and the former Governor of Delaware.

Mr. CASTLE. Mr. Chairman, I will be brief, but I could not support this colloquy more, and all Members should.

Mr. Chairman, this panel has ultimately set goals for America which are extraordinary. The Governors support it. It is across all of the States. Just because there has been some confusion about what is in the goals, it does not mean that the panel should not continue to exist.

Mr. Chairman, I appreciate the tremendous effort by the gentleman from California. I am sure that every single Governor in the country and every child in America does as well.

Mr. RIGGS. Mr. Chairman, reclaiming my time, we look forward to working with the governors and the National Education Goals Panel as we prepare our education reform block grant bill in the Committee on Economic and Educational Opportunities.

Mr. Chairman, I include the letter and newspaper editorial for the RECORD:

AUGUST 1, 1995.

Hon. BOB LIVINGSTON,
Chair, Committee on Appropriations,
Washington, DC.

DEAR CHAIRMAN LIVINGSTON: Following the historic 1989 education summit in Charlottesville, the Governors and President Bush agreed on education goals for the nation and created the National Education Goals Panel as an accountability mechanism to monitor and report on the nation's progress toward achieving the goals. We believe that the Panel continues to play a significant role in assisting states as they work to improve educational performance for all students.

The Goals Panel members have recently initiated new efforts to collect and distribute information on the development of world class academic standards and the assessment of student achievement at the state level. This kind of information will fill an essential need for state policymakers.

While we recognize the difficult decisions that you will face, we strongly urge you to continue funding for the National Education Goals Panel in the appropriations process.

Sincerely,

GOV. EVAN BAYH,
State of Indiana.
GOV. JAMES B. HUNT JR.,
State of North Carolina.
GOV. ROY ROMER,
State of Colorado.
GOV. JOHN ENGLER,
State of Michigan.
GOV. JOHN G. ROWLAND,
State of Connecticut.
GOV. CHRISTINE T. WHITEMAN,
State of New Jersey.

JUST PLAIN DUMB

(By David S. Broder)

BURLINGTON, VT.—Louis V. Gerstner Jr., the chairman of IBM and the man who has engineered its recent turnaround, had a message for the nation's governors when he appeared before their annual summer meeting here this week. Warning that real reform requires resources, Gerstner said, ''True change agents put their money where their mouth is.''

That message has broad application, not only to the governors but to the self-styled revolutionaries in Washington, who often appear to be letting their budgetary goals predetermine the way they are reshaping programs and agencies.

But there is particular pertinence for one small program that has been a bipartisan project of the governors and now is threatened by small-minded economizers in Congress.

''A decade ago, farsighted governors of both parties including both Bill Clinton of Arkansas and his would-be 1985 Republican opponent, Lamar Alexander of Tennessee, launched a program to raise the achievment standards in American shcools. Their ''national goals'' effort was embraced by President Bush in 1989 at his ''education summit in Charlottesville, Va. Last year, it was written into ''Goals 2000'' legislation by Congress with strong support from President Clinton.

A small but critical piece of the law was the creation of the National Education Goals Panel to ride herd on the project.

Now the House Republicans have moved to kill the entire Goals 2000 program, including the $2.7 million for the goals panel. Even before they heard Gerstner, the governors were saying that strangling this effort is dumb.

That is the view not just of long-time education advocates such as North Carolina's Jim Hunt and Colorado's Roy Romer, both Democrats, but of conservative reformers such as Wisconsin's Tommy Thompson and Michigan's John Engler, both Republicans.

Thompson told me that because so few of the governors who met with Bush in 1989 to launch this campaign are still around, and because few businessmen are as committed to the cause of Gerstner, ''we need to jump-start this effort again.''

Thompson and Romer both acknowledge that whether they like it or not, the federal grants to states for Goals 2000 programs are likely victims of the budget-cutters. But the goals panel is, in Thompson's words, ''the catalyst'' and the forum that is needed to keep the effort going.

The governors' original notion was a simple one. In a competitive world, the quality of the education America's youngsters receive is the prime determinant of the nation's future well-being. So they set out goals for themselves. Among others, they said, by 2000, all children would start school ready to learn and at least 90 percent of them would finish high school. Every graduate would have demonstrated competence in nine basic subjects.

No one could argue with the goals. But by setting their deadline so far in the future, Gerstner said, the governors ''left a little bit too much . . . cover'' for themselves. And, he pointedly said, ''Goals aren't worth a damn if you don't measure every day'' how near or far the schools are from achieving them.

Last week, in a report that was as direct as Gerstner's speech, the American Federation of Teachers (AFT) documented how far we are from being able to measure that progress.

While every state but Iowa has began to develop tougher academic standards for its students, only 13 states have standards that are ''clear and specific enough'' to guide curriculum development. While 33 states have or are developing student assessments geared to those standards, only seven states require high school seniors to meet the standards set for 10th-, 11th- or 12th-graders in order to graduate.

The public has become skeptical about education ''reforms'' that are designed to provide comfort for teachers or students, instead of ensuring that knowledge and skills are actually acquired. This effort falls into the latter category.

The AFT wants an end to platitudes, instead of saying that fifth-graders ''should be able to use basic science concepts to help understand various kinds of scientific information,'' as one state does, the model should be another state's requirement that those 10-year-olds ''should be able to describe the basic processes of photosynthesis and respiration and their importance to life.''

That same kind of rigor is what the governors are seeking—and what the goals panel is all about.

Killing it would be one of the dam-best things Congress could do.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILLIAMS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of son's wedding.

Mr. YATES (at the request of Mr. GEPHARDT) after 10:30 p.m. tonight, on account of personal reasons.

Mr. ANDREWS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness in the family.

EXTENSION OF REMARKS

(The following Members (at the request of Mr. GEPHARDT) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. DELAURO, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

Ms. NORTON, for 60 minutes, today.

Ms. KAPTUR, for 60 minutes, today.

Mr. DICKS, for 60 minutes, today.

Mr. DIXON, for 60 minutes, today.

Mr. MENENDEZ, for 60 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes a.m.), under its previous order, the House adjourned until today, Friday, August 4, 1995, at 8 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1303. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $53,000,000 in budget authority for the Department of Commerce for fisherman relief programs in the Northeast, the Northwest, and the Gulf of Mexico; also making available emergency appropriations for the Department of Justice, FEMA, and the Judiciary and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–107); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SPENCE: Committee on National Security. H.R. 1350. A bill to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes; with an amendment (Rept. 104–229). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHUS (for himself, and Mr. KING):

H.R. 2177. A bill to require congressional approval for certain uses of the exchange stabilization fund; to the Committee on Banking and Financial Services.

By Mr. BROWN of Ohio (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. BORSKI, Mr. RUSH, Mr. KLINK, Mr. MANTON, Mr. STOKES, Mr. TOWNS, and Ms. FURSE):

H.R. 2178. A bill to promote redevelopment of brownfields by providing Federal assistance for brownfield cleanups, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. PACKARD):

H.R. 2179. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Resources.

By Mr. DORNAN (for himself, Mr. BURR, Mr. LARGENT, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. DOOLITTLE, Mr. SCARBOROUGH, Mr. LIVINGSTON, Mr. SALMON, and Mr. NORWOOD):

H.R. 2180. A bill to repeal the Federal charter for the National Education Association; to the Committee on the Judiciary.

By Mr. RICHARDSON (for himself, Mr. BOEHLERT, Mr. GEJDENSON, Mr. HINCHEY, and Mrs. MORELLA):

H.R. 2181. A bill to enhance the National Park System, and for other purposes; to the Committee on Resources.

By Mr. FRANKS of New Jersey (for himself, Mr. ZIMMER, Mr. HANCOCK, Mr. CUNNINGHAM, Mr. SENSENBRENNER, Mr. FRAZER, Mr. LOBIONDO, and Mr. SAXTON):

H.R. 2182. A bill to amend the Immigration and Nationality Act with respect to treatment of aliens who claim asylum after passing through a third country which could provide asylum; to the Committee on the Judiciary.

By Mr. GOODLATTE:

H.R. 2183. A bill to amend title 18, United States Code, to reduce the size of grand juries; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2184. A bill to amend title 5 of the United States Code to provide for the continuance of pay during lapses in appropriations; to the Committee on Government Reform and Oversight, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. STEARNS, Mrs. MEEK of Florida, Ms. PELOSI, Ms. RIVERS, Mr. MCDERMOTT, Mr. YATES, Mr. FROST, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, and Mr. SANDERS):

H.R. 2185. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. SAWYER, Mr. STOKES, Mr. HALL of Ohio, Mr. OXLEY, Mr. HOBSON, Mr. LATOURETTE, Mr. BROWN of Ohio, Mr. BOEHNER, Ms. PRYCE, Ms. KAPTUR, Mr. HOKE, Mr. NEY, Mr. CREMEANS, Mr. KASICH, Mr. GILLMOR, and Mr. TRAFICANT):

H.R. 2186. A bill to establish the Ohio & Erie Canal Corridor National Heritage Corridor in the State of Ohio; to the Committee on Resources.

By Mr. STUDDS:

H.R. 2187. A bill to deauthorize a portion of the navigation project for Cohasset Harbor, MA; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN (for himself, and Mr. MEEHAN):

H.R. 2188. A bill to establish in the Department of the Interior the Exxex National Heritage Area Commission, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Mr. BISHOP, Mr. DE LA GARZA, Mr. ROSE, Mrs. CLAYTON, Mr. BAESLER, Mrs. THURMAN, Mr. FARR, Mr. STENHOLM, Mr. LUCAS, Ms. MCKINNEY, Mr. LATHAM, Mr. THOMPSON, Mr. KINGSTON, Mr. HEFNER, Mr. NORWOOD, Mr. SISISKY, Mr. FUNDERBURK, Mr. RICHARDSON, Mr. LEWIS of Georgia, Mr. JONES, Mr. BREWSTER, Mr. BURR, Mr. PETERSON of Florida, Mr. HEINEMAN, Mr. TEJEDA, Mr. WATTS of Oklahoma, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. PASTOR, Mrs. MEEK of Florida, and Mr. LEWIS of Kentucky):

H.R. 2189. A bill to amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to provide price support and national poundage quotas for the 1996 through 2000 crops of peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. MCCRERY (for himself, Ms. DUNN of Washington, Mr. BREWSTER, Mr. HERGER, Mr. PAYNE of Virginia, Mr. BUNNING of Kentucky, Mr. HANCOCK, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. TAUZIN, Mrs. MEYERS of Kansas, Mr. CRAMER, Mr. ROBERTS, Mr. CONDIT, Mr. TAYLOR of North Carolina, Mr. HALL of Texas, Mr. BLUTE, Mr. BAKER of Louisiana, Mr. BAESLER, Mr. WELLER, Mr. PARKER, Mr. HASTINGS of Washington, Mr. HAYES, Mr. KNOLLENBERG, Mr. BROWDER, Mr. LEWIS of California, Ms. DANNER, Mr. HOSTETTLER, Mrs. LINCOLN, Mr. SOUDER, Mr. HUTCHINSON, Mr. JOHNSON of South Dakota, Mr. PETE GEREN of Texas, Mr. EWING, Mr. CANADY, Mr. BARRETT of Nebraska, Mr. LONGLEY, Mr. PETERSON of Minnesota, Mrs. SMITH of Washington, Mr. HOLDEN, Mr. LUCAS, Mr. TANNER, Mr. NETHERCUTT, Mr. LAHOOD, Mr. COOLEY, Mr. METCALF, Mr. ALLARD, Mr. ROSE, Mr. DICKEY, Mr. DEAL of Georgia, Mr. CHAMBLISS, Mr. WATTS of Oklahoma, Mr. MONTGOMERY, Mr. STENHOLM, Mr. HUNTER, Mr. LARGENT, Mr. ENSIGN, Mr. COBURN, Mr. COMBEST, Mr. DICKS, Mr. BILBRAY, Mr. POMBO, Mr. CRAPO, Mr. DOOLEY, Mr. OXLEY, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. LIVINGSTON, Mr. PORTMAN, Mr. BARTON of Texas, Mr. NUSSLE, Mr. CALLAHAN, Mr. EVERETT, Mr. KINGSTON, Mr. CALVERT, Mr. COLLINS of Georgia, Mr.

KASICH, Mr. CHAPMAN, Mr. DOOLITTLE, Mr. FAZIO of California, Mr. SCHAEFER, Mr. TATE, and Mr. GOODLATTE):

H.R. 2190. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Ms. PELOSI):

H.R. 2192. A bill to amend title 18, United States Code, to restrict the mailorder sale of body armor; to the Committee on the judiciary.

By Mr. ARMEY:

H. Con. Res. 92. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. STOCKMAN:

H. Res. 210. Resolution providing for the consideration of the bill (H.R. 464) to repeal the prohibitions relating to semiautomatic assault weapons and large capacity ammunition feeding devices; to the Committee on Rules.

MEMORIALS

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

147. By the SPEAKER: Memorial of the House of Representatives of the State of Oregon, relative to urging the Congress of the United States to transfer title of the Oregon and California railroad grant lands to the State of Oregon; to the Committee on Resources.

148. Also, memorial of the House of Representatives of the State of Oregon, relative to urging the Congress of the United States to amend the Constitution of the United States to require a balanced Federal budget; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. METCALF introduced a bill (H.R. 2191) to authorize the Secretary of Transportation to issue a certification of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sundown*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 248: Mr. ACKERMAN.
H.R. 263: Mr. FILNER.
H.R. 264: Mr. FILNER.
H.R. 271: Mr. ZIMMER.
H.R. 491: Mr. BONO, Mr. CRANE, and Mr. SCHIFF.
H.R. 500: Mr. LAUGHLIN.
H.R. 539: Mr. HAYES and Mr. OBERSTAR.
H.R. 575: Mr. REED.
H.R. 579: Mr. ZIMMER.
H.R. 580: Mr. LAUGHLIN and Mr. BRYANT of Texas.
H.R. 708: Mr. FARR.
H.R. 719: Mr. ZIMMER.
H.R. 733: Mr. STUPAK, Mr. STOCKMAN, Mr. DUNCAN, and Mr. EMERSON.
H.R. 734: Mr. STUPAK, Mr. STOCKMAN, and Mr. DUNCAN.
H.R. 743: Mr. DOOLITTLE and Mr. STUMP.
H.R. 752: Mr. LANTOS, Mr. ENGEL, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NETHERCUTT, Mr. HOLDEN, Mr. COOLEY, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. GILLMOR, Mr. KLECZKA, Mr. BROWDER, Mr. VISCLOSKY, and Mr. HILLIARD.
H.R. 789: Mr. BURR and Mr. HOEKSTRA.
H.R. 803: Ms. MOLINARI.
H.R. 833: Mr. SKAGGS.
H.R. 922: Mr. WYNN.
H.R. 957: Mr. EWING, Mr. ANDREWS, Mrs. MEEK of Florida, Mr. ENSIGN, Mrs. FOWLER, and Mr. GOODLING.
H.R. 991: Mr. ZIMMER.
H.R. 1003: Mr. EWING and Mr. JACOBS.
H.R. 1024: Mr. ZELIFF and Mr. ZIMMER.
H.R. 1061: Mr. FROST and Mr. ROMERO-BARCELÓ.
H.R. 1130: Mr. WELDON of Florida.
H.R. 1146:Mr. ZIMMER.
H.R. 1210: Mr. LAHOOD.
H.R. 1253: Ms. LOFGREN, Mr. EVANS, Mr. BECERRA, Ms. WOOLSEY, Ms. FURSE.
H.R. 1368: Mr. ZIMMER.
H.R. 1404: Mr. GILMAN, Mr. REED, Mr. SHAW, Mr. MOORHEAD, Mr. BERMAN, and Mr. HORN.
H.R. 1458: Mr. SPENCE.
H.R. 1539: Ms. PELOSI.
H.R. 1594: Mr. GILCHREST.
H.R. 1619: Mr. ALLARD and Mr. FAZIO of California.
H.R. 1747: Mr. CALLAHAN, Mr. EHLERS, Mr. WILLIAMS, Mr. STUPAK, Mr. MASCARA, Mr. HASTERT, and Mr. KOLBE.
H.R. 1762: Mr. GIBBONS, Mr. QUINN, and Mr. INGLIS of South Carolina.
H.R. 1769: Mr. ROYCE.
H.R. 1776: Mr. LUCAS and Mr. FOX.
H.R. 1781: Ms. LOFGREN.
H.R. 1787: Mr. BRYANT of Tennessee, Mr. CANADY, Mr. STEARNS, and Mr. HASTERT.
H.R. 1801: Mr. ZIMMER.
H.R. 1846: Ms. LOFGREN.
H.R. 1863: Mr. FRAZER, Mrs. COLLINS of Illinois, Mr. KOLBE, and Mr. STOKES.
H.R. 1915: Mr. KIM, Mr. CAMP, Mr. HANCOCK, Mr. SPENCE, Mr. JONES, Mr. LIVINGSTON, and Mr. REGULA.
H.R. 1949: Mrs. CLAYTON.
H.R. 1993: Mr. ZIMMER.
H.R. 2008: Mr. CRANE.
H.R. 2019: Mr. MORAN.
H.R. 2047: Mr. HYDE, Mr. FUNDERBURK, Mr. SENSENBRENNER, Mr. BARTLETT of Maryland, Mr. HASTERT, and Mr. BRYANT of Tennessee.
H.R. 2105: Mr. DEFAZIO, Mr. PALLONE, Mr. LATOURETTE, Mr. REED, Mr. TORRICELLI, and Mr. TRAFICANT.
H.R. 2143: Mr. FRAZER and Mr. GOSS.
H.R. 2148: Mr. CHABOT.
H.R. 2170: Mr. GILCHREST.
H.J. Res. 89: Mr. KING, Mr. GREENWOOD, and Mr. SOLOMON.
H. Con. Res. 54: Mr. LOBIONDO.
H. Con. Res. 78: Mr. MOAKLEY, Mr. CLAY, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. DEUTSCH, Ms. NORTON, Mr. DURBIN, Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Mr. HEFNER, Mrs. MORELLA, and Mr. UNDERWOOD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 789: Mr. LEWIS of Georgia.
H.R. 1114: Mr. KLINK.

AMENDMENTS

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

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 73: Page 94, after line 3, insert the following new section:

SEC. 8107. LIMITATION ON PROCUREMENT OF CERTAIN VESSEL PROPELLERS AND SHIP PROPULSION SHAFTING.

(a) Subject to subsection (c), none of the funds made available by this Act may be used to procure vessel propellers six feet in diameter or greater when it is made known to the Federal official having authority to obligate or expend such funds that such propellers are not manufactured in the United States and do not incorporate castings that are poured and finished only in the United States.

(b) Subject to subsection (c), none of the funds made available by this Act may be used to procure ship propulsion shafting when it is made known to the Federal official having authority to obligate or expend such funds that such ship propulsion shafting is not manufactured in the United States.

(c) The limitation in subsection (a) or subsection (b), as the case may be, does not apply when it is made known to the Federal official having authority to obligate or expend such funds that adequate domestic supplies of propellers described in subsection (a) or of ship propulsion shafting are not available to meet Department of Defense requirements on a timely basis.

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 74: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in title II of this Act for ''FORMER SOVIET UNION THREAT REDUCTION'' may be obligated or expended to finance housing for any individual when it is made known to the Federal official having authority to obligate or expend such funds that such individual was a member of the military forces of the Soviet Union or that such individual is or was a member of the military forces of the Russian Federation.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 75: Page 94, line 3, insert the following new section:

SEC. 8017. None of the funds appropriated by this Act shall be obligated or expended for the salaries or expenses of any member of the Armed Forces or any Department of Defense employee in connection with the administration of construction of any golf course or other golf facilities at Andrews Air Force Base, Maryland.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 76: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year or prior fiscal years shall be obligated or expended for costs incurred by the introduction of the United States Armed Forces into hostilities, or situations where imminent involvement in hostilities are clearly indicated by the circumstances, in the territory of the former Yugoslavia unless such introduction is previously authorized by law.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 77: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year shall be obligated or expended for costs incurred by the participation of United States Armed Forces units in any operation in the territory of the former Yugoslavia above the level of forces so deployed as of date of enactment.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 78: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year shall be obligated or expended for costs incurred by the deployment of United States Armed Forces in any operation in or around the territory of the former Yugoslavia above the level of such forces so deployed as of August 4, 1995 or to expand the mission currently being carried out by such forces as of such date: Provided, That this section shall not apply to emergency air rescue operations, the airborne delivery of humanitarian supplies, or the planning and execution of OPLAN 40104 to extract UNPROFOR personnel.

H.R. 2126

OFFERED BY: MR. SKELTON

AMENDMENT NO. 79: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in this Act may be obligated or expended for the provision by the United States of military training for military forces of the Government of Bosnia and Herzegovina.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 137: Page 25, line 5, strike $2,085,831,000 and insert $2,075,831,000.

Page 35, line 21, strike $411,781,000 and insert $399,781,000.

Page 42, line 7, strike $645,000,000 and insert $667,000,000.

Page 42, line 7, strike $550,000,000 and insert $572,000,000.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, AUGUST 3, 1995 No. 128

Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence and blessings to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

Make us maximum by Your Spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, ''God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth, Your salvation among the nations.''—Psalm 67:1–2. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the leader time has been reserved and the Senate will resume consideration of S. 1026, the Department of Defense authorization bill. Under the order, Senator DORGAN is to be recognized to offer an amendment regarding the national missiles defense. That amendment is limited to a 90-minute time limitation. Therefore, Senators may anticipate a rollcall vote at approximately at 10:30 a.m. if all debate time is used. Additional rollcall votes are expected throughout the day today and the Senate is expected to remain in session into the evening.

I yield the floor, Mr. President, so that Senator DORGAN and others might be recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the Senate will now resume consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to offer an amendment on which there shall be 90 minutes for debate equally divided.

Mr. EXON. Mr. President, may I inquire of the Senator from North Dakota? The Senator from Nebraska has been attempting to make an opening statement with regard to the measure before us. I am wondering, after the Senator from North Dakota has made the presentation under the unanimous-consent agreement, if both sides would agree to the Senator from Nebraska having 10 minutes for an opening statement on the overall measure without being charged to the time under the control by the majority or the minority.

Mr. DORGAN. Mr. President, if I might respond to the Senator from Nebraska, I have no objection. But my understanding is that the 9 to 10:30 time period for this amendment would result in a vote at 10:30, and there are some leadership obligations that require that vote to occur at 10:30, and by unanimous consent we have limited debate to an hour and a half, 45 minutes to each side, on the amendment.

It might be the case that the Senator should give an opening presentation immediately after the vote at 10:30.

Mr. EXON. I thank the Senator. That does not happen to agree with the schedule of the Senator from Nebraska. But I will try again.

Thank you very much, Mr. President.

Mr. DORGAN. Mr. President, I might say that I have no objection. But my understanding is that the 10:30 vote must occur at 10:30 because of some leadership obligations by previous agreement.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Robert Russell, a fellow on detail from the Department of Energy, be allowed floor privileges during the debate of S. 1026.

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

AMENDMENT NO. 2087

(Purpose: To reduce the amount authorized to be appropriated under Title II for national missile defense)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BRADLEY, Mr. LEAHY,

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

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Mr. BINGAMAN, Mr. FEINGOLD, and Mr. BUMPERS, proposes an amendment numbered 2087.

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

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

The amendment is as follows:

On page 32, strike out line 14 and insert in lieu thereof the following' ''$9,233,148,000, of which—

''(A) not more than $357,900,000 is authorized to implement the national missile defense policy established in section 233(2);''.

Mr. DORGAN. Mr. President, we have by unanimous consent a time agreement on this amendment, I understand 45 minutes to each side. I yield myself such time as I may consume.

Mr. President, let me begin to describe this amendment. It is painfully simple. There was $300 million added to the defense authorization bill by the Armed Services Committee for something that this country does not need and that the Secretary of Defense says he does not want. The proposal that I lay before the Senate is to take the $300 million back out.

This, it seems to me, is a very symbolic issue. The $300 million is to build a national missile defense system with instructions it be done on a priority or accelerated basis so that the deployment begins in 1999. Some said yesterday, well, this has nothing to do with star wars. And, of course, that is not true at all. This is, in fact, national missile defense, which includes a star wars component. It is the building of missiles in order to create some sort of astrodome over our country to block incoming intercontinental ballistic missiles.

It is the revival of a proposal offered in the early 1980's by then President Ronald Reagan. Of course, times were different then. The Soviet Union existed. We had a cold war that was in full force. We had an active adversary and a real threat. Times have changed. Now we have the dismantling and destruction of intercontinental ballistic missiles in Russia. And, paradoxically, we are helping pay the bill to destroy those missiles.

It is an irony that does not escape me this morning that the same people who proposed $300 million in additional spending this year as part of what will eventually be a $48 billion new project are also saying they want to cut back on our contribution to help the Soviets dismantle and destroy their intercontinental ballistic missiles. If ever there is a disconnection, it seems to me it is in that logic.

To call this $300 million—or what eventually will be a $40 billion program—''pork'' is I think unfair to pigs. Hogs carry around a little meat. This in my judgment is pure, unadulterated lard.

I want to describe this proposal in the context of what the Secretary of Defense has said. I am reading from a letter from the Secretary to Senator NUNN:

This bill will direct the development for deployment by 2003 [incidentally, the early deployment by 1999] of a multiple site system for national missile defense that, if deployed, would be a clear violation of the ABM Treaty. The bill would severely strain U.S.-Russian relations and would threaten continued Russian implementation of the START I Treaty and further Russian consideration of the START II Treaty. These two treaties will eliminate strategic launchers carrying two-thirds of the nuclear warheads that confronted the Nation during the cold war.

That is a statement of current administration policy.

S. 1026 would authorize appropriations for defense programs that exceed by approximately $7 billion the administration's FY 1996 request.

A $7 billion increase, this from folks who say they are opposed to the Federal deficit.

Here is what the committee says:

The committee recognizes that deploying a multiple site NMD system by 2003 will require significant investments in the outyears.

And, incidentally, the Congressional Budget Office says anywhere from $30 to $40 billion. But the committee avoids the issue. The committee:

. . . directs the Secretary of Defense to budget accordingly.

This is very interesting. The Armed Services Committee says we are going to build this. Here is $300 million you do not want to build something we do not need, and it is going to cost $48 billion, and we say to you, Mr. Secretary of Defense, ''budget accordingly.''

It does not say where he should get the money. It does not say they are going to raise taxes to pay for it. It says to the Secretary of Defense, budget accordingly.

Well, we all understand what that means. That means that the warriors who fight so hard rhetorically to reduce the Federal budget deficit are now wallflowers who decide they want to use the taxpayers' credit card to go out and purchase a $48 billion national ballistic missile program that this country does not need and cannot afford.

It seems to me we ought to ask two questions about these kinds of proposals when they come to us. One is, do we need it? And the second is, can we afford it?

On the first question, do we need it, do we need the $300 million added to this budget, the Secretary of Defense says no.

Can we afford it? Even if we do not need it, can we afford it? Does anybody in this room, living in a country that is up to its neck in debt, with annual yearly deficits that are still alarming and a Federal debt approaching $5 trillion, believe we can afford something we do not need?

I am going to talk some about the system itself, but first I wish to talk about the irony of being here in the Chamber at a time when we are told repeatedly, week after week after week, that we do not have enough money. We are told we do not have enough money to fully fund the programs to be able to send kids to college. So we are going to budget in a way that is going to make it harder for families to send their kids to college because we have to tighten our belt. We are told that we cannot afford to provide an entitlement that a poor child should have a hot lunch at school in the middle of the day because we must tighten our belt. We are told health care is too expensive and so we must cut $270 billion from Medicare and a substantial amount from Medicaid because we must tighten our belt.

So for the American family, the message is tighten your belt on things like education, health care, nutrition. But when it comes to security, we are told it is not time to tighten our belt; let us get the wish lists out and let us get the American taxpayers' checkbook out—or the credit card more likely—and let us decide to build a project that the Secretary of Defense says he does not want money for at this point.

Let me talk about the project itself.

This bill provides research and development funds in order to accelerate the deployment of a national missile defense system. The administration requested $371 million for its ongoing research and development program. The Armed Services Committee says that is not good enough for us. The committee wants $300 million more added to the request because it wants to deploy the system in four years. The committee is telling the Defense Department to build it. They are saying that it does not matter to us what you think; it does not matter to us whether you think we need it. We insist you build it.

I come from a State where the only antiballistic missile system in the free world was built. It was built in the late 1960's and early 1970's. Less than 30 days after it was declared operational, it was mothballed. In other words, in the same month that it was declared fully operational it was also mothballed.

It is anticipated, because of our Nation's geography, that one of the sites in a multiple site national missile defense system would be in North Dakota. There would likely be one North Dakota site. And I suppose some would say, well, that means jobs in your State; you ought to support this.

I do not think it makes sense to support a defense initiative of this type especially at this time in our country's history if you measure it with the yardstick of a jobs program. Yes, this might include some jobs in North Dakota, but it also will include the commitment and the prospect of taking $40 billion from the American taxpayers to build a project we do not need, with money we do not have, at a time when we are telling a lot of Americans that we cannot make investments in human potential for the future of this country.

There is an ancient Chinese saying:

If you are planning for a year, plant rice; if you are planning for 10 years, plant trees; if you are planning for 100 years, plant men.

I take ''plant men'' to mean ''educate your children.''

In this Chamber, we appropriately say that we have big financial problems. We are choking on debt and must do something about it. We have a lot of folks who talk a lot about it, gnash their teeth, who wring their hands, and act like warriors on deficit reduction—until it comes time for a bill like this. And then they say to us, boy, we have threats; we have threats from North Korea; we have threats from Libya; we have threats from Iraq.

What do those threats suggest we should do? What we should do is, under the aegis of reform—which is the wrong ''re'' word; the real ''re'' word is not ''reform''; it is ''retread''—is resurrect and dust off a proposal coming from the early 1980's, a cold war relic to build a national missile defense system to put an umbrella over America to protect against incoming missiles from some renegade country. Far more important, in my judgment, is the threat from a suitcase bomb somewhere; you start worrying about a nuclear device hauled in the trunk of a car and parked at a dock in New York City; you start worrying about a canister 3 inches high of deadly biological weapons. That is far more likely a threat to this country than a terrorist getting ahold of an intercontinental ballistic missile and attempting to blackmail America.

Mr. President, I am most anxious to hear those who defend this kind of spending on projects that are, in my judgment, worthless. So let me at this point yield the floor and listen and then respond to some of what I hear. I hope maybe the Senate, voting on this today, will decide that it ought not spend $300 million we do not have on something the Secretary of Defense says we do not need. That would seem to me to send a powerful signal to the American people who in this body is serious about the issue of the Federal deficit.

Mr. President, I yield the floor and reserve my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in strong opposition to the Dorgan amendment. The Armed Services Committee has taken a hard look at the ballistic missile defense programs and concluded that an increase of $300 million is warranted—indeed, badly needed. If the United States is to ever be defended against even the most limited ballistic missile threats, we must begin now.

The administration's program for national missile defense is simply inadequate. And in my view, the ballistic missile threat facing the United States is significant and growing. This threat clearly justifies an accelerated effort to develop and deploy highly effective theater and national missile defenses. In the bill now before the Senate we have done just this. The Missile Defense Act is a responsible and measured piece of legislation that responds to a growing threat to American national security.

There have been many arguments raised in opposition to the Missile Defense Act of 1995. These are either false or seriously exaggerated. Let me address three of the main objections that have been mentioned repeatedly.

First, the Missile Defense Act of 1995 does not signal a return to star wars. It advocates modest and affordable programs that are technically low risk.

Second, it does not violate or advocate violation of the ABM Treaty. The means to implement the policies and goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

Finally, the policies and goals contained in the Missile Defense Act of 1995 will not undermine START II or other arms control agreements. Russia has repeatedly agreed in the past that deployment of a limited national missile defense system is not inconsistent with deterrence and stability. The United States must not allow critical national security programs to be held hostage to other issues when there is no substantive or logical linkage between them.

Mr. President, I therefore would conclude by urging my colleagues to oppose the amendment by the distinguished Senator from North Dakota. This amendment would undermine a critical defense requirement and further perpetuate the vulnerability of the American people.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I, too, rise in opposition to the amendment. I would like to begin with a quote from Secretary Perry in this general area now, that we have entered the post-cold war time. Secretary Perry is quoted as saying:

> The bad news is that in this era deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future. And they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

MAD, mutually assured destruction.

Mr. President, I think it is unfortunate that there are those who seem to think that the American people should not be defended against the one military threat which holds them at risk in their homes on a daily basis. Simply stated, this amendment seeks to perpetuate what many believe is truly an American vulnerability.

Yesterday there were only five Senators who opposed a sense-of-the-Senate resolution that the American people should be defended against accidental, intentional, or limited ballistic missile attack. Today the Senator from North Dakota is attempting to cut $300 million from national missile defense to ensure that American cities will in effect remain undefended without this additional funding.

Senators yesterday voted in favor of defending the American people in this new era that we are in. So today all Senators will have an opportunity to demonstrate whether or not they are serious about a national defense. If you believe, as the Senator from North Dakota so honestly does, and has stated, that the United States should not be defended against this particular potential for ballistic missile attack, then support the amendment. But if you believe that the time has come to get on with national missile defense, you should oppose this amendment.

We have heard quite a bit about how there is no threat and how investment in national missile defense is a waste of money. Let us remember that more Americans died in the Persian Gulf war as a result of one missile than any other single cause. I do not imagine that the families of these victims would view missile defense investments as a waste.

The argument that there is no threat to justify the deployment of a national missile defense system I think is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

Much has been made of the intelligence community's estimate that no new threat to the United States will develop for 10 years. But the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by other than indigenous development. I would point out the same intelligence has also prepared a chart that has been displayed on the Senate floor showing the North Korean missile programs, including the Taepo Dong II ICBM, which DIA says could be operational in 5 years.

We see the size and the capability of destructive ability of these various missiles. You have got the Scud-B, the Scud-C, the No Dong, the Taepo Dong I and II. And these have not been tested. But it is very capable for them to do that, the North Koreans to do that. And it is estimated that they could go to this biggest one, which would be well over the 1,000 kilometers, in 5 years or maybe less. And in developing this system North Korea has demonstrated to the world that an ICBM capability can emerge rapidly and relatively with little notice.

Nobody knows with certainty what the range of this potential new missile would be. But we do know that it is approximately the size of the Minuteman ICBM.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national

defense system. Developing an NMD system would serve to deter countries that would seek to acquire otherwise ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

It has also been argued that the administration's NMD program costs less than the one proposed in the defense authorization bill. Well, I guess that is right. It usually does cost more to actually do something about a problem than nothing, which is precisely what the administration's program will do, I fear—nothing at all. They request money. And they have requested almost $400 million this year. And yet it is not enough to actually get the job done. The administration's program has no deployment goal in sight. In effect, you know, it wastes almost $400 million per year on a program designed never to achieve a specific end. In my view, if we are not going to actually deploy something we ought to take the rest of the NMD money and spend it on something that will defend America.

The Senator from North Dakota has stated that the system we want to build will cost $40 billion. But by the administration's own charts, it states that it would cost less than $25 billion, including a full space-based sensor constellation. How does this compare to the cost of the F–22, the B–2 or other major new systems? I think it is a pretty good investment relative to virtually anything else that DOD is developing. What good does it do to be able to project power overseas with modern and sophisticated weapons if we cannot secure our families at home? Remember what we are talking about here.

It is not an insignificant amount, an additional $300 million approximately, but you are talking about the cost of three or four airplanes. You are talking about offensive weaponry, three or four airplanes. We can move toward the ability to develop and deploy this system.

One other chart I would like to refer to with regard to the national missile defense program. The Bottom-Up Review just, I guess, 2 years ago, projected the expenditures at this level for the national missile defense. The administration fiscal year 1995 request was as you see up to about, I believe it indicated about $500 million. And then in the fiscal year 1996 it dropped down, and what this bill actually does is basically a very small increase over what the administration's fiscal year 1995 request was. So, talking about just enough increase to move toward actual development and the ability to deploy within 10 years.

So this is a good-sense approach. It is one based on what the administration had projected in its Bottom-Up Review and what it asked for in 1995.

For those who argue that the Senate Armed Services Committee is throwing money at ballistic missile defense, I point out that the amount of this bill for the Ballistic Missile Defense Organization is $136 million lower than the Clinton administration's own Bottom-Up Review recommended for fiscal year 1996. It is also less than the administration's own budget forecast in last year's plan.

All four of the defense committees in Congress have increased funding for the national missile defense. In fact, the Senate Armed Services Committee and the Senate Defense Appropriations Subcommittee have recommended a smaller increase than the House committees have. The House has recommended an increase of $450 million.

In response to those who say the administration did not request this increase, I point out the Ballistic Missile Defense Organization has made it clear on many occasions and with the administration's, I think, tacit approval, that if more money was made available for ballistic missile programs that they would want to spend $400 million on the national missile defense program.

The bottom line is simple. If you think that the American people should not be defended against ballistic missiles, then go ahead and support this amendment. If you think that the time has come to do something about an ever-increasing threat in this post-cold-war era, then vote against this amendment.

I strongly urge my colleagues to put themselves on the side of defending the American people at a very reasonable cost.

I yield the floor, Mr. President.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for the time.

I was listening intently to the Senator from Mississippi. I was glad he brought that up because the Senator from North Dakota has said over and over and over again that this is a $40 billion program for the future. I think it has to be clarified, and yet after we clarify it, I suggest the Senator from North Dakota will continue to use $40 billion. This is just not true.

The Senator from Mississippi talked about, according to the figures of the administration, it was $24.2 billion. But I suggest that includes the SMTS program, Brilliant Eyes, which is funded separately, which can be taken off. It is closer to $18 billion.

We do have an investment today in the program of $38 billion. Some people estimate it is more than that. Let us be conservative and say $38 billion in what we call the SDI program, which some people like to continue to use star wars to try to make the public of this country believe that this is some fantasy, that it is not real. It is not something we are handling today.

The SDI program, we feel, helped end the cold war by 5 years. What kind of a value can we put on that? In fact, the Russian Ambassador to the United States, Vladimir Lukin, stated that if it had not been for SDI, the cold war would have gone on for 5 additional years.

The SDI program and its research led to systems, not fantasies, but systems in place today, such as the Aegis system, cruisers and destroyers, kinetic energy programs, the hit-to-kill technologies which are used in the THAAD, the PAC–3, the Navy upper-tier defense systems. These are not star wars; these are technologies. They are on line today.

All we are trying to do is say that in 5 years from now, where many in the intelligence community say we are going to be threatened by perhaps North Korea or other technology that will reach the United States—and this is something that most of the intelligence community agrees with—we want to do something today that will be within the confines of the ABM Treaty. We talked about that before. This is as much as we can do to reach the point so that 5 years from today, we are going to be able to defend the United States against missile attacks.

The Senator from North Dakota refers over and over again to the suitcase bombs, to the ships and vans that deliver weapons. And on that case, I agree with the Senator from North Dakota, I think he is right. But we are already taking care of that. We are already working on that program.

The Senator from North Dakota talks about intelligence estimates. I asked yesterday on this floor, what if we are wrong, what if those intelligence estimates he is saying where the threat is not there for 10 more years, what if we are right and it is 5 more years? What if he is wrong? Look back to 1940 and Pearl Harbor. At that time our estimates were wrong; North Korea in 1950, or more recently, Iraq in 1990. Our intelligence was wrong at that time.

The Senator relies on the cold war mutually assured destruction program embodied in the triad of missile submarines, land-based missiles and bombers, but we had all these things 5 years ago, and that did not deter Saddam Hussein from using Scud missiles.

When the Senator points out that the administration says that $300 million to defend Americans from attack is not in our interest, he ignores the fact that just 3 months ago, the director of the Pentagon's Ballistic Missile Defense Organization, with the administration's blessing, said that they could spend $500 million more. That is $200 million more than the additional amount we are trying to put on that we did put on in the Senate Armed Services Committee and our counterparts in the other body to reach a system that would defend America.

The Senator from North Dakota is also citing the administration supposedly defended our interests last year by spending $2 billion. We are doing a lot of talking now about $300

million. What about the $2 billion that we spent for humanitarian missions that, by their own admission, in the Senate Armed Services Committee, by the Secretary of Defense were really not to our vital national security interests.

I am talking about Somalia and Haiti and Bosnia and Rwanda. We are spending all this money. We are sending our troops all the way around the world to defend violations of human rights. Certainly, I am not insensitive to the ethnic cleansing that is going on and all these human rights violations. But we are spending huge amounts for that. I disagree with the foreign policy of the administration, and I do not think we should be doing it. But if we are doing it, that is $2 billion, and we are talking $300 million right now to keep this on line to be able to defend this country 5 years from now.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INHOFE. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Does the Senator from South Carolina yield 2 additional minutes?

Mr. THURMOND. Mr. President, I grant him 2 more minutes.

Mr. INHOFE. Finally, Mr. President, I must express my amazement with the priorities of the Senator from North Dakota. He wants to cut $300 million from the missile defense. He says we have higher domestic priorities. We heard about the nutrition programs, we heard about all these social programs that seem to, in his mind, have a higher priority.

I suggest to you that this $300 million is a relatively small amount of money. The one bomb in Oklahoma City that wiped out the Murrah Federal Building cost the taxpayers $500 million—one bomb.

I suggest if the Senator from North Dakota could have stood with me in Oklahoma City on April 19, April 20, April 21, when they are sending troops and volunteers into this building to pull out people who might be alive in there, the hope was there that more would be alive, then the fourth day came and the smell of death had enveloped the city, if you could have been there, and what was going through my mind was, this is just one building in one city, one missile could come in there and wipe out every building in the city of Oklahoma City, in the city of Sioux Falls, SD, in Bismarck, ND, in New York City, could wipe out the entire thing.

Multiply that one thing, the Murrah Federal Building in Oklahoma City by 100, by 1,000. That is the threat that is out there. That is the threat that can reach, according to many in the intelligence community, this country within 5 years. We have to be ready for that. This should be the highest priority. We are elected to defend America. That is exactly what this is about today.

So, Mr. President, in the strongest of terms, I say this is the minimum that we can do to keep on force, to have a national missile defense system in place in 5 years when the threat is very real.

Mr. STEVENS addressed the Chair.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of the Armed Services Committee.

The Ballistic Missile Defense Initiative, reported by the Armed Services Committee, puts our Nation on the right track to address the growing missile threat to our country.

In the defense appropriations bill, which was reported last week, we fully supported every element of that plan, and I congratulate Senators THURMOND, LOTT, and others who worked with them on this plan.

Every intelligence assessment available to the Congress indicates that the threat posed to U.S. military forces is growing from ballistic missiles, as is the threat to the United States itself.

There can be no greater imperative, as we allocate funding for research and development for future systems, than to develop and deploy an effective national missile defense system.

This matter has special significance to every citizen of my State of Alaska. Already, North Korea is developing missiles that could attack the military installations in Alaska.

Alaska-based F–15's, F–16's, and OA–10 aircraft will be the first to respond to any attack on South Korea. On that basis, we are a target for North Korea.

The distinguished Senator from North Dakota may be confident that his State will not face that threat in coming years, and I share that confidence. Our country was lucky in the gulf war. The ingenuity and technical creativeness ensured that we had some minimal capacity to respond to the Iraqi Scud missile threat.

We cannot, and must not, rely on luck to be ready to face the risk of missile launches against my State and against the United States in total. We must make the investment now to have ready a system to deploy, if that is the decision of the President and Congress.

The additional funds proposed for authorization and appropriation for national missile defense is a reasonable and affordable start for this program.

I am here to urge all Members to support this initiative. I do so as a Senator from a State that is seriously threatened today, and I believe the funding authorized by this bill, already included in the defense appropriations bill, is the proper way to start.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield such time as I may consume to myself.

Mr. President, statements have been made that my position is I do not want to defend America's cities against a very real threat—total nonsense; absolute nonsense.

My position is that we should not be spending money we do not have on something the Secretary of Defense says we do not need. Let me read from a letter from Secretary of Defense William Perry to Senator NUNN:

> The bill's provision would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks. The bill would require the United States to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a balanced strategic missile threat has not emerged. Our national missile defense program is designed to give us the capability for a deployment decision in 3 years, when we will be in a much better position to assess the threat and deploy the most technologically advanced system available, if they think it is needed.

This is not a case of somebody deciding we do not want to protect America's cities. It is a case of saying we do not want to spend $300 million that the Secretary of Defense says we do not need to spend.

Let me respond to a couple of other things that have been said. This is not about just $300 million. It is about $48 billion, according to the Congresional Budget Office. I ask all the Senators who spoke here, where are you going to get that money? You suggest that the Secretary of Defense budget for it. I ask you, are you going to charge it? And are you going to tax people for it? Where are you going to get the money? Do you want to advance a notion now that you want to build a $50 billion new system, which by the way does, indeed, include star wars, as page 59 of the bill says? I ask you, where are you going to get the money for it?

Let me say to you, as well, that when you talk about the threat from an intercontinental ballistic missile, as you have all talked about, you understand and I understand—I have some material that I will not read from on the floor, but it is material from Nobel laureates, from veterans of the Manhattan project and from physicists who are experts in this field, all of whom agree—and I think you would agree—that a threat from a renegade country is far more likely as a result of a cruise missile, which cannot be defended against by this system, than it is from an intercontinental ballistic missile. A cruise missile is easier to build and cheaper to build and more likely for them to get.

I ask you this question, if you are worried about protecting America's cities: If you finished spending $48 billion to defend against ballistic missiles, then tell me how that system defends America's cities against the far more likely threat of cruise missiles. The fact is that by building a national ballistic missile defense you have done nothing to defend against a cruise missile attack on American cities.

That is the point. The point here is that this is a weapons program with a constituency. Like all weapons programs, it does not matter what the climate is—it can be rain, snow, wind, or

sleet; you can have a Soviet Union or not, and it could be 1983 or 1995—this weapons program has legs. It has jobs and it has constituencies. This is out of step, makes no sense, and yet we see on the floor of the Senate folks who come here and say, well, let us, this year, stick $300 million more in this program than was asked for and than is needed. Why? Because we want to defend America's cities. Against what? Against a threat which the Secretary of Defense says does not exist, and Nobel laureates and veterans of the Manhattan project say does not exist.

If you are so all-fired worried about threats, let us focus on the threats that the Nation will really face.

One additional thing. I think the Senator from Oklahoma makes the point that I have been trying to make this morning when he talks about the tragic bombing of Oklahoma City. It is not an intercontinental ballistic missile with all of its sophisticated targeting that is the likely way to attack against America. It is far more likely to be a rental truck, a suitcase, a glass vial, a single-engine airplane. I think the Senator from Oklahoma made the point I was trying to make.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. I will not yield on my time.

Mr. INHOFE. I would like to respond to the Senator.

Mr. DORGAN. If the Senator would give time, I am happy to answer questions. But we have 45 minutes equally divided.

I will at this time reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, first of all, let me just say that 5 minutes is not a lot of time to make the case. But I am in strong support of the Dorgan amendment for a number of reasons. First of all, I will talk policy, and then I will talk budget. There is no significant long-range ballistic missile threat to the United States now or in the immediate future. The head of the DIA stated:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Mr. President, the national missile defense provides no defense against the most likely future attacks on the United States, which will not be delivered by missiles. We have seen that clearly in a tragic way at the World Trade Center, the Federal building in Oklahoma City, and the subway in Tokyo.

Mr. President, there are many arguments I could make about this impossible dream. But let me just put it in a slightly broader context. We have out here a bill that requests $7 billion more than the Pentagon says it needs. We have out here with star wars a request for $300 million more than the Pentagon says it wants to spend or needs to spend.

Mr. President, I think this amendment is about more than star wars. It is about priorities. And if you look at requests for Head Start, it is $3.9 billion, but the total cost of the next aircraft carrier, the CVN–78, is $4.6 billion.

If you look at requests for police officers, housing, childhood immunization, alongside star wars, the B–2, Pentagon budget, $7 billion more in this bill than requested by the Pentagon itself, of the kind of stories that are now coming out, Mr. President, about a variety of different pork projects, all across the country, we have to ask ourselves the question, what are we doing here?

I was on the floor of the Senate not too long ago, saying why are we eliminating low-income energy assistance? I was talking about the poor in the cold-weather State of Minnesota. We also could talk about cooling assistance. This was during the time where we read that 450 people died, many elderly and poor.

On the one hand, we cut low-income energy assistance, we cut education programs, we cut job programs, we cut all sorts of nutrition programs, we are not investing in our children, and we have here a bill that asks for $7 billion more than the Pentagon says it needs for our national defense.

Now we have—for this impossible dream, many independent people arguing it never will work anyway—a request for an additional $300 million.

Mr. President, the real national security for our country is not for star wars in space. It is to feed children and educate children and provide safety and security for people in communities, and job opportunities for people on Earth.

This is outrageous. At the very time we have some of our deficit hawks saying, ''Cut this nutrition program, cut low-income energy assistance, cut legal services, cut job training, cut summer youth programs, cut education programs, cut health care programs,'' we have here a budget that asks for $7 billion more than the Pentagon wants, and $300 million more for star wars—this impossible dream, this fantasy—than is requested by our own defense people.

This is really a test, I say to my colleague from North Dakota, this is a test case vote, as to whether or not we are serious about reducing the deficit and investing in people in our country, investing in people who live in the communities in our country. That is what this is about.

Senators, you cannot dance at two weddings at the same time. Maybe you are trying to dance at three weddings at the same time. You cannot keep saying you are for deficit reduction, you cannot keep saying you are for children and education, you cannot keep saying that you are for job opportunities, you cannot keep saying you are for veterans, you cannot keep saying we will not cut Medicare, and at the same time allocating more and more money for your pork military projects, and adding to a military budget that the Pentagon itself says it does not need. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Arizona.

Mr. KYL. I thank the distinguished chairman of the Armed Services Committee for yielding time to discuss this amendment.

Going back to basics, the amendment is to cut $300 million from the committee's request for funding for the Defense Department. The committee has a $300 million increase from what the administration had requested for this particular part of the budget. The House had increased it $400 million. The Senate increase is less than the House increase by $100 million. The Dorgan amendment is to cut $300 million from the committee's request.

The primary arguments against the committee's mark are categorized into two areas: First, the threat is not that great or that soon; second, the money could be spent on other things.

First, talking about the threat, there is a suggestion here that the threat is not imminent. The threat we are talking about is a threat to relatively soon be able to attack the continental United States, because this is the national missile defense part of the program we are talking about.

Now, we all understand that eventually we will have to have a defense against missiles that would either be accidentally or intentionally launched against U.S. territory. The question is, how soon do we need to begin preparing for that?

The Senator from North Dakota says we do not need to worry about it yet because it will be maybe 10 years before the threat emerges. There are two primary responses to it. First, it is wrong; and, second, we are not taking into account the fact that it takes a long time to develop the programs to respond to the offensive threat.

We have been working at this program for a long time. It has been 5 years yesterday, since the taking over of Kuwait by Iraq. Yet we are not very far down the road in terms of improving our ability to defend even against a missile like the Scud B that the Iraqis had. We are talking here about much longer range missiles than the Scud B. We are talking about missiles that could reach U.S. territory.

Now, at first we are talking about the State of Alaska or the Territory of Guam. I know it is of interest to the Senator from North Dakota.

In fact, we all would be very, very concerned about a threat to any U.S. citizen, whether it be in Guam or whether it be in Alaska. It does not have to be to the heartland of America.

What is the fact with regard to this threat? The person who last headed the CIA just prior to the new Director, John Deutch, the then Acting Director

of the Central Intelligence Agency, Admiral William Studeman, made this point just a few months ago. He said,

> Our understanding of North Korea's earlier Scud development leads us to believe that it is unlikely Pyongyang could deploy Taepo-Dong I or Taepo-Dong II missiles before 3 to 5 years. However, if Pyongyang has foreshortened its development program, we could see these missiles earlier.

What the acting CIA Director was saying is that they probably will not have this missile that could reach the United States for 3 to 5 years.

Well, we cannot develop this system within 3 to 5 years. The bill calls for some kind of a deployment, hopefully, by 1999. That is within the timeframe that the CIA Director acknowledges the Taepo-Dong II missile could be developed.

Now, what about the current CIA director? John Deutch said last year, ''If the North Koreans field that Taepo-Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''

The point here is that North Korea, a belligerent state over whom we have virtually no negotiating control, no diplomatic control, is developing a weapon which the CIA says could potentially reach United States territory in 3 to 5 years.

If the 3 years is correct, we cannot possibly have anything deployed in time to meet that threat. Even if it is just used to blackmail us, it is a tremendous threat. For those who say that there is no threat here, the facts do not bear them out. The intelligence estimates do not bear them out.

The other side of this argument is, well, there are other threats. There could be a suitcase bomb. There is a cruise missile threat, and of course the answer is yes, that is true. We are doing everything we can to meet those threats as well.

It is a fallacy of logic to suggest that because there is some other threat that, therefore, this is not a threat. That is the logic of the Senator from North Dakota. Well, somebody might bring a suitcase bomb over.

Well, we are working that problem very hard. The last three CIA Directors have said that their primary concern is the proliferation of these weapons of mass destruction and the missiles that can deliver them.

As a matter of fact, there has not been a suitcase nuclear bomb explode, but there have been missiles launched against U.S. forces. As a matter of fact, as I said yesterday, fully 20 percent of our casualties in the Persian Gulf were as a result of a Scud missile. We did not have an adequate protection against the Scud missile.

We at least had the Patriot over there. We have nothing to protect the people in the United States. I think the CIA Directors are a pretty good source for the proposition that there is a potential threat out there, and we will be lucky to be able to deploy a system in time to meet that threat, if their statistics are correct.

Now, just one quick final point on the threat. The Senator from North Dakota suggests that the triad is actually adequate here, but the same Secretary of Defense that he is so fond of relying on has made it clear that mutual assured destruction, the threat that we retaliate with nuclear weapons against Iraq or some other country, is just not credible.

As Secretary Perry said on March 8 of this year,

> The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

And the M-A-D that he is referring to is the mutual assured destruction doctrine, which the Secretary is saying is madness today. That doctrine no longer works. We need a defense, not just the threat of massive retaliation to prevent countries from launching missiles against the United States.

Finally, let us talk about the amount here. First of all, as the Senator from Mississippi pointed out earlier, the amount that is in the Senate bill this year is less than the Clinton administration requested last year in their 5-year budget. So in the 5-year plan the administration sent up here last year, they were asking for more money for this program than the committee has asked for this year. It is a matter of timing, of when you spend the money. As I think I have pointed out, even with this amount of money we will be lucky to be able to field something that is effective by the time the threat is upon us.

Second, there is a suggestion here that the Secretary does not want this because he has not asked for it. Obviously, we are all aware of the politics within the Pentagon and the administration and not asking for it is not the same as not wanting it. You will note in the letter from the Secretary, nowhere does he say: Do not send us this $300 million, I do not want it and I will not spend it if you send it to me. As a matter of fact, his spokesman on this issue, Gen. Malcolm O'Neill, before the House committee just a few weeks ago, was asked if he could spend this money, and here is what he said:

> I have reviewed the BMD program, the impact of last year's budget reductions and the schedule of several key programs in order to recommend where additional resources could be best applied.

Remember, the House is talking about $400 million in additional resources. And he says:

> These funds could be effectively used in several key BMD programs to accelerate development efforts, preserve early development options for a national missile defense system, and to protect current theater missile defense system acquisition schedules.

In other words, the expert in this area, the head of the program, Gen. Mal O'Neill, made it clear to the House of Representatives if he had this extra money he could effectively use it. I understand the administration position is against this. We all understand that. But it is not common sense when you recognize the speed with which this threat could be upon us and the ability we have to develop a system that could defend us.

When I say it is not common sense, I do not mean to denigrate the Secretary of Defense. He is a fine public servant and is very concerned about the future of our country. But reasonable people can differ about the speed with which we ought to get on with this effort and the priority of spending this money. I submit the weight of evidence from the Central Intelligence Agency and from the other people who have spoken on the issue is, we better get about this task right away.

The final point with regard to the money is that while we could be spending this money on summer youth programs or Low Income Home Energy Assistance—of course we could. But what is more important, defending American lives or summer youth programs? We have to set priorities around here. I submit, if a missile were launched against the State of Hawaii or the State of Alaska, every one of us on this floor would be denouncing the act and would be asking why that was allowed to happen? Who sat by while this threat emerged? Who allowed this threat to evolve to the point we could not defend our own citizens from a missile attack? Those would be the questions asked on this floor.

Today that question can be answered because those people who seek to cut these funds out of the committee bill will be the people responsible for us not having a system at the time that the CIA believes we are going to need to have it. That is the question before the body. Do we go along with the leadership? Do we go along with the committee, which is the body of expertise on this? Do we go along with the Central Intelligence estimates, and do we go along to fund this program to at least get us on a path to develop and deploy a system in the time we need it? Or do we take the risk and roll the dice, spend the money on summer youth programs or Low Income Home Energy Assistance or the like?

I submit the decision today is that we should go along with the committee's request here, support the committee and vote down the DORGAN amendment which would cut the $300 million.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, let me yield a minute to myself before I yield 5 minutes to the Senator from Arkansas.

I might say if ever there is an Olympic event called side stepping, I have seen this morning several candidates for gold medals.

Let us not be confused about what the Secretary of Defense has said. Here is a letter he sent last week. It says this:

The bill's provisions would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

That is not a letter from a Secretary who is undecided about whether this is good policy or not. The Senator from Arizona says he just has not asked us. The Senator says that of course, the Secretary would like to get it this additional money.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. This letter says he does not want it. He thinks it adds excess costs and additional security risks to this country. So let us not be confused about the message from the Secretary of Defense. He is clear on this issue.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. I yield 5 minutes to the Senator from Arkansas. I will be happy to yield momentarily for a question.

Mr. KYL. Briefly, can the Senator point anywhere in that letter where he is referring to this $300 million? He is referring generally to this bill, not to this $300 million.

Mr. DORGAN. In fact, he specifically refers to this $300 million in this program, I say to the Senator from Arizona, in the following part of this paragraph. I read it once before and I am not going to read it again for you.

The point is, he is talking about developing specific national missile defense for interim operational capability in 1999 and for full deployment in 2003. That is exactly and specifically the program we are now debating. If the Senator is asking, was the Secretary talking about this issue, the answer is clearly, unequivocally, yes, that is exactly what the Secretary was talking about in this letter.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Senator from South Carolina for yielding, and thank him for his leadership in support of the defense of the United States of America.

I am very pleased that this amendment has been offered. I oppose it, vehemently and strongly oppose it, but I am glad it has been offered because it gives the American people a chance once and for all to see just exactly what this debate is all about and who stands for what.

The Dorgan amendment would leave the American people completely vulnerable to ballistic missile threats, completely vulnerable. It says to our constituents, it is OK to protect Israel, protect France, protect Germany, protect Italy, protect our allies, but not our folks at home. Do not protect them.

The armed services bill, on the other hand, establishes a program to defend all Americans, regardless of where they live, against a limited ballistic missile attack. For the life of me, I do not understand how anyone could use the argument it is OK to protect somebody in one area of the country and not in another area of the country. How can one do that and keep a straight face?

The Clinton program and the Dorgan amendment leaves the United States hostage, completely, to the likes of Kim Jong Il and the Pyongyang Communists. The intelligence community has suggested that North Korea may well deploy an ICBM capable of striking Alaska and Hawaii within 5 years, and some talk maybe even as far as San Francisco in a very short period of time, but the Senator from North Dakota thinks it is wrong for us to defend these American citizens?

If the Senator disagrees with this assessment, let us look at the statement of the recently confirmed Director of the Central Intelligence Agency, John Deutch. Dr. Deutch stated,

If the North Koreans field the Taepo Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

This is a serious, serious problem. The issue really boils down to this. Twenty nations have acquired or are acquiring weapons of mass destruction and the capability to deliver them, Iran, Syria, North Korea, Libya, China, to name a few. That ought to put the fear of God in us—just that, just thinking about those nations. And at least 24, some of the same ones I just mentioned, have chemical weapons. And approximately 10 more are believed to have biological weapons. And at least 10 countries are reportedly interested in development of nuclear weapons.

The international export control regime is failing to prevent the spread of these technologies. They are being spread all over the world, this missile technology, biological, chemical, nuclear, and the capability to deliver them.

The Armed Services Committee, under the strong leadership of Senator Strom THURMOND, recognizes that fact. This is a far-reaching, farsighted, looking-ahead attempt to protect the United States of America and its citizens in the outyears. You have to be thinking about that today, not 50 years from now, because 50 years from now it will be too late. You think about it today, and that is what the Senator from South Carolina has done. Under his leadership we have provided, in the Armed Services Committee, the opportunity to protect our citizens.

The Dorgan amendment would say that the continental United States, Alaska, and Hawaii, are absolutely vulnerable to these threats. The reckless leaders of North Korea, Syria, Libya, and others basically have free access to our citizens. The choice is simple, really; really simple. If you believe the American people should be protected against limited accidental or intentional missile attacks—take your choice—you should support the Armed Services Committee bill.

That is why we are on the committee. That is why we delve into these matters in great detail. That is our specialty. That is what we are there for, to understand these things and to present options to the full Senate. But if you believe the American people should not be defended and should be completely vulnerable, then you vote for the Dorgan amendment.

It is ironic—and tragically ironic, frankly—that those who oppose defending the American people hide behind the fig leaf of the cold war. The cold war is over. And the technology and the philosophy that we use to defend against it is also over. We do not have mutual assured destruction anymore. We do not have a bipolar world anymore. These people are not rational. Does anybody think Saddam Hussein is rational? Would Saddam Hussein have used a nuclear missile in the Persian Gulf war if he had the opportunity? You bet he would. He just does not have it.

We do not have the capability to protect against this. It is very interesting that focus groups have been held where we call a few people into the room and interview them. We asked them, ''What would you do if somebody fired a missile at the United States?'' In this group, American citizens were put together in a room and they were asked, ''What would you do if someone fired a missile at the United States of America?'' And every single one of those people said, ''We would shoot it down.'' Guess what? We do not have the capability to shoot it down, Mr. President. This amendment will make sure we do not have the capability to shoot it down until it is too late.

So I urge my colleagues to defeat this very irresponsible amendment.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want everyone to understand that the President's request already has $371 million in the bill for a national ballistic missile defense system. The committee added $300 million. So now we have $671 million, almost doubling what the Pentagon requested. The Senator from North Dakota very sensibly and wisely is trying to strike out the extra money. I hear people on that side of the aisle saying, ''We are not trying to abrogate the ABM Treaty. This does not abrogate the ABM Treaty.'' Really?

Here is what the ABM Treaty says:

Each party shall be limited at any one time to a single area out of the two provided in Article III of the treaty for deployment of antiballistic missile systems or their components. . . .

English is the mother tongue. If you speak English, you understand the word ''single.'' It means one. Our one site is now in North Dakota.

Here is what this bill says. Here is what the language of the bill clearly says if you speak the mother tongue.

It is the policy of the United States—to deploy a multiple-site national ballistic missile defense system . . . .

I want to emphasize that—''a multiple-site'' NBMD system.

And section 235 of the bill says:

The Secretary of Defense shall develop a national missile defense system, which will attain initial operational capability by the end of 2003 . . .

It shall include . . . ground-based interceptors deployed at multiple sites . . .

Remember, the ABM Treaty bans multiple-site systems. If that in itself is not compelling, there is more. This bill says we will decide what is a national missile defense system, and what is a theater missile defense system. We could not care less what the Russians think. Do you think people in Russia, the former Soviet Union, who crafted this treaty with us and that we ratified with, should have any say about what we are going to do in abrogating the treaty?

I read a very interesting article the other day in the Washington Post, an op-ed by someone named Sarah Roosevelt, who I do not know. She said, ''Do not tweak the bear.'' Russia is an economic basket case. They are a military basket case. They were a military basket case and an economic basket case when Hitler decided he could take them with one hand behind him. They did not have any choice but to allow millions of their people to be slaughtered until they could arm and beat Hitler.

If I had asked this body 10 years ago standing beside my desk, ''Senators, what would you give to see the Soviet Union disappear, and to see East Germany, Hungary, Poland, all of those nations free, how much would you be willing to cut the defense budget in exchange for that?''—10 years ago—I daresay a consensus in the body, the smallest number would have been 30 percent, and a lot of people would have said 50 percent.

So what are we doing with this bill, which is the most irresponsible defense bill I have seen in my 21 years in the U.S. Senate? We say we are going to give to the Pentagon $7 billion which it doesn't even want. What kind of insanity is sweeping over this body?

We spend already, without the additional $7 billion, twice as much as our eight most likely enemies including China, Russia, North Korea, Iraq, and Iran—twice as much; and, with NATO, twice as much as the rest of the world combined. And in this bill we are putting an additional $7 billion into defense.

If this bill goes to the President's desk in its present form and he does not veto it—I am going to say publicly he is a very good friend of mine, and I want him to be reelected—if he does not veto this bill, I am going to be terribly disappointed.

I yield the floor.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there is an old song that says: ''You keep coming back like a song.''

Mr. President, in spite of the end of the cold war, in spite of the fact that the Russians are dismantling their nuclear weapons and we are buying the plutonium and the enriched uranium, in spite of the fact that there is no longer a threat from intercontinental ballistic missiles to the United States, no longer targeted at this country, this same issue, this military-industrial complex that the Defense Department does not want, keeps ''coming back like a song.''

Mr. President, I have had amendments on this I guess four or five times over the past few years; more than I think $25 billion ago. And we have won it sometimes on the floor only to see it reversed by one vote or by two votes. But, Mr. President, this really at this time in our history is madness.

The biggest threat to this country right now is not from Russian ICBM's and certainly not from Saddam Hussein, who is no conceivable threat to the continental United States. Rather, the real threat to the United States is from this kind of spending, which would start a new cold war, which would hurt the economy of the United States and weaken this country.

If you are really worried about nuclear weapons, I can tell you where the threat would come. It is from a terrorist nuclear weapon which could be easily brought into the United States in a suitcase.

Look, if they can smuggle bales of marijuana into this country easily, they can easily smuggle into this country a suitcase bomb which can be put into something the size of a briefcase. And so why are we spending billions of dollars, even going into space-based lasers? Do you know what it takes to drive a space-based laser? A nuclear bomb. That is what it takes; otherwise, they do not have enough power.

That is what we are spending all this money for? What is the threat, Mr. President? It is absolute madness. It is what President Eisenhower warned against—the military industrial complex—which gets this enthusiasm, gets it going; we have jobs out there in the economy. That is what this thing is about. It is not about defending the United States.

We really ought to go further than the Dorgan amendment. We ought to do away with any thought of deploying any ballistic missile defense in the continental United States. Do some research but do away with this deployment. It makes no sense today.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to speak for a few minutes about our ballistic missile defense program and the ABM Treaty with an eye toward dismantling several myths about our missile defense program and the scope of the ABM treaty. Unfortunately, many of the opponents of a deployable national missile defense system, including the President, confuse the central issues at hand in this debate through the perpetuation of two central myths about national missile defense.

They maintain consistently that one, deploying a national missile defense system is a return to star wars and two, that such a deployment is an abrogation of the ABM Treaty. Neither of these claims has any grounding in fact.

First, the opponents of a deployable NMD system would have the Senate believe that in supporting NMD deployment we are committing ourselves to a long-term research program that would cost this Nation tens of billions of dollars.

In addition, they would have the Senate think that this system is a space-based system modeled along the lines of the star wars program of the 1980's. The deployed NMD system called for in this bill is neither a distant technological dream, a space-based system, nor an overly expensive investment for the American taxpayer. This legislation calls for a deployable, multiple site, ground-based interceptor system by the year 2003. Let me repeat—a ground-based interceptor system.

The current GBI configuration of a national missile defense system builds off our current advances in theater missile defense—advances that proceed from the concept of ground-based anti-ballistic missiles. Such a system builds upon existing ground-based interception technology—technology that is currently deployed or is being validated through successful flight tests.

The only current limitation on rapid EKV development and deployment is the funding strangulation placed on our NMD program by the current administration. The centerpiece of this system, the Exoatmospheric kill vehicle or EKV, has been in development for 5 years and has demonstrated outstanding technological progress and achievements. The EKV is a real piece of hardware designed to perform a mission that is well within our current intercept capabilities. As opposed to tens of billions dollars in outlays to develop and deploy a ground-based NMD system, a deployable system will require a scant percentage of the funding provided for space-based research in 1980's. In fact, this year's authorization and appropriations bill call for an increase of only $300 million for national missile defense—an amount that is roughly a third of the cost of one destroyer. The opponents of national missile defense also claim that the national missile defense provisions in

this authorization bill would violate the Anti-Ballistic Missile Treaty. While the ultimate goal of multiple site deployment of an NMD system will require modifications to the ABM Treaty, nothing in the range of the coming year's research and development efforts will in fact, violate the constraints of the treaty. Therefore, the committee has, wisely, asked only for a Senate study on the application and relevance of the ABM Treaty to the current missile defense needs of this country. The ABM Treaty is over two decades old. It is based upon a doctrine of deterrence commonly known as mutually assured destruction. While this doctrine was absolutely applicable to the realities of the cold war, it has little place in a nonbipolar world of rogue regimes and proliferating ballistic missile technology. Unfortunately, the current administration continues to adhere not only to a belief that the parameters of the treaty remain valid in today's world, but seem determined to apply unilateral interpretations to the treaty that limit not only our national missile defense program, but also our theater missile defense systems—limitations beyond those expressly contained in the treaty. Therefore, the committee has recommended a provision that would codify TMD speed and range standards for treaty compliance—standards derived from the administration's own November 1993 proposal. Make no mistake, Mr. President, the global political situation and the nature of the ballistic missile threat has changed dramatically from the time of the ABM Treaty's ratification. North Korea is nearing long-range ballistic missile capability. Just 2 months ago, the Chinese fired a truck-launched ICBM, demonstrating just how easy it will be for rogue states to develop and launch ICBM's on the cheap. Mr. President, the threat to the United States from long-range ballistic missiles from rogue regimes will exist by 2003, if such capabilities do not already exist.

It is absurd and irresponsible to continue to deny our citizens protections from a real threat, especially if that protection can be provided for limited cost and is based upon technology which is near fruition. I strongly urge my colleagues to see through the myths regarding national missile defense and resist any attempts to weaken the commitment of this act to deploying an NMD system.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Ohio, Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to speak in favor of the amendment offered by my colleague from North Dakota, Mr. DORGAN, to strike the $300 million that was added to the bill by the majority of the Armed Services Committee for national missile defense [NMD].

The President had requested $371 million for NMD—and the committee is proposing virtually to double that amount.

I do not believe that sensitive national security and diplomatic issues should be allowed to sink into the unruly pit of partisan politics. There have been appropriate lines drawn over the many years of this Republic by the various political parties, and I think most of us would have to agree that politics should stop at the water's edge when it comes the most sensitive issues of our national defense and security.

The language on national missile defense in the bill and the committee report, however, vaults over this line in a manner that infringes upon the constitutional prerogatives of the Executive in foreign policy, drains our Treasury, makes our country less secure, and ultimately increases international strategic instability.

After having to listen to the litany of complaints by the current majority party about tax-and-spend members of my own party, I find it ironic to see the majority party has now embraced this same tax-and-spend doctrine as the Rosetta Stone of that party's entire approach to strategic defense.

This is all the more ironic given that the Secretary of Defense, Mr. Perry—whose words can surely be taken as nonpartisan on this issue—has stated quite clearly that, "* * * a valid strategic missile threat has not emerged." [Letter of Sen. Nunn, July 28, 1995] These words echo the sentiments of our intelligence community. Gen. James Clapper, the DIA Director, testified before the Armed Services Committee on January 17, 1995, that "* * * we see no interest in or capability, of any new country reaching the continental United States with a long range missile for at least the next decade."

The ABM Treaty authorizes its parties to have a limited national missile defense capability, but the terms of the treaty are quite clear about what is permissible and what is not permissible. The committee majority seems determined to plus-up those programs that will inevitably drive us out of that treaty—a result that they earnestly believe will serve the national security.

Yet will it truly serve our security to spend a fortune to erect high-tech Maginot line defenses of dubious reliability against nonexistent threats, while we continue to underfund efforts to address clear and present dangers? I am speaking particularly of the challenges we should be facing to prevent proliferation from occurring, as opposed to just trying to cope with it after it is a fact of life as the majority evidently prefers to do. Proponents of the current bill seem more eager to prevent Qadhafi from launching a blizzard of nuclear-tipped ICBM's at Chicago than in keeping Qadhafi from obtaining the nuclear materials he will need to manufacture such warheads in the first place. Let me say, it would be a much more efficient use of our resources to focus our efforts on the latter type of problem. By the way, if Qadhafi finally gets enough of that material, he will not need to—and probably will prefer not to—attach the United States using ballistic missiles. There are plenty of other ways to get the job done.

Will it serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe that such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

Will it serve our security to drain some $48 billion out of our Treasury to build a national missile defense system? That is what the Congressional Budget Office has estimated it will cost to build a complex that covered Grand Forks, ND, and five other States. To this we must add billions more for theater missile defense—which these days is getting to look more and more like strategic missile defense. And the costs just keep adding up. We must not forget the long-term costs of operating and maintaining such facilities. The legacy we will leave to future generations from this investment will not be a more secure country, but a less secure world, and a towering pile of budgetary IOU's.

Will it serve our security, in deploying an extensive national strategic missile defense network, to drive China, Britain, and France out of international negotiations aimed at further nuclear reductions?

Will it serve our security to jeopardize the Nuclear Non-Proliferation Treaty, which was just extended indefinitely on the basis of solemn commitments by the nuclear-weapon states both to conclude an early comprehensive ban on all nuclear tests and new progress on nuclear arms control and disarmament?

These are just some of my reasons for supporting the Dorgan amendment today. We are standing on a slippery slope leading to the demise of the ABM Treaty. The Dorgan amendment merely seeks to remove one large banana peel from that slope. I urge all my colleagues in joining me in endorsing his responsible proposal.

In summary, Mr. President, the President requested $371 million for national missile defense. That was to do the basic research. And somehow we come along now and want to say we are going to double that amount; we are going to put another $300 million in here. And for what? I do not understand the rationale of this whole thing except it seems to me we have reversed parties here almost. Tax and spend, tax and spend, tax and spend, that is what we have heard leveled at the Democratic Party all these years. Now, here we are with something that is not even needed and we are going to tax and spend, and now it is the Republican tax

and spend. I think that is a valid charge back at the Republicans on this.

Tax and spend for what? The Secretary of Defense says that a balanced strategic missile threat has not emerged. General Clapper, DIA director, testified before the Armed Services Committee, and I quote him:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

At the same time we are going to endanger the ABM Treaty, which authorizes its parties to have a limited national missile defense capability—limited. But the terms are quite clear about what is permissible and what is not permissible.

I do not know why the majority is determined to plus up these programs with something that will take a chance of eventually driving us out of that treaty. I think it is ridiculous. Will it really serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

I just do not see how it is going to serve our security to drain $48 billion—$48 billion—out of our Treasury to build a national missile defense system that is not needed. And that is not my figure. That is what the Congressional Budget Office estimated it will cost to build a complex that covers Grand Forks, ND, and five other States. That is $48 billion, and it does not even cover the whole country. That does not even cover the theater missile defense, which I support.

I think it moves in the wrong direction. I do not see that it serves our security in deploying an expensive national missile defense network to drive China, Britain, and France out of the international negotiations aimed at further nuclear reductions.

I am not sure either exactly what kind of system this is. Is this to be an SDI system? The President provided research, and yet we do not know what this system is. At best, it is going to be a $48 billion operation just to cover five States. It literally makes no sense whatsoever to take a chance of driving us out of the ABM Treaty when we have no international intercontinental missile defense necessity for this country at this time.

Let us do the research the President wanted. Let us continue on down the road with that research, which I favor, voted for it, support fully, and if we see a threat developing, we will have time to go to what this provides prematurely.

I know my time has expired. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, three quick rebuttals. First, to my distinguished colleague from Ohio where he quotes General Clapper. There are two fallacies in that argument I say. One, it is predicated on a startup within a country to build it all the way up. But there are open bids on the free market in this world today from many countries, primarily Iran, Iraq, and others, that would buy a Chinese system which could hit the United States within that lesser period than 10 years. Also, it will take us 10 years to build the very system we are debating here at this point in time. So there is a convergence, Mr. President, in time and need for this system.

Shifting to another argument from the distinguished Senator from Louisiana, who said it is madness. Well, let me tell you, Mr. President, a little story of madness. The distinguished Senator from Georgia; myself; the distinguished Senator from Hawaii [Mr. INOUYE]; and the distinguished Senator from Alaska [Mr. STEVENS] were in Tel Aviv on February 18, 1991. I remember it very well. It happened, coincidentally, to have been my birthday. We were there in the Defense Ministry when a Scud alert was sounded and in a very calm way we participated with the others in putting on our gas masks. The Scud fell some 2 or 3 miles away. We were not in danger.

May I say to my colleagues, when we went out the next morning to visit the community that was struck and to talk to the people, that was madness. That was madness, to see in their faces the attack by Saddam Hussein for no military reason whatsoever, strictly to use that type of weapon as a terrorist weapon, a single strike. Coincidentally, it was the last to fall on Tel Aviv.

And I say, Mr. President, that same problem could happen, a single one as a terrorist weapon to fall on this country, and we have an obligation to the people of this country to invest this comparatively small, modest sum to ensure against that.

Mr. NUNN. Would the Senator yield for a brief observation?

I remember that evening very well. And I do not want to say this with much humor. There is not much humorous about anything regarding a Scud missile attack. The Senator said we were not in danger. If the Senator would amend that by saying we were not in danger because the target was where we were, the Ministry of Defense, and the Scud missiles are notoriously inaccurate. So we were probably in a safe place. But the target was the Ministry of Defense, we found out.

Mr. WARNER. Mr. President, I acknowledge that. I recall, if we want to close off on a note of humor, the distinguished Senator from Georgia said to me, ''Saddam Hussein just sent you a birthday present.''

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time do I have left?

The PRESIDING OFFICER. Seven minutes, thirty seconds. The Senator from South Carolina has 2 minutes.

Mr. DORGAN. I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I want to respond very briefly to my distinguished friend from Virginia. He is talking about theater missile defense. I am all for theater missile defense.

What we are talking about here is starting down a track that if we go this route and violate the ABM Treaty, we have got the Russians at that point of probably putting the coordinates back into their missiles or ICBM's. We have plenty of time, according to the people that do the estimates on these things, for Qadhafi and people like that before they develop true intercontinental capability. I am all for the theater missile defense that would have taken care of the situation that he is talking about that he was in. But I think when we go down this track of taking a chance of knocking out the ABM Treaty, which this does, if we go ahead with this whole process, then I think we just—the greatest likelihood is we are going to encourage the former Soviets, the Russians, to go back on the track of missile activation again. I see that as a real threat. That is an active threat. And I think this is folly to go down that course.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I will make this real quick.

After my remarks, the Senator from North Dakota made a couple of comments. Let me respond to him. First of all, he said we do not have any cruise missile defense in this bill. That is a greater threat. Let me suggest to you if you read page 119, we have $140 million in here for cruise missile defense. And I hope that no one believes that we think that the missile threat is the only threat to America. There are many other threats that are being addressed.

Now, the other thing is that the two Senators from Wisconsin and North Dakota know very well that the defense budget is not causing the deficit. We always hear about from the big spenders over there, ''Well, we've got to do something about defense.'' The last 11 years our defense budget has declined. And for that period of time for every $1 of defense cuts, we have had $2

of increase in domestic spending. To be specific, in using 1995 dollars, in fiscal year 1985 the defense budget was $402 billion. Today we are considering one that is $265 billion.

Thank you, Mr. President.

The PRESIDING OFFICER. the Senator's time has expired.

Who yields time?

Mr. NUNN. Will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the way I see this, I do not intend to vote for this amendment. I believe the money that is added here, the $300 million, which puts this budget back on national missile defense, about where it was when President Bush left office, I think the money is consistent with a limited thin defense but an effective defense against limited attack against accidental launch or against third countries that may develop a limited capability against the United States. What is inconsistent with that is the language in this bill which will be the subject for the next amendment which puts us in a position of anticipatory breach of the ABM Treaty, will be read like that in Russia, with no reason to be in breach because we do not have any programs in the next fiscal year that would in any way contravene that treaty. So we are going to be paying a huge price for nothing because of the language in this bill. So I will not favor the money striking because the money is needed.

I will favor though the amendments that will try to correct this language. If this language goes forward as it is, we are going to pay a big price, probably not only in the failure of ratification of START II but also in the Russians not complying or continuing to comply with START I. So we are buying ourselves perhaps 6,000 or 8,000 warheads pointed at America by the language in this bill. And I hope people recognize that when we get to the next amendment. But I do not believe the answer is to strike the money which everybody agrees at some point we are going to need some kind of limited defense. The administration agrees with that.

The PRESIDING OFFICER. The time is expired.

Mr. NUNN. Could I get another minute?

The PRESIDING OFFICER. The Senator from South Carolina does not have any time.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 30 seconds to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. I thank the Senator from North Dakota.

Mr. President, I rise in support of Senator DORGAN's amendment to eliminate the Armed Services Committee add-on of $300 million for the national missile defense system. If I am not already listed, I ask unanimous consent that I be added as a cosponsor.

The committee funded increase of $300 million is an initial downpayment on what the committee majority advertises as a multisite, multilayered missile defense system designed to protect against a large and sophisticated missile attack. The missile defense language in the authorization bill makes clear that the system desired is one that will violate the ABM Treaty and intercept a Soviet-type missile attack. The $300 million plus-up in the bill is the first installment of a bill that could grow to a staggering $48 billion cost according to a March 1995, CBO report. This $48 billion is in addition to the $35 billion we have already spent on missile defense. Let no one misunderstand the significance of this vote. This is the first of many expensive installments to resurrect the Star Wars concept.

This vote is on a question of priorities. At a time when we are significantly slashing domestic spending and making tough, painful budgetary choices, it would be irresponsible to add $300 million into a system concept designed to defend against a threat that does not exist today and will not exist by the operational deployment date of 1999.

I believe we should send a powerful signal to the American public by approving the Dorgan amendment and putting the Senate on record that the domestic welfare of our citizens will not be sacrificed on the gold plated alter of star wars. This vote is on a question of priorities. We can ill-afford to shrug our shoulders and say ''what is $300 million'' at a time when we are asking all Americans to tighten their belts. As I said earlier, a vote for this $300 million installment is only part of a lengthy payment plan that will eventually drain our treasury by another $40 to $50 billion. To buy into such a payment plan would be the height of fiscal folly. I urge my colleagues to support the Dorgan amendment.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I rise today in strong opposition to this amendment which would severely reduce the funding needed to develop missile defenses. In light of our experiences in the Persian Gulf war, and the advanced weapon development programs of hostile countries such as Korea, this amendment should be soundly rejected by the Senate.

The dangers of leaving our own country unprotected cannot be ignored. Perhaps some Senators have forgotten that we had a demonstration of the dangers of a ballistic missile attack just a few years ago. The picture of an unprotected Israel being hit by Scud missiles chilled the hearts of all Americans, but that incident would pale in comparison to the consequences of a nuclear missile strike. It was reported in the news a year ago that the North Koreans vowed to launch missiles at Tokyo should armed conflict occur with South Korea. While their capability to launch such an attack is questionable, the threat cannot be ignored.

It is my understanding that in reaction to this, Japan has approached the Department of Defense to discuss the purchase of our THAAD missile system. Unfortunately, THAAD will not be ready for deployment until the turn of the century. I am sure that if Japan could have anticipated the threat they now face, they would have invested in some type of missile defense system much sooner. As it is, Japan will be vulnerable to North Korean blackmail for years to come. They can only hope that North Korea never carries out its threat.

Mr. President, we cannot allow the United States to be put in such a vulnerable position. I firmly believe, however, that the present crisis with North Korea clearly demonstrates that need to continue the development of a national missile defense system. The cost of being unprepared to defend ourselves is too great to be ignored.

I encourage my colleagues to join me in defeating this unwise amendment.

Mr. DORGAN. I yield the remaining time to myself.

Mr. President, this has been a most unusual debate. I see a couple in this chamber who are parents who have no doubt read their children the Berenstain Bears books. One of the Berenstain Bear books talks about the ''give me's.'' Talks about ''give me, give me, give me, give me this, give me that, give me this.'' You know, it is interesting to me as I read to my children and describe the Berenstain Bears books about ''give me,'' it reminds me a bit of the folks who come to this floor with every conceivable project, every conceivable program in national defense that is proposed by someone and says—they say, ''We have got to build this. We have got to fund it. In fact, we cannot wait. We have got to do it right now.''

I asked the question an hour and a half ago, where are you going to get the money? Where is the money? The Congressional Budget Office says this will cost $48 billion. I ask, where is the money? Are you going to charge it? Are you going to tax people for it? Where are you going to get the money? I have not heard one response in an hour and a half. And I know why, because they do not have the foggiest notion where they are going to get the money. They just have an appetite to spend it and build this program.

Let me end where I began. This is $300 million the Secretary of Defense says he does not want, and we do not need, that folks who say they are opposed to the Federal deficit are now insisting we spend. To describe this as pork is to give hogs a bad name. At least hogs carry around a little meat. This is in my judgment pure lard to pay for a program this country does not need and cannot afford.

Now let me respond to a couple of the things that have been said. During this

debate it has been said that this national defense program does not violate the ABM Treaty. Supposedly, this does not violate the ABM Treaty. How can anyone possibly say that? Of course it violates the ABM Treaty. To understand that is only to be able to read. This bill calls for many sites. The ABM Treaty only allows one. This bill calls for more than 100 interceptors. The ABM Treaty limits this Nation to less than 100 interceptors. This bill on page 59 calls for weapons in space. The ABM Treaty forbids weapons in space. Of course this bill violates the ABM Treaty. Let us not debate this issue with that kind of representation.

This leaves us vulnerable, one speaker said. That what folks want to do is defend France and Israel and leave us vulnerable. There is $371 million in this bill for ballistic missile defense. I am not touching that.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Has the time expired on both sides?

The PRESIDING OFFICER. The Senator has no time left.

The Senator from North Dakota has 2 minutes, 45 seconds. The Senator from South Carolina has no time left.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are told by some speakers that our intention is to leave American cities vulnerable while at the same time we defend Israel and France and Egypt and others.

Total nonsense. There is $371 million in this bill for a ballistic missile defense system. All we want to do is take out the extra $300 million that was added that the Secretary of Defense says he does not want and that we do not need. That is all we are trying to do.

I do not need to hear from folks about the threat to this country. North Dakota has been ground zero for 40 years. If we seceded from the Union, we would be the third most powerful country in the world—300 intercontinental ballistic missiles with Mark-12 warheads, a B–52 base, we had a B–1 base. We understand about ground zero. They built an ABM system in North Dakota, in fact, the only site in the free world. Spent billions. Within 30 days after it was declared operational, it was mothballed. Tell that to the taxpayers.

We understand about missiles and bombers and national defense, and we understand about ground zero. But we also understand about Government waste. We understand it when people say we cannot afford to send kids to school; we are going to make it harder for parents to send their kids to college; we cannot afford money for the elderly for health care; we simply cannot afford money for nutrition programs; we have to tighten our belts.

And then the same folks say that it is our priority to add money to a system that the administration does not need. The Senator from Louisiana said this is madness. He is absolutely correct. This makes no sense at all. We ought to decide as a Senate what our priorities are. The Senator from Ohio, a decorated combat veteran in service to this country, stood up and said it the way that it is. Let us build things that are necessary for the defense of this country.

I am for a strong defense, but I am not for wasting the taxpayers money on boondoggles that we do not need and boondoggles that will not work. Let us decide for a change that we mean what we say when we talk about reducing the Federal budget deficit. Let us decide we cannot at this point embark on a new venture, to spend $48 billion on a ballistic missile program, a national defense missile system—yes, Star Wars, because part of it will be based in space—at a time when we are up to our neck in $5 trillion of debt, and when this year we will run a $170 billion deficit.

If we have some courage and common sense in this body, we will, in this case, say, ''You can't add $300 million for something this country doesn't need and for something the Secretary of Defense doesn't want. To do so makes no sense.''

That is the ultimate threat to this country: That debt, this deficit, this kind of mindless spending. That is the threat to America, and let us decide to stand up and finally stop it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. All time has now expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2087. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Colorado [Mr. CAMPBELL], is necessarily absent.

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—51

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Brown	Grams	Murkowski
Burns	Hatch	Nickles
Coats	Heflin	Nunn
Cochran	Helms	Packwood
Cohen	Hollings	Pressler
Coverdell	Hutchison	Roth
Craig	Inhofe	Santorum
D'Amato	Kempthorne	Shelby
DeWine	Kyl	Simpson
Dole	Lieberman	Smith
Domenici	Lott	Snowe
Specter	Thomas	Thurmond
Stevens	Thompson	Warner

NAYS—48

Akaka	Feingold	Kohl
Baucus	Feinstein	Lautenberg
Biden	Ford	Leahy
Bingaman	Glenn	Levin
Boxer	Graham	Mikulski
Bradley	Grassley	Moseley-Braun
Breaux	Gregg	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Pell
Byrd	Inouye	Pryor
Chafee	Jeffords	Reid
Conrad	Johnston	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Dorgan	Kerrey	Simon
Exon	Kerry	Wellstone

NOT VOTING—1

Campbell

So the motion to lay on the table the amendment (No. 2087) was agreed to.

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

Mr. SMITH. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, in a moment I will send an amendment to the desk which would strike language from the bill which violates the ABM Treaty, which establishes unilateral interpretation of the ABM Treaty, and which also would tie the President's hands in even discussing the ABM Treaty with the Russians.

Mr. President, I ask unanimous consent, however, that I now be allowed to yield the floor to Senator EXON for 10 minutes, and then to Senator BAUCUS for 5 minutes, without losing my right to the floor.

Mr. MCCAIN. Reserving the right to object, and I will not object, may I ask the Senator from Michigan, as part of that, will he agree to a time agreement on his amendment?

Mr. LEVIN. We are trying to see how much time will be required by various speakers. We are trying to put that together right now. We are working on that.

Mr. MCCAIN. Also, reserving the right to object, following your amendment, there will be no more amendments on this issue?

Mr. LEVIN. I cannot say that; I do not know that.

Mr. MCCAIN. Again, reserving the right to object, I remind the Senator from Michigan, we have now been on this single issue for all intents and purposes for 2 days.

At this point, we will have thoroughly ventilated the ballistic missile defense issue, and at some point we should acquire a list of proposed amendments and be prepared to move forward. I hope it is possible we could start reaching some time agreements.

The issue is a very important issue. I understand. It is critical. At some point, I think we should move on to other issues. There are other Members who plan on proposing amendments. I hope we can move forward.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I want to make an objection. Reserving the

right to object, can I inquire of the Senator whether or not, given the somewhat unusual procedure of asking two Senators be allowed to speak—you now holding the floor—would the Senator include in his request that those desiring to speak will not offer amendments?

Mr. LEVIN. I will be happy to do that. It is not my understanding they want to offer amendments.

I will modify my amendment. But I also will modify my UC in another way.

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

Mr. LEVIN. Mr. President, is it in order for a quorum to be called at this point?

The PRESIDING OFFICER. I am sorry, I did not hear you.

Mr. LEVIN. Is it in order for a quorum call?

The PRESIDING OFFICER. No, it is not. The Senator from Michigan has the floor.

Mr. MCCAIN. I object to the unanimous-consent request of the Senator.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, the most dangerous portion of this bill, in my view, is its head-on assault on the Anti-Ballistic Missile Treaty. This is not a subtle issue. This is not an issue of interpretation. That is a frontal, head-on assault which says that it is now going to be the policy of the United States——

Mr. KENNEDY. Mr. President, could we have order in the Senate? The Senator is making a very important speech. He is entitled to be heard.

I make the point of order the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Will we remove the conversations, please, from the floor? Will we remove the conversation over here on my left from the floor, please? The Senator may proceed.

Mr. LEVIN. Mr. President, the language we are going to analyze, that is in this bill, directly confronts the ABM Treaty and says it is the policy of the United States—and these are the words of the bill—no longer to abide by the ABM Treaty.

It does it in a number of ways throughout this bill, but the way in which it does it first is by simply stating, in section 233, that ''It is the policy of the United States to deploy a multiple site national missile defense system.'' It goes on beyond that in section 233, but that is a very clear statement of what the intention and what the effect is, of this bill.

Mr. MCCAIN. Will the Senator from Michigan yield for one second?

Mr. LEVIN. I will be happy to.

Mr. MCCAIN. I will be glad to withdraw my objection to the unanimous-consent request of the Senator from Nebraska to speak for 10 minutes.

Mr. LEVIN. I thank my friend from Arizona. While we were going back to the unanimous consent, I would like to modify my UC in another way. This relates to the question of how many amendments will there be on this subject.

It was my intention originally to offer three different amendments striking the bill in three different places. I believe there has been some discussion between the ranking member and the chairman on this subject. I am not positive. But my amendment strikes language in three separate places and, rather than having three amendments striking three different places, since the issue is generally the same, I would modify my unanimous-consent request to make it in order that the amendment that I send to the desk strike three different provisions.

Mr. MCCAIN. Will the Senator work on a time agreement for that amendment?

Mr. LEVIN. We are working.

Mr. THURMOND. As I understand it, the Senator has one amendment; is that correct?

Mr. LEVIN. I have one amendment touching the bill in three different places rather than having three amendments. This is the only amendment on ABM that this Senator has. But there are other Senators who may have other amendments.

Mr. MCCAIN. I thank the Senator from Michigan.

If he wants to proceed with his unanimous-consent request, I will not object.

Mr. LEVIN. As modified?

Mr. MCCAIN. As modified.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is it necessary, when a unanimous-consent request is made, is it necessary for a Senator to reserve the right to object to get the floor?

The PRESIDING OFFICER. When a unanimous-consent request is made, the Senator making the request retains the floor. Others may ask for a right to reserve the right to object at the sufferance of the Senator having the floor.

Mr. BUMPERS. But is it necessary for a Senator to be recognized? When a request is made for a unanimous-consent agreement, is it necessary for the Senator to say ''I reserve the right to object'' in order to state whatever he wishes to state or she wishes to state?

The PRESIDING OFFICER. That is the appropriate process to proceed.

Mr. BUMPERS. Mr. President, my question is, is it necessary?

The PRESIDING OFFICER. It is appropriate.

Mr. BUMPERS. But it is not necessary, is it?

The PRESIDING OFFICER. The Chair says it is an appropriate process.

Is there objection now to the UC?

If there is confusion here, will the Senator restate his unanimous-consent request, please?

Mr. LEVIN. I am not sure the confusion relates to my unanimous-consent request. I will be happy to restate my unanimous-consent request.

The PRESIDING OFFICER. If you would.

Mr. LEVIN. That is, I now be allowed to yield the floor for 10 minutes to the Senator from Nebraska. Following his 10-minute remarks, without offering an amendment, that the Senator from Montana be recognized for 5 minutes, and that he is not intending to offer an amendment. And that, then, I retain my right to the floor.

It is now part of the modified UC that it be in order in the amendment, which I will send to the desk, that it touch the bill in three places.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Nebraska is recognized for 10 minutes.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Michigan, Senator LOTT, and others for their cooperation. I would simply say, we have just gone through an exercise in futility, although finally successful. Had the Senator allowed me to proceed, I would have been almost through with my statement at this time. But at least I appreciate the consideration that has been offered by both sides.

There has been some criticism about the possibility of redundancy with regard to this authorization bill, particularly with regard to ballistic missile defenses. I simply say, this is the time to pause, this is the time to reflect, this is the time, if you will, to take some time. Because what we are about, in this authorization bill, is going to have long-range, possibly serious implications, in the view of this Senator, who has worked on these matters for a long, long time.

Later in the day, I believe, probably my colleague from Arkansas, Senator BUMPERS, will be addressing some of the issues that I will be addressing now, and he will probably be referencing a statement that came out of Moscow today with regard to what the Russians are doing and not doing and thinking as we proceed in this area.

Certainly, the policies regarding the national security interests of the United States should not be dictated by Moscow. But certainly, since we are talking about the possible violation if not the outright violation of treaties that we are a party to and a part of, we are talking about serious business here. And whatever redundancy is necessary to get that message across should be the order of the day.

Mr. President, I rise to offer my thoughts on the fiscal year 1996 National Defense Authorization Act. Rarely in my 17 years in the U.S. Senate have I come to the floor to take issue with a Defense authorization bill reported out of the Senate Armed Services Committee. As a member of the committee, I have usually been satisfied that the reported bill was the product of a bipartisan effort to further advance our national security objectives.

To my dismay, the content and philosophy embodied in this year's bill is a significant departure from those of previous years. Crafted with little bipartisan consultation, the bill reported out of the committee represents a regrettable and potentially harmful U-turn in our national security policy that will, unless corrected, return the United States to the confrontational cold war policies of the 1980's that predated the fall of the Soviet Empire.

While much in the committee bill is laudable and will greatly enhance the readiness and capabilities of our Armed Services, I am fearful that these constructive elements of the authorization bill will be offset by misguided efforts to defend against threats that do not exist and hostile attempts to scuttle international agreements intended to enhance our security through peaceful means. As originally drafted—I emphasize ''originally drafted''—in the Armed Services Committee, this bill attempted to: abolish the Department of Energy; gut the cooperative threat reduction program responsible for the removal of thousands of Russian nuclear warheads from their missiles; prevent the administration from carrying out a number of important nuclear non-proliferation agreements relative to North Korea and the former Soviet Union, and purchase unwanted B–2 bombers at a potential cost totaling tens of billions of dollars.

While the majority of the Armed Services Committee was successful in overturning these and other astonishing hardline recommendations, many provisions remain in the reported bill that will return us to the cold war mentality of yesteryear. Among the most objectionable of these reversals are bill provisions that: advocate violation of the antiballistic missile treaty; as has been briefly addressed and will be addressed more so by the Senator from Michigan on an amendment that I am a cosponsor of.

Add over $500 million in star wars missile defense funding; endanger ratification of the Start II Treaty, and resurrect at least two battleships.

Let me repeat that because this is an old battle that this Senator has carried on against unneeded, unwanted, and useless battleships.

It resurrects at least two battleships at a cost of nearly a $0.5 million a year with untold future modernization and operations costs; and, mandates the resumption of nuclear weapons testing.

These are just a few of the things that I think are terribly wrong with this bill.

The defense authorization bill is rife with legislative initiatives and reshuffled spending priorities intent on rekindling an arms bazaar that will have both domestic and international repercussions. The bill includes $7 billion—let more repeat that this bill includes $7 billion—in additional spending above the administration's request, a large majority of which has been siphoned off for the purchase of ships, planes, trucks, and other weapons not requested by the Pentagon. The so-called readiness debate we used to hear so much about is dead after only a year. The real winners in the committee reported bill are the defense contractors who stand to receive billions of dollars in unexpected weapons buys.

While our domestic spending accounts are being squeezed tighter and tighter—and while the polls are showing very clearly that with all the hoopla the standing in the public with the newly created Congress is going down and down. The people are catching on.

So I emphasize again, Mr. President, while our domestic accounts are being squeezed tighter and tighter, this bill contains a Christmas list or unexpected gifts for home State contractors that carry staggering price tags: $770 million more for missile defense contracts; a $650 million downpayment for two more DDG–51 destroyers; $1.3 billion for the unrequested LHD–7 assault ship; 12 more F–18's than asked for and the list goes on. Add in to this mix a committee initiative establishing a loan guarantee program for defense contractors to export their weapons overseas and you can understand why defense contractors throughout the country are popping champagne corks: Christmas has indeed come early.

But the bill to the taxpayer is not complete at the committee passed authorization of $264.7 billion. There is a built-in cost overrun. In the rush to fund these and other unrequested multibillion dollar weapons, the committee majority did not fund the anticipated expenses for ongoing Department of Defense operations in Iraq and Bosnia. This outstanding bill, the cost of which will in the mean time come out of Pentagon operation accounts, will come due next year and I warn my colleagues to not be surprised when this $1.2 billion expense is funded in part by more domestic spending cuts. Ironically, this built-in cost overrun is nearly identical to the cost of the LHD–7 add-on. I would hope that the Senate will reconsider this issue during floor debate and decide to place the operations funding of our troops in the field overseas above the cost of building an unneeded naval vessel.

While the funding priorities in this bill are questionable to say the least, there should be no doubt as to the design and effect of the bill on arms control and international relations. The defense authorization bill before the Senate takes aim at scuttling the ABM Treaty by requiring that the United States break out of the treaty and deploy a multiple site national missile defense system by 2003. Caught in the cross hairs of the committee's aim is the START II Treaty as well. Although this arms control agreement is a good deal for the United States as well as global security, the defense authorization bill does its best to see that it is killed in the cradle. That is precisely what will happen if the bill provision to break out of the ABM Treaty is approved. Ratification of START II will be blocked by the Russian Duma and the new alliance between our two countries will, in turn, be irreparably damaged, thrown into a resumption of the cold war, and still higher defense budgets. The bill is filled with jabs at Moscow designed to create distrust toward the United States and harm our new alliance. As if breaking out of the ABM Treaty and derailing START II Treaty ratification is not enough, the bill adds $30 million for a new antisatellite weapons program, it attacks and limits the Nunn-Lugar program that has been responsible for the safe and accountable disarming of over 2,500 former Soviet nuclear warheads, it cuts Energy Department nonproliferation, arms control, and verification funding, it recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy and is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement. I will have a great deal more to say about the issue of nuclear testing later on during the consideration of this bill.

In summary, I am concerned with the tone and substance of the bill. The level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At a time when our one-time enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with reality and in strong need of amendment before it can properly serve our Nation's security interests.

At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with imaginary dragons in order to lay claim to the mantle of being ''strong on defense.'' We are a strong country, the preeminent military power in the world by far. But we must also be forward looking and recognize that it is in our national interest as well as in the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and a lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. If handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and

intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support amendments that will correct these and other self-defeating elements of this flawed legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes.

Mr. BAUCUS. Thank you, Mr. President.

VIETNAM MOVING WALL OPENING CEREMONY

Mr. President, this morning, the Vietnam Moving Wall—the portable replica of the Vietnam War Memorial—came to Bozeman, MT. I would like to offer my thanks and congratulations to retired Col. Ron Glock and Jim Caird for their hard work in making it all happen, and say a few words in honor of this solemn occasion.

Walls generally divide people. But this wall unites us. It unites us, as Montanans and Americans, in reverence and gratitude to the Americans who gave their lives in Vietnam.

The Vietnam War Memorial allows people to touch the names of their friends and their relatives, and remember those individuals who touched our lives so deeply. And the Moving Wall, as it travels our country, allows each of us to honor their lives and their gifts, and remember the lessons of history.

The young people who were born after the war—many of them now entering adulthood—have a chance to experience and understand the magnitude of a war where we lost over 50,000 Americans.

The families and comrades in arms see their brothers, fathers, and friends given the honor which is their due.

And we all learn again the lesson of the cost of war.

So today we come together to honor and remember all those we lost in Vietnam, and in particular those who went off to war from Bozeman and Montana State and whose names we can read on the Wall today:

David Jay Allison, Jack Herbert Anderson, Alan Frederick Ashall, Richard DeWyatt Clark, Air Force Capt. Charles Glendon Dudley, whose mother is present at the opening ceremony this morning, Glenn Charles Fish, James Francis Fuhrman, Raymond LeRoy Gallagher, Edward Joseph Hagl, Hal Kent Henderson, James D. Hunt, Lyle Albert Johnson, Ronald George Jordet, Patrick Joseph Magee, Ronald John Moe, Stephen Stanford Oviatt, Duane Kenneth Peterson, Jimmy Dee Pickle, Dean Andrew Pogreba, Alexander Pomeroy, Roger Paul Richardson, Anton John Schonbrich, Donald William Seidel, Larry Max Smith, Jerry Wayne Snyder, Arthur Lee Stockberger, Johnnie Bowen West- ervelt, Robert Vincent Willett, Jr., and Alvy Eugene Wood.

May the Lord bless them and grant them eternal peace.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan retains the floor.

Mr. LEVIN. I thank the Chair.

Mr. President, this bill is a head-on assault on the ABM Treaty. There is nothing subtle about it. Unlike our existing policy which permits us to consider whether or not we wish to withdraw from the treaty at the appropriate time, if and when there is a threat and after we have done the research and development to see how much it would cost to put up a national defense and after we have gathered together the information that we need and the impacts that we need in order to make that decision on a reasonable basis, this bill decides now that it is the policy of the United States to pull out of the ABM Treaty. It makes no bones about it. The language of section 233 says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That is a clear breach of the ABM Treaty. Article III of the ABM Treaty says:

> Each party undertakes not to deploy ABM systems at more than one site.

The ABM Treaty has permitted us to do a number of things. First, it is permitting arms reduction in offensive weapons. Without the ABM Treaty, the Russians are not going to be reducing their offensive weapons, as they have agreed to in START I and we hope they will ratify in START II. That process is going to be ended because if they are going to be facing missile defenses, they are going to be increasing the number of offensive weapons rather than decreasing the number of offensive weapons.

They have told us that. So the ABM Treaty has allowed us to do the most important single thing we are probably doing right now in the nuclear strategic world, which is to reduce the number of offensive nuclear weapons.

The ABM Treaty has also allowed us to avoid a defensive arms race, where a defense is installed and there is a countermeasure to the defense, and then there is a counter-countermeasure to the defense, and then there is a counter-counter-counter, and on and on ad infinitum.

But first and foremost, what is going on right now is the dramatic reduction of offensive arms, and we have been told by the Russians—and I am going to read from General Shalikashvili's letter in just a moment about how seriously he takes this issue—they are going to stop the reduction of offensive arms and forget the ratification of START II.

That is what the stakes are in this discussion. This is not some theoretical discussion about defenses. This is a premature decision to destroy a treaty which is allowing us now as we speak to reduce the number of offensive weapons that threaten us, that face us, that are aimed at us now.

The bill also States in section 235 that to implement the policy that I just read in section 233:

> The Secretary of Defense shall develop an . . . operationally effective national missile defense system which will attain initial operating capability by the end of the year 2003.
>
> It shall be developed in a way which includes ground-based interceptors deployed at multiple sites.

There we go again with the multiple-site breach of the ABM Treaty. Section 235 also provides for an interim operational capability. It is all laid out very specifically as to the deployment schedule for the ABM system.

Now, this is a head-on collision. This again is not like our current law provides, that we are going to continue to do research and development on nationwide defenses, on strategic missile defenses. This bill decides now that it is the policy to deploy such a system before we have done the research and development and before we have concluded our negotiations with the Russians in an effort to make such a nationwide defense system permissible under an amended treaty.

This is not a question of interpretation. This is the head-on clash, this is the trashing of the ABM Treaty. This is the establishing of a policy now to pull out of the ABM Treaty. I cannot think of anything much more shortsighted than this. It is a provocative move to commit ourselves now to deploy an illegal national defense system, the ABM Treaty be damned. This is going to wreck the START treaty which was a landmark arms reduction treaty which was achieved by President Bush, and it is going to spark a buildup of offensive weapons instead of the reduction of offensive weapons which we have been trying to achieve.

Now, General Shalikashvili, the Chairman of our Joint Chiefs of Staff, wrote me the following on June 28:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral U.S. legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

The Secretary of Defense has weighed in in strong opposition to these missile defense provisions saying, in a letter to Senator NUNN dated July 28:

> These provisions would put us on a pathway to abrogate the ABM Treaty. The bill's provisions would add nothing to the DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

Secretary Perry's letter continues as follows:

> . . . certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system [national missile defense system]—the bill would jeopardize Russian implementation of the Start I and Start II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

And Secretary Perry's letter went on to say the following:

The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

And he concluded as follows in his recent letter to Senator NUNN:

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States.

That is pretty strong language. Here is the Secretary of Defense, telling us this language, unless it is eliminated or significantly modified, will ''* * * threaten to undermine fundamental national security interests of the United States.''

Not only would this committee decision to deploy missile defenses destroy a treaty which has been a cornerstone of global nuclear arms control for over 20 years, it would increase the threat to the United States by leaving more nuclear weapons pointed at us and it would, in addition, poison our relationship with Russia, a relationship which is improving and beginning to stabilize. Now, why do we want to risk that? Why do we want to hand the hard-liners in the Russian Duma an excuse to block the ratification of the Start II Treaty and resume an offensive arms race, instead of continuing and accelerating the dismantlement of nuclear strategic weapons? There is no new threat of massive nuclear missile attack on the continental United States requiring a decision now to pull out of the ABM Treaty.

The Director of the Defense Intelligence Agency, General Clapper, said:

We see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade.

For several years, we have had a bipartisan consensus in Congress for continuing research on national missile defense that is consistent with the ABM Treaty. We have had a consensus that we should preserve the option to decide later to deploy a national missile defense system if the threat increases or if it proves financially feasible, or both. At the same time, we have had a national or bipartisan consensus that we should seek ABM Treaty understandings or changes that are mutually agreeable between the United States and Russia, and we should be doing these things simultaneously. We should be doing research and development of national missile defenses. We should be seeking understandings and modifications of the ABM Treaty while these research activities are continuing, and we should keep the option open when the time comes to withdraw from the ABM Treaty.

This bill before us breaks that bipartisan consensus, and instead decides now that it is the policy of the United States to trash the ABM Treaty and to withdraw from it. This bill commits us to meet a deployment program that is simply reckless because it is so intentionally provocative to the Russians without any military benefit to us because our present program is unconstrained by the ABM Treaty. What we are doing now in missile defense research is unconstrained by the treaty.

We do not need to make this decision now to trash a treaty which is allowing us to reduce the number of offensive weapons that threaten us. That is what is so reckless about this language. It prematurely commits us to a course of action which we need not take now and maybe never need to take. We do not know that.

We have had a bipartisan consensus to keep an option open. This wipes out that bipartisan consensus. Now, there is another provision in this bill which is threatening to our security in the eyes of Secretary Perry, and that is the one that sets a demarcation line between short-range and long-range missiles. Defenses against the former are permitted. Defenses against the long-range missiles are not.

What is the demarcation line? What is the range? We have been trying to negotiate that with the Russians as to what is the precise line between a short-range missile and a long-range missile. We put a proposal down on the table which we hope is going to be adopted. This bill incorporates our proposal as U.S. law.

We, in this bill, unilaterally adopt the proposal that the administration is making at a negotiating session and saying they cannot deviate from their proposal. Now, that is a rather unusual way to negotiate: You are sitting down with the other side, trying to reach an agreement, and your Congress back there unilaterally puts into domestic law what your first proposal is. Now, what would we think if the Duma did the same thing? We say we would like a range of 3,500 kilometers and the Duma says, unilaterally, the ABM Treaty means a range of 3,000 kilometers. Now, what would our reaction be? We are sitting at a negotiating table with the Russians, trying to figure out a demarcation line, and the Russians unilaterally make their own interpretation and make it their law, and tell their President he cannot deviate from that law. He cannot even sit down with the Americans to talk about it. He cannot even listen.

Under this bill, the President's people are not even allowed to listen to a Russian proposal because that would involve the expenditure of funds; that is, travel funds. So you can kiss goodbye those negotiations. And, by the way, the language in this bill says it is the sense of the Senate that the President cease all negotiations for a year. That is just sense-of-the-Senate language. But there is the power of the purse that is used here to prevent the President or the President's people from implementing any Presidential policy relative to the ABM Treaty. Negotiations to set a demarcation line are over.

Now, this is a country that has thousands of nuclear weapons that we have been in a cold war with, that we are trying to improve our relationship with, and we have had some real successes. And now we put one stick, two sticks, three sticks right in their eyes. For what? A new threat? Has our research carried us to the point where we now can even make a decision as to whether we can effectively and cost-efficiently deploy such a system? We are not at that point now.

The ABM Treaty does not constrain our research and development. That is why Secretary Perry said that the bill's unwarranted imposition through funding restrictions of a unilateral demarcation interpretation would jeopardize these reductions and would raise significant international legal issues, as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

Mr. President, I ask unanimous consent that the letters from General Shalikashvili and Secretary Perry be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, June 28, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN. Thank you for your letter and the opportunity to express my views concerning the impact of Senator Warner's proposed language for the FY 1996 Defense Authorization Bill on current theater missile defense (TMD) programs.

Because the Russians have repeatedly linked the ABM Treaty with other arms control issues—particularly ratification of START II now before the Duma—we cannot assume they would deal in isolation with unilateral US legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospect for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

We are continuing to work on TMD systems. The ongoing testing of THAAD through the demonstration/validation program has been certified ABM Treaty complaint as has the Navy Upper Tier program. Thus, progress on these programs is not restricted by the lack of a demarcation agreement. We have no plans and do not desire to test THAAD or other TMD systems in an ABM mode.

Even though testing and development of TMD systems is underway now, we believe it is useful to continue discussions with the Russians to seek resolution of the ABM/TMD issue in a way which preserves our security equities. Were such dialogue to be prohibited, we might eventually find ourselves forced to choose between giving up elements of our TMD development programs or proceeding unilaterally in a manner which could undermine the ABM Treaty and our broader security relationship with Russia. Either alternative would impose security

costs and risks which we are seeking to avoid.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. SAM NUNN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I write to register my strong opposition to the missile defense provisions of the SASC's Defense Authorization bill, which would institute Congressional micromanagement of the Administration's missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

The bill's provisions would add nothing to DoD's ability to pursue our missile defense programs, and would needlessly cause us to incur excess costs and serious security risks. The bill would require the U.S. to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a valid strategic missile threat has not emerged. Our NMD program is designed to give us the capability for a deployment decision in three years, when we will be in a much better position to assess the threat and deploy the most technologically advanced systems available. The bill would also terminate valuable elements of our TMD program, the Boost Phase Intercept and MEADS/Corps SAM systems. MEADS is not only a valuable defense system but is an important test of future trans-Atlantic defense cooperation.

In addition, certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons. The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs. These serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such drastic and far-reaching measures.

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States. I will continue to do everything possible to work with the Senate to see that these priorities are not compromised.

Sincerely,

WILLIAM J. PERRY.

Mr. LEVIN. Mr. President, the bill does not stop there.

Mr. KENNEDY. I wonder if the Senator will yield for a question, or does he prefer to finish.

Mr. LEVIN. I will be happy to yield for a question.

Mr. KENNEDY. Mr. President, I have been listening with great interest to the Senator's comments, and I find them enormously persuasive.

Does the Senator agree with me that these negotiations on SALT I and SALT II have been worked out in a very comprehensive way by Republican Presidents, Democratic Congresses, Joint Chiefs of Staffs, Secretaries of Defense? They were all negotiated not just as a way of trying to ease some pressure on the Soviet Union, but were negotiated because they were considered to be in the United States national security interest. It was Republicans and Democrats alike, after debate and discussion in the course of the hearings with the Foreign Relations Committee and the Armed Services Committee, and over a very difficult and complex period of time, as to the nature of the relationship between the United States and the Soviet Union, and that these were put into place because the leaders of the Joint Chiefs of Staff, the leaders of our military establishment, the Secretaries of Defense, the Secretaries of State, Presidents of the United States—Republican in these instances in terms of the SALT agreements—believed that they were in our national security interest.

As I understand from the Senator's excellent presentation, just by reviewing the particular words and phrases that are included in the defense authorization bill, the provisions that are included in the legislation, that this is effectively saying that a majority, in this case probably in terms of the vote, are expressing a counterview; that somehow they have better knowledge of the security interests and the nature of the nuclear threat to the American people than that long-term negotiating process that took place by those who were very sensitive to the security interests, the role of the United States and the relationship between the United States and the Soviet Union.

Can the Senator comment briefly on the historic context? I found very persuasive the particular details.

Second, does the Senator from Michigan, if he assumes that all of this was done in our security interest, believe that this is an extraordinary action on the floor of the U.S. Senate, when we are having our challenge in our relationship between China and the United States—we recently have heard about two military officers who were actually arrested in China; we have the tragic circumstances around Mr. Wu who has been apprehended, and the human rights violations—a range of different challenges that we are having with one of the other great world powers, China?

Our Secretary of State is involved in trying to work out at least some kind of modus operandi with the Chinese. As a student of history and as one of the leaders in the U.S. Senate on the whole issue of arms control policy, does the Senator from Michigan feel that we should be unilaterally abrogating the solemn treaty of the United States with the Soviet Union on nuclear weapons that will certainly, in a very significant way, put in serious threat our relations with the Soviet Union? Does this make any sense?

Mr. LEVIN. The Senator is right. The Secretary of State has written a letter to Senator NUNN dated August 2, which I also want to print in the RECORD, which addresses the questions which the Senator from Massachusetts has raised.

These arms reduction treaties, starting with the ABM Treaty, which is limiting arms, and then going to START I and START II—START II is before us now, supported by the chairman of the Foreign Relations Committee—these have been negotiated by Democratic and Republican administrations alike. These are not partisan treaties.

President Nixon is the one who negotiated the ABM Treaty. This is a Republican President who strongly believed that the ABM Treaty was in our security interest, and I believe every single President since has supported keeping the ABM Treaty, modifying it at times. We have had protocols to it, we have had interpretations to it, but it has allowed us to reduce offensive arms. So it has had broad bipartisan support in administration after administration.

The Secretary of State points that out when he says in his letter to Senator NUNN that ''successive administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security.'' And the Secretary of State points out that these unilateral interpretations ''would immediately call into question the commitment to the treaty and have a negative impact on United States-Russian relations and on Russian implementation of the START I Treaty and Russian ratification of the START II Treaty.''

The START II Treaty is going to come to the floor of the Senate one of these days, I understand with the support of the chairman of the Foreign Relations Committee, negotiated by a Republican President. It allows us to significantly reduce, dramatically reduce, the number of offensive nuclear weapons which we face.

We are told by General Shalikashvili and Secretary Perry that for us to trash the ABM Treaty will threaten the ratification of the START II Treaty. It makes absolutely no sense in terms of the bipartisan consensus which has been put together for these treaties over the years and in terms of reducing the number of offensive weapons. So I agree with the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator's conclusion be that should the violation of the ABM Treaty—and I think the Senator has made that case both with regard to the multiple-site issue and also for the unilateral declaration on the theater and strategic systems, which are in the process of being negotiated, and the unilateral action or statement or sense-of-the-Senate resolution, that as far as our chairman of our Joint Chiefs of Staff, according to

the President of the United States as well as the Secretary of State—those who have responsibility in the nature of both defense policy in this area and diplomacy—that the counteraction will be an action by the Soviet Union which will result in more nuclear missiles being pointed toward the United States, there will be more nuclear missiles pointed to the cities in my State, there will be more nuclear missiles pointed to cities in the Senator's State, and that there will be less security in terms of the citizens of our Nation from the dangers of nuclear war?

Finally, let me just ask the Senator, how does the whole Nunn-Lugar effort fit into this whole process? We have been involved in the very recent times with a bipartisan effort to try and help and assist the dismantling of Soviet weapons systems. For the obvious reason, as the Senator and others have pointed out, we believe that kind of reduction is in our security interest.

There have been difficulties in terms of the expenditure of funds and other factors which I know that the Armed Services Committee and DOD are interested in. The Congress has been reviewing that effort in terms of trying to see further action in the dismantling of nuclear weapons.

Does he think that this kind of unilateral action will enhance that whole kind of effort for further dismantlement, or does the Senator believe that whole effort will be undermined in a significant way as well?

Mr. LEVIN. I think the Nunn-Lugar effort is totally undermined, because instead of being willing to dismantle weapons, which Nunn-Lugar helps them achieve, our best experts in the State Department, the Defense Department say they are going to go the other way, they are going to stop the dismantlement and stop the ratification of START II, because now they are going to be told by the U.S. Senate that it is the American policy to put up defenses to their weapons, and that means in order for whatever they have left after START II to be effective, they are going to have to have more, not less, in order to overcome whatever defense.

This is a very threatening thing, we have to understand, to us. This is a threat to our security, what is going on in this bill language, because instead of seeing offensive weapons aimed at our States continuing to be reduced, the numbers of those weapons are suddenly going to go up instead of down. At a minimum, we are going to see the termination of these dramatic reductions which we have been able to achieve under START I and START II.

Mr. KENNEDY. I know the Senator has further comments to make, but I want to ask him, as I understand the situation we are facing in the Soviet Union—we are facing local elections that are going to be taking place in the next year. It is also a commitment in terms of the Presidential election which is to take place next year—there is movement in terms of the Soviet Union and, as I understand it, in terms of the political process and activity of increasing involvement and intensity and increasing United States investments.

Obviously, there are the creaking problems of a new nation finding itself in terms of trying to develop democratic institutions in that nation. Does the Senator, as someone who is a student both of the Soviet Union and the recent history of this time, does he think that this will help to stabilize the nature of the political discussion in the Soviet Union? As he has pointed out, the reduction of these nuclear arms was done because we believed they were in the security interests of the United States. As the Senator pointed out, if we take this action, that will be threatened.

Does he believe, as well, that if the Soviet Union did this action to the United States, there could be a counteracting reaction here in the Senate and among the American people? Does he anticipate that this may very well have some factor and force in terms of the domestic politics and defense politics of the Soviet Union?

Mr. LEVIN. This unilateral action in setting the dividing line between short-range and long-range missiles, which has been subject of the negotiations, suddenly is yanked out from those negotiations, the U.S. Senate usurps this and puts into American law what it believes the demarcation line is and prohibits the President from negotiating any other demarcation line. At the same time, we establish the policy of the United States to deploy a system which clearly violates the ABM Treaty.

Doing those things will play into the hands of the most rabid, anti-Western political forces in Russia. We are going to pay a terrible price, not just in having more weapons face our States, we are also going to pay a terrible price in terms of lending unwitting support to the very anti-Western forces in Russia which are creating so much difficulty already, not just for Russia, but for the rest of the world.

Mr. KENNEDY. Finally, the Senator spent a great deal of time in recent years, along with others, in terms of the meaning of the ABM Treaty. I am a member of the Armed Services Committee. All of us were enormously impressed during the 1980's and 1990's when the ABM Treaty issue and related issues were being reviewed as to the meaning. I think all of us who followed this whole issue in terms of arms control and the ABM Treaty are very mindful of the expertise which the Senator from Michigan has.

I hope at some time during the debate that at least included in this record, there will be some references to that review and that study, so that those that may be newer Members of this body can have some appreciation for the extensiveness and the depth of the hearings that were held on the meaning and significance of the ABM Treaty, which was challenged and reviewed and reviewed. So that the presentation will be given the weight that it should have. I think some reference or incorporation of some past discussion of that history is important for the understanding of the Senators.

I thank the Senator. I hope that our colleagues listen carefully to the excellent presentation. I find it absolutely persuasive. We have not gotten into if the Soviet Union takes corresponding action, what will be the corresponding action here in the United States. I think anybody who has followed the arms issue with the Soviet Union can predict that very easily and with certainty, not only with the cost but the instability that will be brought about.

So I thank the Senator. I think it has been a very important presentation. I think, in many respects, this may very well be either the first or second most important vote that we will have this year. I hope our colleagues give it attention.

Mr. LEVIN. I thank the Senator from Massachusetts. He reminds us that we had a debate here, and there was an effort made by Senator NUNN and myself, and many others, to avoid a unilateral reinterpretation of the ABM Treaty during the 1980's. This Senate has had a long history in not undermining treaties or not undermining chief executives who are aimed at negotiating treaties. We have an advise-and-consent function that is very different from putting into American law unilateral interpretations and prohibiting Presidents from even negotiating relative to treaties.

Senator NUNN's leadership during the 1980's on the whole ABM issue—and the Senator from Massachusetts was correct, he was deeply involved in it, as well—was part of a long-time bipartisan effort, generally, on the part of the Senate to avoid this kind of unilateral interpretation of treaties being put into American law and undermining the executive branch in their negotiating function, as well.

Now, Mr. President, the language in this bill, by saying that ''appropriated funds may not be obligated or expended by any official for the purpose of implementing any executive policy that would apply the ABM Treaty to the research, development, or deployment of a missile defense,'' means the President and the President's representatives cannot even listen at a negotiation. They cannot even use travel money. ''Appropriated funds are prohibited here from being obligated or expended by any official for the purpose of implementing an executive policy that would apply the ABM Treaty to the deployment of a missile defense.''

That is section 238(b). In another subsection: ''Or from taking any other action to provide for the ABM Treaty to be applied to the deployment of the missile defense.''

That is what the ABM Treaty is all about.

So this language does three things. First, it unilaterally says what the demarcation is between short-range and long-range, and makes that the law of the United States. It prohibits the President of the United States from negotiating anything other than that. He cannot even listen to anything other than that.

It does one other thing. This is some of the most, I think, extreme language I have read in any bill, almost on any subject that has come to the floor because, under this language, if there were a test that violated this definition of a long-range system, nobody could act to stop it, because it says here that ''appropriated funds may not be expended by any official to implement any policy that applies the U.N. treaty to the deployment of a missile defense.''

What happens if you have a test here of an ABM system against a missile with a range of 4,000 kilometers, clearly in violation of the demarcation line, by this new demarcation line. Under this language, until the test is completed, the prohibition on the use of any funds to stop that test stands.

This language says that ''unless and until there is an ABM qualifying flight test of a system, this prohibition stands.''

This language goes so far as to say that even if there is going to be a flight test of an ABM system against a missile, with a range that clearly violates this unilateral declaration, that nobody can stop that illegal action on our part, which is admittedly illegal under this unilateral definition because the flight test has not occurred. Unless and until the flight test is completed, this restriction stands.

The ABM Treaty cannot be used to stop a test, even if it is illegal, by the definition in this bill.

Now, if we want to talk about language which is so excessive, this fits the test. That is what it says, what I guess is the frosting on the cake. What the bill provides is that we will have a commission to look at this whole thing. On page 61 of this bill, section 237, it says that the Senate should undertake

> . . . a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress.

Now, in addition to undertaking a comprehensive review of the ABM Treaty, we were are also told in subsection B we should consider establishing a select committee to carry out the review, and to recommend such additional policy guidance on future application of the ABM Treaty, as the select committee considers appropriate.

Now, that is a little bit like having the hanging first, and then the trial. This bill says it is our policy to trash the ABM Treaty; this is the dividing line unilaterally; the President cannot negotiate anything else. But it is our policy now under this bill to withdraw from the ABM Treaty. That is what this bill says.

Then the same bill that says that says: But we are going to have a study; we are going to have a comprehensive review of the continuing validity of the ABM Treaty.

We ought to have the study before we trash the treaty. Looking at the committee report on page 119, it says:

> The committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of making a well-informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

That is supposed to be the purpose of this comprehensive review.

On page 120, the majority says it is prudent—prudent—to dedicate a year to studying all ABM Treaty-related issues and alternatives, and recommends the review of the continuing value and validity—a careful 1-year review, the report says—of the continuing value and validity of the ABM Treaty. Why not do the ''careful'' study before we decide to trash the treaty?

If it is prudent to have a 1-year study of the ABM Treaty's value, is it not prudent to have the review prior to saying it is the policy of the U.S. Government to trash the ABM Treaty? Does not prudence dictate that you withhold your conclusion until after the study?

If the purpose of our ''comprehensive careful 1-year review'' is to make a study of the value of the ABM Treaty, for heaven's sake, we should withhold the conclusions until after the study. That is not what this bill does. This bill says it is the policy of the United States to deploy a multiple-site system. That is an illegal system under the ABM Treaty. That is why Secretary Perry says that these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such a drastic and far-reaching measure. He underlines the word ''before.''

It seems to me it is just absolute common sense that we do not reach conclusions and implement those conclusions the way this bill does, with initial operating capability, with a date set, 2003. There is an IOC of 2003 for a national missile test, an interim capability mandated by the bill for this system.

We are mandating violations of a treaty when at the same time in another part of the bill we say we are studying the continued validity of that treaty. That makes no sense at all.

Mr. President, I will be sending an amendment to the desk which addresses these three issues that I have just outlined. It will strike the words that it is the policy of the United States to deploy a multiple-site system, since that is directly violative of the ABM Treaty; we will also strike the language which sets forth in permanent law what the demarcation line is between long-range and short-range missiles, since that is the subject of negotiations; and we will also strike the language which prevents the President from even discussing any matters relative to the ABM Treaty with the Russians.

AMENDMENT NO. 2088

(Purposes: (1) To strike section 233(2); (2) To strike section 237(a)(2), which states that the President should cease all efforts to clarify ABM Treaty obligations; (3) To strike Section 238, which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty-compliance efforts)

Mr. LEVIN. Mr. President, at this point, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN], for himself, Mr. EXON, Mr. BINGAMAN, Mr. GLENN, Mr. BRADLEY, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. WELLSTONE, Mr. BIDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. JEFFORDS, and Mr. PELL, proposes an amendment numbered 2088.

The amendment is as follows:

> On page 52, strike out lines 20 through 25.
> On page 62, strike out lines 8 through 11.
> Beginning on page 63, strike out line 11 and all that follows through page 65, line 24.

Mr. WARNER. Mr. President, the distinguished manager of the bill on the majority side, Senator THURMOND, is anxious to get a time agreement.

I wonder if I might inquire of the distinguished ranking member as to the progress we are making on that. Many Senators are working on their schedules. Many Senators are anxious to engage in the debate on this particular amendment, I think at the convenience of the Senate. And this means to keep this momentum that we have this morning going forward, I wonder if I might inquire as to this.

Mr. NUNN. I say to my friend from Virginia, I think we ought to inquire of the Senator from Michigan as to his intentions.

We talked about a time agreement. The Senator from Michigan informed me he would prefer to come to the floor and determine how many people wanted to speak on this amendment.

I welcome a time agreement. I hope we can reach one. Perhaps the Senator from Michigan could give an indication of his feeling at this point.

Mr. LEVIN. I do not have the final figure yet, but it is approximately—and there are a couple more Senators we must consult with—2½ hours on this side that will be needed so far. We think that is fairly close to the total, but we are not quite there yet.

Mr. WARNER. Mr. President, that is a period of time considerably longer than I had hoped. That would mean if this side were to require an equal amount, we would be 5 hours.

Credit, perhaps, is being given on the 2½ hours for this time, so we are beginning as of this moment.

Mr. LEVIN. That would be 2½ additional hours, but that is not quite yet the total. There are two other Senators

we have yet to hear from that we believe want to speak, and we have not heard how much time.

Mr. NUNN. If I may say to my friend from Virginia, the Senator from Michigan made such a powerful speech on this subject, with the intervention of the Senator from Massachusetts, and I plan to make a speech on it, and I know the Senator from Nebraska plans to speak, perhaps by the time our colleagues hear these speeches, they will not feel the need to speak as long on this subject. That remains to be seen.

I hope we can cut that time down. I will work with the Senator from Michigan. This is an important amendment. This is the heart of the bill in terms of the opposition to the bill. This is the heart of it.

While I would like to accelerate this process and will work hard to do that, I do think that once this matter is settled one way or the other on this amendment, and perhaps on another amendment that may follow if this one fails, I think once we do that, we will begin to make a lot more progress on the bill.

So, I say to my friend from Virginia and my friend from South Carolina, I know they want to move this bill, I will continue to work with them to see if we cannot reach some time agreement.

Mr. President, I would like to be recognized.

Mr. WARNER. Mr. President, if I might say, I thank my distinguished colleague. It is very reassuring to hear him say we can try to reduce the amount of time. Because the majority leader is very anxious to have this bill completed, as you know, on the timetable this week. I hope we can reduce the amount of time.

I see the Senator from Michigan indicating——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if Senator EXON has a question?

Mr. EXON. No, I was going to follow up on some of the remarks that had been made by the other Senators on this matter. The Senator from Georgia probably wishes to do the same.

Mr. NUNN. Has the Senator from Nebraska had a chance to make a statement this morning?

Mr. EXON. Yes, I got that statement made.

Mr. NUNN. Mr. President, I am going to make some remarks on the Levin amendment and I am going to try to cut my remarks down. I think this is a very important amendment. I support the amendment. I would like to lay out what I consider to be the defects in the bill as it now exists and why I think this amendment is important and why I will support the amendment.

If this amendment fails I anticipate another amendment in this area.

Mr. President, the defects in the majority's Missile Defense Act of 1995 are simple and straightforward. First, the Missile Defense Act constitutes what, in law, I would call—reflecting back years ago on my law school courses—I would call this an anticipatory breach of the ABM Treaty. Only in this case, it is not a contract, as in law school. The bill before us proposes to breach an international treaty, the treaty between the United States of America and the Union of Soviet Socialist Republics, now succeeded by Russia, on the limitation of the antiballistic missile systems known as the ABM Treaty. Thus the Missile Defense Act if we pass it, if it became law, puts this body on record as directing the United States to knowingly violate an existing international treaty without first seeking amendments to the treaty and without reference to the provisions in the treaty which permit either party to withdraw upon 6 months' notice.

The ABM Treaty was entered into, not as a sacred document to be adhered to forever, but rather as a document that reflected the security interests of both the Soviet Union and the United States at that time. I am not wedded to every word in the ABM Treaty, as I will review in a moment. I do believe amendments are in order. But why not negotiate the amendments? Why act as if there is no treaty? That is what this bill does.

If we cannot negotiate the amendments, if the Russians will not budge after a good-faith effort, why not then consider whether to withdraw from the treaty under the provisions of the treaty? That is the way you get out of a treaty if you do not feel it is in your national security interests.

The second problem with the Missile Defense Act is that this breach is wholly unnecessary to the conducting of the near-term missile defense program run by the ballistic missile defense organization. In other words, we are basically serving notice that the treaty is going to be breached and it is not getting us anything in the next fiscal year—nothing. There is no program in this bill that would violate the ABM Treaty in the next fiscal year.

Enactment of the Missile Defense Act authorizes no activity by the ballistic missile defense office during fiscal year 1996 that would otherwise be proscribed by the ABM Treaty.

So, what we have is we are asked to take a gratuitous poke at the eye of the Russians, while helping to persuade them that the United States Congress is bent on resurrecting what some have called star wars.

In my view the Russians do not have the resources to compete in this arena in the near term. So they will certainly be frustrated, in the sense that they see us moving to breach the ABM Treaty when they do not have the resources to compete. They just simply do not have the finances to compete.

But, what they do have is thousands of missiles. Not a few hundred, but thousands of missiles that they are supposed to dismantle under START I, and they already are doing that under START I, and thousands more missiles they are supposed to dismantle under START II, which has been negotiated, and signed by President Bush but is now pending ratification both in the Duma and here in the Senate.

What they can do very easily is they can simply continue to target those thousands of missiles at the United States. That is likely to be their response to what they see as a breach of the ABM Treaty.

Do we really, on the floor of the U.S. Senate, after going through the Reagan administration, the Bush administration, basically negotiating carefully arms control agreements and trying to carry them out, getting thousands of nuclear warheads dismantled, do we want to turn around and do something in this bill that is going to say to the Russians, in effect: We are going to break out of the ABM Treaty. Now whatever you do is up to you?

I know what they are going to do. I believe I know what they are going to do. They do not have billions of dollars to conduct defenses now. They may in the future. In the future I think it is in their interests also to have some defenses. I think both countries ought to have some limited defenses against accidental launch, against any kind of unauthorized launch or against a Third World country that emerges as a threat. I think we ought to have those kind of defenses. I think the Russians ought to, too.

But if we strike out unilaterally they are going to do what we would do if we were in their circumstances. What is that? We would not dismantle our strategic offensive forces. We would find a way to proliferate the offensive forces because those offensive forces are going to have defenses that they have to contend with. And, what the Russians would fear, as we would fear, is that the combination of going to a lower START level, dismantling warheads, going down to START II, doing that, limiting the number of warheads; then having the United States embarked on a breach of the ABM Treaty, saying we are clearly going to deploy defenses without regard to negotiation, without regard to amendments, without regard to the provisions of the treaty—the combination of those two things says to them: Limited warheads, defenses by the United States, possible preemptive attack. We would never do that. We know that. But they do not know that just like we do not know that about them. That is the basis of our deterrence policy. We do not know that and we are not going to bank on it.

But the combination limiting the number of warheads, defenses in this country that basically breach the ABM Treaty, plus a preemptive attack, means that they would lose the ability to retaliate.

That is paranoia. But the whole equation of deterrence for years has

been based on both sides being somewhat paranoid. And not irrationally so, based on the former confrontation all over the globe.

This breach of the ABM Treaty is wholly unnecessary. This poke in the eye to Russia leads to a third problem. That problem is one with serious, perhaps even tragic consequences. While enactment of the Missile Defense Act permits nothing within our own missile defense programs that we cannot already do in the next fiscal year, it may very well persuade the Russians that we have abandoned our obligations under the ABM Treaty.

Perhaps the majority does not really want to do that. If so, we have room to work out wording that would change that impression in this bill. The Russians have repeatedly told us, those in the executive branch as well as those of us in the Senate who have met with them on many occasions, they have told us of the importance they attach to continued compliance with the ABM Treaty by both parties. And they have suggested if they conclude we are abandoning the ABM Treaty unilaterally, this would call into question Russia's continued compliance with their international agreements.

Thus we may be jeopardizing START I and START II, thousands of warheads that would continue to be pointed at the United States, it will take us 10 or 12 years at best to build the defenses, yet we have a chance of dismantling thousands of warheads that are aimed at us.

Which is more cost effective? Embarking on a unilateral course without regard to the people we entered into the treaty with? Or negotiating with them, and determining what we would do if negotiations fail?

Why do we want to get thousands more warheads pointed at the United States? I do not. I do not think anybody in this body does. I do not think the American people do. That is the result of where we are heading, unless this bill is changed.

Mr. President, it is not only the two START agreements, it is also the Conventional Forces in Europe Treaty. That is the treaty where the Russians dismantled and continue to dismantle literally thousands—they are moving at least thousands and thousands of tanks and other threatening equipment, artillery tubes under the CFE Treaty in Europe.

They already are frustrated by that treaty. They already are making signs that this treaty causes them big problems. It is going to be a problem whether we pass this amendment or not. But, if we pass this amendment, it is going to be a bigger problem very quickly.

The two START treaties, if fully entered into force, will reduce by three-fourths the number of Russian ballistic missile warheads in their arsenal—a far greater reduction of nuclear warheads potentially threatening the United States than any defensive system could possibly offer or that we have any capability of developing and paying for in the next 10 years. Three-fourths of the warheads are coming off under START I and START II.

Do we really want to jeopardize that? The Russians have complained frequently about the enormous cost to them of compliance with these two START treaties and the CFE. But so far they are complying. We may reach a point where they do not. But they are so far complying. How much more will it cost us in our own defense budget if the START treaties go by the boards? Also, many Members are aware the Russians have been seeking relief from the limitations imposed under the CFE Treaty on the level of conventional forces and equipment they are permitted to station on their volatile southern flank. If the full Senate adopts the Missile Defense Act, this will give them a plausible excuse to ignore the CFE limits on stationing forces and equipment. To repeat, Mr. President, all of these serious consequences and costs may be brought upon us by adoption of the Senate Armed Services Committee majority's Missile Defense Act, which itself allows us to do no more than we already planned to do in the short run, unless the bill is changed.

The fourth problem with the Missile Defense Act is that it tries legislatively to have it both ways: the Senate Armed Services Committee majority wants the ABM Treaty to go away, and legislates as though it had already gone away; yet they do not take the straightforward approach of using legal remedy. Mr. President, if the Senate believes adherence to the ABM Treaty is no longer in our national interest, then we should have availed ourselves of a straightforward and honorable resolution. Under article XV, paragraph 2, of the ABM Treaty, the United States can withdraw from the ABM Treaty, after giving 6 months notice to Russia. Is the Senate ready to take that step? Or will we adopt the language of the Missile Defense Act to squeeze past, a direct confrontation with the ABM Treaty, by pretending that it is not there.

It seems to me that is the course we are on, pretending it is not there.

This unwillingness to confront the ABM Treaty head-on, Mr. President, leads to the fifth problem with the Missile Defense Act. By ignoring the ABM Treaty, rather than proposing U.S. withdrawal from it, the Senate Armed Services Committee majority are forced to try to negate its effect by the following legislative device: They restrict the use of appropriated funds to enforce our obligations under the ABM Treaty. In attempting to negate the treaty in this way, Mr. President, the Senate Armed Services Committee majority sets up a direct constitutional conflict between the executive and the legislative branches regarding responsibility for the conduct of foreign policy and the enforcement of this Nation's international obligations.

Mr. President, consider what is at stake here. Should the Missile Defense Act approved by the Senate Armed Services Committee majority be enacted in the next couple of years, we stand to gain nothing, but we stand to lose a great deal: we could lose the agreed drawdowns of nuclear arsenals under START I and II; we could lose the CFE Treaty's constraints on Russian conventional force deployments near troubled areas.

Now, some in the Senate Armed Service Committee majority will argue that the Missile Defense Act does not really breach the ABM Treaty, because only some subsequent testing or deployment action would technically place us in violation of the treaty.

They will argue this by saying that only some subsequent testing or deployment would technically place us in violation of the treaty.

Mr. President, this is too clever by one-half. If the Russian Republic were to announce tomorrow that it no longer intended to meet the timetable for reduction of nuclear systems under the START I Treaty, that it was not going to renegotiate them, that it simply was going to move forward as if START I did not exist, and that there was nothing we could do about it, would the Senate Armed Services Committee come to the Senate floor to calmly inform us that this is not a breach of their obligations under the treaty? Would they argue that the START I Treaty can only be breached once the deadline for implementing reductions is past? Or would they say instead, as I think would be the case, breach is inevitable, and based on what the Russians have told us, we should now move to prepare for this breach and take the necessary security precautions?

I think that the majority—and I would be in that majority—would say let us assume that they are going to do what they say they are going to do; they are going to breach the treaty, and we had better start recognizing that.

To recap, Mr. President, the Senate Armed Services Committee's Missile Defense Act provision has major problems: First, it abandons United States adherence to the ABM Treaty; second, abandoning adherence now is unnecessary—we can conduct an effective missile defense program in the near-term while continuing adherence; third, abandoning adherence now is likely to impose huge costs on us, if Russia declines to carry out some of its legal obligations in response to our breach; fourth, the Senate Armed Services Committee bill abandons adherence by stealth, rather directing the administration to use the legal withdrawal procedures contained in the treaty; and fifth, by failing to use the legal option, the Senate is forced to try to compel the executive branch to abandon adherence by usurping certain powers of the

executive branch over the conduct of foreign policy, a move that raises serious constitutional issues, and could lead to this act never becoming law even if it passed as is.

Mr. President, I do not want any Senator to misconstrue my message regarding the ABM Treaty, and I am sure there will be people on this side who will not listen to the latter part of this message. I am not a diehard supporter of the ABM Treaty as some sacred document that cannot be changed. I think that would be a mistake in view of this treaty. Circumstances change. The circumstances surrounding the treaty's establishment have changed significantly since it was entered into in the early 1970's. Therefore, either the treaty itself must be changed to reflect the new realities, or the Congress and the President must at some point make the decision that the treaty's usefulness has ended and exercise our legal right to withdraw from the treaty.

The ABM Treaty condition contains provisions for renegotiation; indeed, that is precisely what the Clinton administration has been trying to do at Geneva, and they really need the backing of Congress to do that. Thus, it is not a foregone conclusion that the treaty cannot be amended by mutual agreement to allow us to deploy the missile defenses we consider necessary to meet our national security requirements. But Russia must understand that these negotiations must make progress and that the time period available for negotiations is not infinite. It is finite.

I think that message needs to go forth to the Russians clearly. It would be useful if it went forth in a united way from both the administration and from the Congress. But we will not have any united message because we are going to be too busy deciding whether there is an anticipatory breach by ignoring any negotiations and by ignoring the treaty itself.

Mr. President, I intend to vote in favor of the amendment by the Senator from Michigan; I hope it is successful. If it fails to pass, I believe the Senate then will face a major dilemma. I believe that, unless the problems I have outlined above are dealt with, this bill faces a bleak future. The administration is already on record that the House version of the Missile Defense Act is unacceptable, as is the provision in this bill as passed by the committee.

Thus, the prospects for an outcome in conference that will become law are indeed bleak unless we make some fundamental changes.

The Senator from Michigan seeks to correct the flaws by striking whole sections. If this approach is shown to be unacceptable to a majority of Senators present and voting, then the only remaining possibility will be to try to modify the language. And I will certainly have an amendment to do that after we decide what happens on this amendment.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have worked for many years with my distinguished colleague from Georgia, and more often than not we have had a joinder of views and positions. But on this we are strong opponents.

I was the author of a number of provisions in this bill which are the subject of the strike of my good friend, the Senator from Michigan.

I vigorously oppose the Senator's amendment.

Mr. President, it is my understanding the administration is orchestrating a full court press to defeat the Missile Defense Act of 1995 and in particular section 238 of that act which was known as the Warner amendment during our markup.

I was the author of the previous Missile Defense Act, and the Missile Defense Act of 1995 builds on the act that was put in in I believe 1991.

Therefore, it seems to me that it is a logical sequence of legislative steps by the Congress to build on the foundation that we laid in 1991.

I have tried for many years together with a number of my colleagues through many, many legislative initiatives to ensure that the men and women of the Armed Forces are not once again sent into harm's way unless they are provided with the most effective defenses that not only we can buy with the dollars but that we can devise with the brains. I wish to emphasize that—devise with the brains.

My basic premise is that successive administrations have used the ABM Treaty as a means to limit the use of the intellectual capacity of the United States to develop the most efficient, the most cost-effective and the most technically sound and reliable systems for the defense against short-range ballistic missiles.

We failed in many respects during the gulf war. The crude Scud missile was utilized by the Iraqi military forces not only against the coalition of allied military forces but against the innocent people, the defenseless people of Tel Aviv.

Israel was not a combatant in the gulf war, yet Saddam Hussein rained down upon those innocent people the Scud missile, not for military purposes but solely for terrorist purposes.

Here we are some several years later still wrestling with the fundamental question: Are we going to unleash the full magnitude of the brains of this Nation, working with other nations, and in particular Israel, to devise the finest and most technically capable system to defend against the short-range missile?

That is what this is all about—that is that section of the strike that goes to the Missile Defense Act of 1995.

Over 30 nations now have short-range ballistic missiles—30 nations. Talk about the ABM Treaty. The ABM Treaty is between the United States of America and the former Soviet Union. And at that time in 1972 there was not even on a drawing board, so far as anybody can recall, an idea about a short-range system. Today, there are 30 nations with some measure of capability, and yet we are sitting here dealing with this archaic act, treaty, whatever you wish to call it, saying that it should stand there as a guardian against the ability of this country to devise our best systems.

Seventy-seven nations have cruise missiles, the flat trajectory. Many of the systems that we are looking at now to deter the ballistic missile also have a technical capability of being adapted to defend against the cruise missile.

As the gulf war demonstrated, the threat such missiles pose to the men and women of the Armed Forces is real, immediate, and growing. At this very moment and while we are debating this issue, all across the world are men and women of the U.S. Armed Forces on watch as a means to deter against attack, many of them within the range of the short-range ballistic systems posed as a threat by these 30 nations.

How many recall the incident in the gulf war which resulted in the largest number of American casualties? It was a single Scud missile that landed on a barracks killing and wounding the greatest number of Americans during that war.

Are we to say to the American people, particularly the mothers and fathers, the uncles and aunts, the loved ones of those on duty in places throughout the world today that this could happen once again because the United States will not unleash its full brain power to devise the best system to defend against that type of weapon?

If you look at the balance between the launch pad of a short-range system, that is fairly elementary. You can cobble that together. We know that from the crude Scud missile system. You can put it together. But the defense, the interceptor, the electronics needed to bring that missile into the bore sight of some weapon, that is many times more costly than the launch system. But we are going to stand here, if I listened correctly to the proponents of this amendment and once again go back to a treaty of 1972 and allow it to stand, stand there and block the full resources, mental and dollarwise of this great Nation to prevent another incident like we experienced in the gulf.

In the judgment of this Senator, we must accelerate the development and deployment of highly effective land- and sea-based theater missile systems to protect our troops, defenses that are not artificially or wrongfully limited, constrained by this ABM Treaty.

Therefore, Mr. President, it was in April of this year that I introduced an amendment along with dozens of cosponsors to clearly establish a policy for the United States of America which states that the ABM Treaty does not apply to short-range theater ballistic systems.

In effect, this legislation is intended to prevent the Clinton administration from making the ABM Treaty in effect a TMD treaty. That is what is underway and has been underway for some several years, to take this 1972 treaty and somehow wrap it around the short-range system. Despite administration claims that this provision is unconstitutional, I carefully chose the congressional power of the purse as the vehicle to get congressional views on the issue of ABM-TMD demarcation, to take those into consideration.

Contrary to the assertion of its critics, this provision does not prohibit negotiations with the Russians. I listened to this this morning. I cannot believe it. That is a weak reed to walk out on, I say to the proponents of the Levin amendment, a very weak reed to walk out on.

Instead, the provision would in effect prohibit the implementation of any resulting agreement which would have the effect of making the ABM Treaty a TMD treaty. That was the purpose of my legislation. I have tried in the past, and many others have tried, but to no avail to ensure that the Senate of the United States would be involved in decisions the administration might make in the demarcation negotiations.

Last year, I sponsored legislation requiring that any international agreement entered into by the President that would substantially modify the ABM Treaty be submitted to the Senate for advice and consent pursuant to our constitutional authority on treaties.

Despite that legal requirement, it became clear to me during the administration briefings on the demarcation issue—and I will say to their credit, particularly to a former Senate Armed Services staff assistant, Robert Bell, there has been considerable consultation on this demarcation series of negotiations, but we have not been able to present what I regard as a convincing argument.

I repeat, despite that legal requirement of last year, it became clear to many of us here in the Senate during these briefings on the demarcation that the administration had no intention of submitting any demarcation to the U.S. Senate, no intention, despite the fact that the administration's negotiating position would result in an international agreement that would impose major new limitations on the United States.

Therefore, many of us saw the need to act, and act we did. And as a consequence, we have before us today a bill that will give this country needed protections. Regrettably, one of our colleagues, joined by others, is wishing to strike that provision.

Mr. President, the ABM Treaty was never intended to limit or restrict theater missile defense systems. That is clear. The administration, in a sense, concedes the point. In addition, I had the opportunity to discuss this issue with two individuals who were intimately involved in the ABM Treaty negotiations at that period of time, 1972. I was privileged to be the Secretary of the U.S. Navy and was in Moscow primarily for the purpose of the Incidents of the Sea Agreement with the delegation that signed the ABM Treaty. These were persons that I had worked with for some several years prior thereto in the Department of Defense. The ABM Treaty was not a matter primarily in any respect under the jurisdiction of the military departments. But nevertheless, the military departments, including, of course, the Navy Department, had access to the negotiations, the papers, and were asked from time to time for views on this issue.

So I do have a contemporary recollection firsthand of this period of time in history. And I went back and talked with my former colleague, Dr. John Foster, who at that time was the head of the research and development section in the Department of Defense, an eminent scholar, mathematician, physicist. And he reassured me that the issue of short-range systems was not a product in any respect of the treaty. I likewise talked to former Secretary of State Henry Kissinger, who was the National Security Adviser during that period of time. And he also reaffirmed just a short time ago that theater missiles were never contemplated during the ABM Treaty negotiations.

Specifically, according to Dr. Kissinger, the focus of the negotiation was on defenses against intercontinental ballistic missiles because they were the only systems that were then in existence. Unfortunately, the administration appears intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of United States theater missile defense systems, an agreement that would transform the ABM Treaty, in my judgment, into a TMD treaty.

These are examples of what the administration has been doing, is table proposals; that is, put on the table for discussion with the Russians, proposals that would accept performance limitations on the TMD systems. The ABM Treaty does not even impose performance limitations on the strategic systems.

Second, the administration initially accepted a Russian proposal to prohibit deployment of the Navy upper-tier system, a system that was subsequently deemed to be treaty compliant by the administration. Initially they put that on the table as a proposal.

The negotiations clearly then and indeed now are headed in the wrong direction. In my view, it is time for the Congress to act to pave the way for the development of the most capable, most cost-effective theater missile defense system to protect the lives of the men and women of our Armed Forces. My legislation does just that. It would prohibit the obligation or expenditure of any funds by any official of the Federal Government for the purposes of prescribing, enforcing or implementing any Executive order, regulation or policy that would apply the ABM Treaty or any limitation or obligation under such treaty to research, development, testing or deployment of a theater missile defense system, upgrade or component. The standard which I have used in this legislation to define the demarcation line between antiballistic missile defenses are limited by the ABM Treaty.

Let me repeat that. The standard which was used in this legislation and adopted by the Senate Armed Services Committee to define the demarcation line between antiballistic missile defenses which are limited by the ABM Treaty and theater missile defenses which are not so limited by the treaty, is the one, the very one used by the administration at the beginning of the demarcation negotiations in November 1993. That is, a missile defense system which is covered by the ABM Treaty is defined as a missile defense system that has been field tested against a ballistic missile with, one, a range of more than 3,500 kilometers, or, two, a maximum velocity of more than 5 kilometers per second.

Put simply, if a missile defense system does not have a demonstrated field-tested capability to counter intercontinental ballistic systems, it should not be limited in any way by the ABM Treaty. Without this legislation, Mr. President—I acknowledge that the current occupant of the chair was a most valuable participant in drawing up this legislation—without this legislation, Mr. President, the Senate will have no role to play in an international agreement which will impose major new obligations and restrictions on the military capabilities of the United States. This is an issue which is vital to our national security and which can be ignored no longer.

Mr. NUNN. Mr. President, will the Senator yield for a brief question?

Mr. WARNER. Yes. Two sentences, and then I will be happy to yield. We will no doubt debate this issue at length, as we are doing right now. And I welcome the debate, and I urge all to support those who seek to defeat the amendment by our distinguished colleague from Michigan.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I cannot speak for the Senator from Michigan. Of course, he is on the floor to speak for himself.

What I hear the Senator from Virginia say is his main purpose is to protect the theater missile defense systems and to have a demarcation point of definition between those systems and the strategic systems that would be affected by the ABM Treaty. Assuming that is the Senator's main objective, it seems to me we can reach some agreement on this because that is not the language that gives me the problem. I do not think it is the language

that gives the Senator from Michigan the problem. It is all language that basically states we are going to deploy national missile defenses with multiple sites without any negotiation and without any regard to the ABM Treaty, which has nothing to do with theater missiles. That is all strategic and it is all clearly involved with the ABM Treaty.

But if the Senator's main goal is to protect the theater missile defense system and have a demarcation more than a definition, as long as there is some flexibility for the administration so that there is not an absolute ruling out of any administration efforts—because somebody has got to negotiate this demarcation point no matter what we say—if that is the Senator's goal, I agree with him on the demarcation point. I think that is a very sensible point. If that is the Senator's goal, then there is no reason we cannot find a way, whatever happens on the Levin amendment, to deal with this language, because that is not the language we are trying to take out of this bill.

Mr. WARNER. Mr. President, in reply, that is encouraging to hear the views from my distinguished colleague. The Levin amendment, nevertheless, strikes the Missile Defense Act of 1995, which in turn incorporated in the committee markup the Warner provision, which I have just addressed.

Do I understand that there is some thought about amending the Levin amendment to——

Mr. LEVIN. No.

Mr. NUNN. I think the Senator from Michigan stated——

Mr. LEVIN. I want to go through the language of the amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and apologize for jumping in without being recognized.

My amendment strikes the language in the bill which commits us to deploy a system which clearly violates the ABM Treaty. It leaves the language about deploying as soon as possible highly effective theater missile defenses. That is in the bill. It is left in the bill. I was surprised to hear the Senator from Virginia say the issue here is whether we want to deploy theater missile defenses. Boy, that is not the language we are after. We left that language in there.

Section 233 says:

> It is the policy of the United States—
>
> (1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

We did not touch that. It is the next paragraph we touched. The next paragraph says it is the policy of the United States:

> (2) deploy a multiple-site national missile defense system. . .

Which I am absolutely confident my friend from Virginia will agree that a multiple-site national missile defense system is inconsistent with the ABM Treaty, just as I concede that the ABM Treaty does not prohibit theater missile defenses. It does not and we should proceed to deploy those, and we are.

By the way, General Shalikashvili says the ABM Treaty does not constrain our development of theater missile defenses. He said in his letter to me ''the progress on these programs''—referring to theater missile defenses—''is not restricted by a lack of a demarcation agreement.''

Just as I would be the first to concede, indeed proclaim, that the ABM Treaty does not restrict theater missile defenses, I hope my friend from Virginia will agree that his language in section 233(2) that it is a policy to deploy a multiple-site national defense system that would violate the treaty unless the treaty were amended. We are seeking to try to amend this treaty. Yes, theater missile defenses are not constrained by the ABM Treaty, nor should they be, nor are they. But it is the language in subparagraph (2) that makes it the policy to deploy a multiple-site national defense system which clearly violates the ABM Treaty, which is the first target of the amendment.

So we leave in the theater defense language in subparagraph (1). We do not touch that.

Mr. WARNER. Mr. President, will the Senator address section 238?

Mr. LEVIN. I will be happy to.

Mr. WARNER. That is the provision of the Senator from Virginia, and that is subject to the strike.

Mr. LEVIN. It is the bill that I am addressing in three different places. In section 238——

Mr. WARNER. Mr. President, that is the subject of the amendment of the Senator from Virginia and the subject I just covered in my floor remarks. Looking at the Senator's amendment at the desk, in section 3, it says ''to strike section 238 which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty compliance efforts.''

Mr. LEVIN. Section 238 does establish the dividing line between long-range and short-range missiles. It does it unilaterally, it does it in law. The reason that that is inappropriate is these are the subject of negotiations now, should be the subject of negotiations. If the Duma established a range of 4,000 kilometers for a short-range missile, I think the Senator from Virginia would be on his feet saying, ''What, the Russian legislative body is unilaterally determining what is a short-range system and they said 4,000 kilometers? What is going on? We thought this was the subject of negotiations, this is bad faith. You have a Russian legislative body unilaterally saying 4,000 kilometers?''

Yes, we should not be establishing in law—in law—the demarcation line between the two when two things are true: One is the subject of ongoing negotiations and two, and this is critically important, is that General Shalikashvili told us that the absence of a demarcation line, having been agreed to, is not a constraint on the research and development of the theater missiles that we all support. In other words, it is not constraining us. So for us to prematurely, unilaterally have the Congress say this is the demarcation line between long-range and short-range does great mischief in terms of reaching an agreement with the Russians on a bilateral basis and militarily does not achieve anything for us because the absence of a demarcation line is not constraining the research and development of theater missiles.

Mr. NUNN. Mr. President, will the Senator yield for a brief question and observation?

Mr. LEVIN. I will be happy to.

Mr. NUNN. Mr. President, I think it is important, and I state this only for my own view and the Senator from Michigan can respond. There is a difference in making a finding and saying that this is where the Congress thinks the demarcation line ought to be and passing a line saying this is the way it is. Passing a law knocks out the executive branch of Government, if they sign the law and if it is constitutional, in any kind of negotiation. So you do not even have the ability under this bill, the way I read it now, for the President to say to the Russians or his Ambassador to say to the Russians, this is what the Senate passed. I believe the bill is so sweeping in its denial of executive authority to have any negotiations on this point that I do not think they would be able to inform the Russian Duma or the Russian leadership, Yeltsin and others, as to what the Senate did.

If the Senator wants to say this is where we think the line ought to be, and this is what we believe the administration ought to negotiate with the Russians, and this is what we think the Russians ought to accept, or these are the sensible findings we make, that would be a totally different matter. It is when you put it in law so it knocks out not only the Russians from having any say whatsoever in it, no negotiations, no say, no response, it knocks out even the President and the executive branch.

First of all, I do not think this will become law, but if it does, you will have almost an absurd situation. In fact, there is some language in here that is so broad that it might be interpreted if this became law to preclude the U.S. Senate from even debating it again. It says no Federal official. We are Federal officials, last time I got my paycheck. We are included in that, too. We cannot even talk about it once it is passed.

I think the Senator's language goes much further than the Senator's intent. That is what I think we need to work on, and if we can make findings on demarcation and urge the President forward and urge him to take this position, then I believe we can reach some

consensus. It is the law part of it that bothers me.

Mr. WARNER. Mr. President, if I may reply——

Mr. NUNN. I believe I was to ask a question. That is a question mark at the end.

The PRESIDING OFFICER (Mr. INHOFE). The Chair observes the Senator from Michigan has the floor.

Mr. LEVIN. I will be happy to yield to the Senator from Virginia to answer the question without losing my right to the floor.

Mr. WARNER. The three of us who are now engaged in debate and, indeed, the occupant of the chair and others have been in the briefings on the negotiations of this demarcation issue.

As I said in my remarks, it was the fear that the administration would not come back to the U.S. Senate for ''advise and consent'' that has required this Senator and others to take this action. We cannot sit here knowingly, allowing the administration to go forth with a demarcation which would, in our collective judgment, not be in the best interest of this country, and the only way we would have a means to express that would be through the advice-and-consent procedure. And the administration, very forthrightly, said they would not bring it back. And that is the reason we acted.

Mr. KYL. Will the Senator yield to me for 1 minute?

Mr. LEVIN. Yes.

Mr. KYL. I want to add to the comments of the Senator from Virginia that at least some of us on this side have sent no fewer than five letters to the President on this subject asking to be consulted and advised, suggesting that the administration, frankly, was going too far in these discussions with the Russians and asked him not to do so.

As the Senator from Virginia just noted, one of the reasons for finally putting the language in the bill is that our entreaties have gone unheeded, the administration has gone forward. This is apparently the only way we can get their attention. We had 50 Senators, all Republicans, urging the administration not to go forward, and they did so anyway. That is the reason for finally acting in a legislative way.

I thank the Senator.

Mr. LEVIN. As the Senator from Georgia said, it is very different to give a recommendation to the President, which is one thing. To put into law what we believe the demarcation line is unilaterally, saying that the President cannot deviate from it, and he cannot negotiate even an improvement from our perspective. By the way, this language even goes beyond that. This language literally, when you read it, would prevent an official of the United States from stopping a test which violates this demarcation line by its own terms. In other words, let us assume that we were testing an ABM system against a missile that had a range of 4,000 kilometers. This language says that until it is flight tested, this prohibition is in place. That is what the language says. The Senator from Virginia and I have worked a long time on lots of bills together. But this language violates common sense because you could not even stop a test from occurring, which, by the terms of this bill, violates the ABM Treaty. That is how extreme this language is.

I yield the floor at this point.

Mr. WARNER. I will be very brief. The Senator from Michigan put in a letter of the Chairman of the Joint Chiefs, General Shalikashvili. I wish to put in the RECORD at this point in our colloquy my reply to General Shalikashvili and in the spirit of total fairness, again his reply back to my letter. Clearly, we disagree.

I would like to read one paragraph to the Senator. I said to the general:

> Unfortunately, that is exactly what is happening. Our ongoing TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be ABM Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements.

Mr. President, that is it, clear and simple. It is right there.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 18, 1995.

Gen. JOHN M. SHALIKASHVILI, USA,
Chairman, Joint Chiefs of Staff, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your June 28 letter to Senator LEVIN concerning the impact of the ''Warner Amendment,'' which prohibits the application of the ABM Treaty to U.S. theater missile defense systems.

I introduced this amendment in April with only one goal in mind—to rapidly provide the brave men and women of the Armed Forces with the most technically advanced, cost-effective theater missile defense systems which the United States is capable of producing. As you well know, over 30 nations currently possess short-range ballistic missiles. The Gulf War demonstrated that such missiles pose a threat to our troops which is real, immediate and growing.

In my view, work on defenses against these missiles should not in any way be constrained by restrictive and erroneous interpretations of the ABM Treaty—a Treaty which was never intended to limit or restrict theater missile defenses.

I was there, General, in Moscow in May 1972 when this Treaty was signed. Further, as Secretary of the Navy, I knew and had access to the people conducting the negotiations and preparing the working papers for those negotiations. I have since—recently—spoken with some of thee people to confirm that short-range systems were not the subject of their work. The ABM Treaty was intended only to apply to strategic, long-range systems. It should not now be stretched to cover the short-range, or theater, systems.

Unfortunately, that is exactly what is happening. Our on-going TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements. And I might add that this is not a new problem. This course was followed by previous administrations as well as the current one.

My amendment establishes a clear demarcation line between anti-ballistic missile defenses which are limited by the ABM Treaty, and theater missile defenses which are not. The demarcation standard which I selected for my amendment is the one used by the Clinton Administration at the beginning of the demarcation talks in November 1993, and one that was accepted by the Russians at that time. It is a standard which, to my knowledge, has not been disputed by either party to the negotiations.

Contrary to the assertion in your letter, my amendment does not prohibit the Administration from conducting demarcation negotiations with the Russians. Instead, the amendment would, in effect, prohibit the implementation of any agreement which might result from those negotiations which would have the effect of making the ABM Treaty a TMD Treaty. To remain on solid Constitutional grounds, I carefully chose the Congress' power of the purse as the vehicle to ensure that Congressional views on this issue are taken into consideration.

I, and many of my colleagues, have grave reservations about the direction the Administration has been pursuing in the demarcation talks with Russia. It appears that the Administration is intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of a U.S. theater missile defense system. For example, reportedly over the objections of senior military officers, the Administration earlier this year tabled a proposal which would impose performance limitations on our theater missile defense systems, and accepted a Russian proposal to prohibit the deployment of the Navy Upper Tier system—a system that was subsequently deemed to be Treaty-compliant by the DoD. The negotiations are clearly headed in the wrong direction. A change of course is in order.

Your letter mentioned the potential impact my amendment might have on Russian ratification of START II. I might point out that START II Treaty ratification by the Russian Duma is in doubt for reasons having nothing to do with the ABM Treaty or U.S. theater missile defense efforts. Put simply, many Russians do not want to give up their multiple warhead ICBMs, as called for under START II. We must not hold our TMD efforts hostage to Russian threats concerning START II ratification, or any other issue.

While I share your desire to maintain a good security relationship with the Russians, I am not willing to sacrifice vital and legitimate U.S. defense efforts in the interest of that security relationship.

I think you would agree with me that our goal should be to provide our troops with the best defenses that our technical experts are capable of producing. I believe that my amendment advances that goal.

Thank you for your attention.

Sincerely,

JOHN WARNER.

THE CHAIRMAN,
JOINT CHIEFS OF STAFF,
Washington, DC, August 2, 1995.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: Thank you for your letter and strong support of efforts to protect US troops from the theater missile threat. The explanation and clarification of the intent and effect of your amendment are sincerely appreciated.

Since the beginning of the demarcation discussions, the first priority of the Joint Chiefs of Staff has been protecting US troops. I share the view that the ABM Treaty was never intended to limit theater missile defenses, and agreed to an initial demarcation approach to the Russians based on the standard specified in your amendment. As you note, the Russians appeared to accept the limiting parameters of 3500 km and 5 km/sec for testing against theater ballistic missiles, but pushed for interceptor performance limits as well.

In June 1994, in an effort to each early, acceptable demarcation agreement, some limits on interceptor velocity were proposed by the United States. As negotiations progressed, a subsequent proposal for an interim agreement which would have deferred some unresolved issues—such as deployment of Navy Upper Tier—was also proposed. The Russians rejected both US approaches.

The May 1995 Joint Summit Statement was an effort to move the negotiations away from technical parameters back to a set of principles which would preserve both the ABM Treaty and our ability to test and deploy needed theater missile defenses. The latest US negotiating position was based on that joint statement and was intended as just the sort of ''change of course'' you suggest.

The Chiefs and I have been fully involved in developing US positions and have never lost sight of our first responsibility to protect US forces. We are unanimous in our commitment to develop and field highly capable theater missile defense systems. While cueing from space-based sensors has yet to be incorporated into those systems, this is currently in our plans.

With regard to broader security issues, the linkage between the ABM Treaty and START II has been stressed repeatedly by the Russians with US military representatives in many fora, including discussions with members of the Duma. While there are, of course, other factors at play in the Duma considerations, one must assume that unilateral US legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

In closing, the priority goal has been to provide the US Armed Forces with best defenses technical experts are capable of producing. But we also seek to reconcile requirements for protection from theater ballistic missiles with further strengthening of the framework of strategic stability, including strategic arms reduction and the ABM Treaty. We are working to achieve both these goals.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

Mr. GLENN. Mr. President, I rise in support of the amendment to strike the missile defense provisions in the bill, because, if passed as is, I think this language will greatly complicate the work of our military and of our diplomats in the years ahead. I have been interested to hear that one of the reasons we have this in the bill, apparently, is because we have sent a number of letters, or some Members have sent a number of letters to the President, and did not get a response. They either got no response or one they did not like, so they decided to put it in legislation.

I can only say that I think taking that kind of action, when the leadership, in negotiating treaties and in seeing they are adhered to, is a function of the executive branch, does not ring very strongly with me, because I can remember—I could probably go back to the files and bring out a dozen or more letters I wrote during the Reagan administration, during those 8 years and during the 4 years of the Bush administration, and I may have gotten responses to some of those but certainly not to all of them. That did not mean to me that I took over what the constitutional powers of the President are and put into law things that would have tried to put my view into law, as opposed to what treaty requirements were or what treaties had been negotiated.

I say further that I think we are, obviously, talking a lot here about the demarcation between theater missile defense and national missile defense. That is a legitimate thing to try and work out. But to take over and unilaterally on the part of the Congress define language that would change the ABM Treaty or have that potential, I think, is wrong. I think we have to tread very carefully when we do that.

I think this could possibly harm our efforts to proceed with nuclear arms reduction, not just with Russia, when we try and negotiate these things with China, Britain, and France. It will raise new threats to the global nuclear nonproliferation regime, especially its cornerstone, the Nuclear Nonproliferation Treaty, NPT. It could establish an extremely undesirable new method for unilaterally reinterpreting treaties, thus setting up a precedent that will obviously be used against us in the years ahead.

I think it could establish programs that would cost us a fortune. It could divert money from military needs that are, in my opinion, much more vital to the country and ultimately leave America substantially no safer as a result. It tramples on the President's constitutional responsibilities as Commander in Chief and as the individual in charge of American foreign policy. In short, I think this would be a very bad mistake for this country.

I would like to begin with a few comments about the general level of partisanship that we have seen from the proponents of these provisions on the ABM Treaty. I hasten to add that I think missile defense should not be a partisan affair. All Americans understand that (a), the national interest may require the deployment of U.S. forces in unstable areas around the world. This bill contains some very undesirable features, I feel, that, if enacted, could greatly complicate the work of our military and our diplomats in the years ahead.

Let me talk about ballistic missile defense. So (a), the national interest may require deployment of U.S. forces in unstable regions around the world; and (b), these forces may be the targets of missile attacks, including missiles delivering weapons of mass destruction; and (c), such forces must be protected. That is something I am sure we can all agree on.

Now, though the committee has approved many of the administration's requested theater missile defense projects, the majority's refusal to yield on several controversial proposals dealing with key missile defense issues gives these proposals the quality of partisan ultimata rather than a sound foundation for policy. In other words, it is either or else.

Similarly, the bill's heavy emphasis on investing in expensive hardware for missile defense detracts from an equally, if not more important, goal: Pursuing means to reduce the numbers and performance characteristics of offensive missiles that may be fired against us in theater conflicts. This goal typically requires significant improvements in export controls, intelligence capabilities, analytic capabilities for the conduct of arms control and nonproliferation verification activities, better coordination between our military and our diplomats and other such means.

The committee, however, is placing inordinate reliance upon technical fixes to counter missile attacks, rather than strengthening efforts to slow our halt of the proliferation of such missiles in the first place. This position is unfortunate, since the latter will ultimately prove to be a better investment of scarce taxpayers' dollars.

With respect to the missile defense provisions the bill does support, many of these would considerably erode the stable consensus that exists to support ballistic missile defense efforts, would jeopardize both antiballistic missile, ABM and START II treaties, usurp the President's constitutional powers with respect to the conduct of foreign relations and the performance of the role of Commander in Chief, or otherwise erode, rather than enhance, U.S. national security.

These conclusions, to me, follow from an examination of the following provisions of the bill: First, the bill mandates, as a statutory policy objective, an action that would violate the ABM Treaty. It establishes a policy of deploying a multiple-site national missile defense network by the year 2003. That is in violation.

Second, the majority places into U.S. law a formal definition of an ABM-permissible ballistic missile defense system. We can justifiably assume, as the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, has warned, any such statutory definition could jeopardize prospects for early ratification of the START II Treaty in the

Russian Parliament and negatively impact our broader security relationship with Russia.

It seems only prudent that before the Congress ventures off with a unilateral interpretation of a major bilateral arms control accord, we should consider very carefully several implications of such an action.

They would include: Is this the type of precedent we wish to establish as a basis for treaty interpretation? Do we want to set an example that can lead the Duma to legislate its own preferred definitions of vital terms of Russia's arms control and disarmament treaties?

In other words, what if the Russian Duma, what if we had word coming through or had pictures on TV this evening on the news that the Russian Duma is unilaterally deciding to put a new interpretation into the ABM Treaty. What would we do? I know what we would do. We would think the whole thing is null and void if they went ahead and legislated preferred definitions of vital terms of Russia's arms control and disarmament treaties.

If Russia deployed enough ballistic missile defense sites containing missiles just falling below the dictated threshold, could they collectively acquire an ability to counter United States strategic nuclear forces? What will be the reactions of China and other powers if the United States moves away from its ballistic missile defense restraints?

I point out that these agreements are hammered out word by word by word over agonizingly long negotiations. The ABM Treaty was no exception to that. To change some of that wording, or to change an interpretation of it unilaterally, means that our word in any other treaty that we might have with any other place around the world—whether China, Russia, wherever—is not going to be looked at as being worth very much.

While the committee majority has raised the specter of structural nuclear disarmament—a term that is supposed to describe our alleged inability to expand our nuclear arsenal in the event of future threats—it ironically ignores completely the effects on our deterrent force of releasing Russia from the treaty obligations that prevent it from acquiring a national missile defense capability.

The Russians are not going to just stand by and see us reinterpret that treaty without feeling free to go their own way. They will no longer be bound by that agreement that was hammered out over a long period of time.

So, if the opponents in the ongoing missile defense debate have their way, and that ''fearsome beast,'' the ABM Treaty, is finally slain, the credibility of America's strategic missile forces would almost immediately be called into question as Russia begins to deploy its own large-scale national missile defense force.

What would prevent them from doing it? Certainly not the treaty that we would have violated at the time. It seems to me, if the majority is truly interested in avoiding this structural nuclear disarmament, as it is called, it should do all it can to ensure that U.S. nuclear deterrent retains its credibility. This is exactly what the ABM Treaty helps to achieve, by barring Russia from creating its own national strategic missile defense system.

The treaty accomplishes this, moreover, without the need for a diplomatically and financially costly expansion of our offensive nuclear capabilities. So-called deficit hawks in Congress today should, therefore, love the ABM Treaty, not revile it. It works to preserve our deterrent and saves plenty of money at the same time. One of the estimates by CBO has indicated that even a partial national missile defense system would cost about $48 billion, at a time when we really do not need it, as testimony and as the letters from the Secretary of Defense and Chairman of the Joint Chiefs of Staff have indicated.

I am afraid our colleagues in the majority, however, have turned a collective blind eye to these considerations. They appear to believe that unilateral United States actions to ensure against our own national missile vulnerability will instantly translate into a safer America and not lead Russia to reduce its vulnerability to our own strategic missile attacks.

In its enthusiasm not to miss an opportunity to bash the ABM Treaty, the majority is urging a course of action that can weaken our nuclear deterrent capability, can stimulate an offensive nuclear arms race, and eventually funnel tens or hundreds of billions of dollars into elaborate strategic national missile defense schemes, none of which, of course, will ever free American citizens from risk of nuclear attack.

The bill seems to enshrine into law what is known as the fallacy of the last move, which holds that any increment in our own security will take place without any detrimental side effects. I lose a lot more sleep over the side effects than I do over the slogan of ''structural nuclear disarmament.''

The Oklahoma City and World Trade Center bombings, coupled with the Tokyo gas attacks should serve as a sobering reminder that weapons of mass destruction can be delivered by a variety of means other than missiles. It does not mean we are not concerned about missiles. We are. Furthermore, our intelligence officials have repeatedly testified the United States will not face a new missile threat until sometime in the next century.

The Director of the Defense Intelligence Agency, Lt. Gen. James Clapper, testified before the Select Committee on Intelligence last January: ''We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.''

We should not permit a fixation with delivery systems to distract our attention from the important goal of halting the proliferation of nuclear, biological, and chemical weapons.

Third, the majority voted down on a straight party vote a proposal by Senator LEVIN to ensure that America's theater missile defense systems will not be given strategic antiballistic missile capabilities, a proposal that was essentially a restatement of existing law, existing law under the ABM Treaty.

Fourth, the majority insisted on almost doubling the size of the administration's request for national missile defense projects, despite the majority's complete inability to identify any new foreign threat against which such a defense would be directed.

I do not believe that a highly conjectural North Korean missile threat to the Aleutian Islands sometime in the 21st century is sufficient grounds for America to abandon the ABM Treaty. I doubt North Korea will even manage to survive as a country by that time. It may not, anyway.

Furthermore, there is a fundamental contradiction in the majority's willingness to write a blank check on behalf of national missile defense and yet apply the sternest possible accounting standards for the more modest sums that we authorized elsewhere in this bill to such programs as humanitarian assistance and foreign disaster relief.

I would add, the systems we are talking about have yet to be invented. We made some progress in setting up systems, or doing some research in years past, but to mandate at this point we will have any of these systems by the year 2003, which is what is in the systems we are proposing here, is wishful thinking. Some of the claims under star wars were made back some years ago. I talked to the people at the Pentagon who were working in these areas, who had some confidence in those systems, or said they did. I thought some of the claims were so preposterous I went out to some of the laboratories where work was going on on the so-called star wars system. The scientists who were working on the systems out there almost laughed about some of the claims being made on star wars at that time. It was not just a matter of having the money to deploy, to cut the hardware and deploy it. We had not yet invented the systems. Yet we are talking about now we can set up a national missile defense system, just a partial one, for $48 billion, with equipment that has yet to be invented and certainly should not be deployed on a timetable between now and the year 2003. Within 8 years, we are supposed to now have this and it has to be deployed. And that is ridiculous.

Star wars before was talking about deformable laser mirrors, 12 feet across, that could take lasers of a power not yet invented, and focus it on a spot out there several hundred miles in space the size of a golf ball. At least

the first step would be to focus it on a mirror in space that could be deformed, then focus it in turn on a spot the size of a golf ball several hundred miles away on a missile coming up at a changing rate of speed, and keep it focused on that area. We do not have the computer capacity nor the technology yet developed to enable us to do some of those things that were claimed years ago.

Now we are saying we have some different systems. But those systems are anything but proven and are anything but systems that should be set up on a time schedule that would have to be in place by law by the year 2003.

What do we think the Soviets would be doing all this same time? I know what the Duma would probably do, our counterpart over there in Russia. The Duma probably is going to say, OK, if all bets are off on the ABM Treaty, then the very first thing we are going to do is put all the coordinates back in on American targets we just took out of our missiles in agreement with the Americans, back just a few months ago. To me, that would be very silly if we did anything that might lead them into that kind of activity.

Yet, if the Russians were doing the same thing we are debating here today, I can guarantee the first thing I would be doing on the floor would be demanding we put their coordinates back in our missiles if they were advocating abrogating the ABM Treaty and deploying a missile defense system that neither side thought we needed to deploy.

Much has been written about the dangers of new isolationism as a foreign policy doctrine. Its companion in defense policy I guess would be called a fortress America. Nothing is more reflective of this doctrine than the current bill's fundamentally misguided policy approaches on nuclear testing and the ABM Treaty.

So I am still hopeful a new bipartisanship will emerge in the years ahead, however, behind policies that reflect a greater awareness of the costs of a modern national defense, a greater sensitivity to international reactions to U.S. defense actions, greater appreciation of the unexploited potential that lies in creative international solutions to security problems, and a greater emphasis on preventing proliferation rather than trying to manage it. If we abrogate the ABM Treaty or put language in here, in this legislation, or permit language to stay in that allows the Duma, in its own right, to start reinterpreting the ABM Treaty, then I do not see any option but what we are into an arms race again. Just as we spent probably most of the past decade taking some of those dangers down, reducing our arms, taking the targeting out of our missiles and the Soviets took it out—the Russians took it out of their missiles, I think we are in danger of reversing this whole direction, this trend that has been set in place over the past 10 years, and to cope with a threat that is not out there, by the best testimony we have from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and spend a lot of money in the whole process, $48 billion for a very limited defense system that will not be a full national missile defense. It would be, basically, a missile defense that covers five States.

So I support the change proposed by the Senator from Michigan. I hope our colleagues will look at this very, very carefully. If we are to put into law something that encourages the ABM Treaty to be questioned and the Soviets to have less confidence in the American willingness to abide by that treaty, I think we will have made a drastic mistake in the Senate of the United States.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. I will just take a minute. I want to see if we cannot get agreement on time here. We have been on this amendment since 11 o'clock. I have been listening to people ask for time agreements. We are not even close to a time agreement.

This bill is dying on the floor. This may be a very important amendment, but we intend to complete action on this bill by tomorrow night or I do not see when it comes up again. Because Friday—Saturday we will do appropriations bills, maybe one or two appropriations bills. Maybe late Saturday afternoon we can start on welfare reform, and then late in the week take up the defense appropriations bill.

If we want to pass the DOD bill we have to have cooperation. If we do not want to pass it, I assume we can take 6 or 7 hours on this amendment. It has been 2½ hours.

Is there any indication, any willingness to enter into a time agreement at this point? The Senator from Michigan——

Mr. LEVIN. If that is addressed to me, we are very willing to enter into a time agreement. Two Senators who wanted to speak have already spoken. There is one now who says he is willing to give up his time. I am adding it up and I will come up with a figure in about 2 minutes, now.

Mr. DOLE. I will just wait until the Senator adds it up. If we do not get it now, it may be another hour.

TITLE 31

Mr. KYL. Will the majority leader yield so I may make an announcement on behalf of Senator THURMOND? This is a very important announcement for all Members of the Senate. Senator THURMOND and Senator DOMENICI propose to offer a substitute amendment to title 31 of Senate bill 1026. This amendment contains numerous changes. In order to allow all Senators an opportunity to review it, copies of the amendment will be available in the Senate Armed Services Committee.

I thank the majority leader for yielding.

Mr. NUNN. I believe, if I may just add to the statement of my colleague from Arizona, that is the energy section of the bill that has been worked on for 2 or 3 days.

Mr. KYL. That is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, when the Senator from Michigan adds the time there, we may want some time on the other side of the amendment. Hopefully not as much. I do not think it would take as much.

Mr. LEVIN. We need 1 hour and 50 minutes on this side.

Mr. DOLE. Say 2 hours on that side, and 1 hour on this side? So we could vote, then, by maybe 4:30, depending on how much time we use? I do not think we need 2 hours on this side. I just want to get the time agreement.

If there is no objection, let me propose this consent agreement.

I ask unanimous consent that there be 3 hours on the Levin amendment prior to a motion to table, to be divided 2 hours for Senator LEVIN or his designee, 1 hour for Senator THURMOND or his designee, no second-degree amendments or amendments to the language proposed to be stricken be in order prior to a failed motion to table, and any second-degree amendment or amendment to the language proposed to be stricken be relevant to the first-degree amendment, and that following the conclusion or yielding back of time, Senator THURMOND or his designee be recognized to table the Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I do not intend to object, did the unanimous consent preclude second-degree amendments?

Mr. DOLE. No, not until after a motion to table, if it is not tabled.

Mr. LEVIN. It would be open to second-degree amendments which are relevant.

Mr. DOLE. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, I would hope we are about to be in a place where we could agree to this. I heard the leader say that there would be no second-degree amendments. Now I understand. I was not clear.

If I understand correctly, the amendment offered under the unanimous consent agreement by the majority leader, if we agree to this time agreement, as he has just spelled out, there would be no allowable second-degree amendment to the Levin amendment until after a tabling motion.

Mr. DOLE. That is correct.

Mr. EXON. After a tabling motion, then a second-degree amendment would be in order.

Mr. DOLE. That is what we have done here the last several times.

Mr. EXON. I have no objection.

Mr. LEVIN. Reserving the right to object for one more moment, in the

event that it is not tabled, then in the event more second-degree amendments are offered, there is not in this unanimous consent any time limit on those second-degree amendments.

Mr. DOLE. That is true. This only refers to this amendment.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, under this time agreement I would like to yield myself 20 minutes, and I ask to be notified when that 20 minutes has expired.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, since the Senator from Ohio just spoke in favor of the amendment, I thought I would take some of our time to speak in opposition to the amendment.

It seems to me that the arguments in favor of the amendment boil down to three: First of all, variations of the theme of the ABM Treaty is relatively sacrosanct; second, we have to do everything possible to avoid riling the Russians, doing something they may not like; and, third, that we should not limit the power of the President.

Let me discuss each of those arguments in turn. First of all, regarding the 1972 ABM Treaty, I think it is important to recognize that the ABM Treaty has, since its inception in 1972, been under the process of negotiation. There have been discussions going on between our two countries almost throughout that period of time. So the fact that we may be talking about making changes in it is nothing new, and it has never been interpreted as a breach or an anticipatory breach of treaty for the United States to be stating that we want to change a particular part of the agreement. As a matter of fact, the original ABM Treaty called for two national ballistic missile sites, not one. That was amended to one site. And one of the things that is being called for in the underlying legislation here is multiple sites.

I think almost all of us would agree that it does not make sense for us to deploy an ABM system in this country if we cannot have multiple sites. It just will not be effective. So that is our stated policy in the legislation. That is nothing new. It is nothing that the Russians should get excited about. As a matter of fact, I am not even sure what their position would be. I would not be surprised at all if they would agree that multiple sites are appropriate. So I do not think that is a big problem with the policy stated in the bill for multiple sites.

The second point under this first argument is that demarcation, as called for in legislation here, does not violate the ABM Treaty. As a matter of fact, the administration has already been demarking what is appropriate testing for a theater ballistic missile system, and has already been discussing that with the Russians.

Bob Bell, former staff member of the committee, a prominent specialist at the National Security Council, told the National Defense University that, ''We have already reached an agreement with the Russians that you can shoot at a target that goes 5 kilometers per second and not have it captured as an ABM.'' The problem here is, of course, that the negotiations that the administration has been engaging in went further than that, and accepted, at least temporarily, Russian demands that the proposed demarcation also include a speed limit on the United States' interceptor of 3 kilometers per second, which would in effect dumb down our system to the point where it would not be as robust as we would want it to be.

The point here is that you cannot argue demarcation per se is a violation of the ABM Treaty. The administration has done it. That has been policy. The question before us is whether or not we will in legislation demark that limit at which we can test our theater ballistic missile system since it has never been a part of the ABM Treaty. I think that is an important point for us to make. Again, the ABM Treaty only limits strategic systems. It does not limit theater systems.

All the demarcation in the Warner language does is to define the level of testing that can be engaged in for theater systems. There should not be anything wrong with that. The administration has already engaged in demarcation. As a matter of fact, in a speech before the National Defense University, again referring to Bob Bell, he ably explained that this question of identifying the demarcation between ABM and TMD has been an issue for as long as the treaty has been around, and, as a matter of fact, it has changed. One of the things he said is, what is a TMD and what is not a TMD goes back to the ratification hearings and the negotiations themselves.

During the Senate hearings on the ABM Treaty in 1972, then-Director of Defense Research and Engineering, Johnny Foster, was asked by Senator Proxmire, ''Where is the line? Where is the distinction between the two?'' He said, ''If you shoot a missile interceptor at a target that goes faster than 2 kilometers per second, that is an ABM.''

Of course we all know that demarcation is unacceptable today. That is the point. Technology changes. It has been 23 years since the ABM Treaty was adopted.

What we are trying to do in this legislation is to keep up with the times. As a matter of fact, our own Defense Department has made the point that the treaty has not kept up with the times, and the gentleman who is now the CIA Director, John Deutch, has made the point that the treaty, the ABM Treaty, constrains us in ways that technology should not anymore. And, as a result, it seems to the committee—and it seems to me—that it is important for the United States to draw this demarcation so that we can test the systems that we could ultimately deploy against theater threats.

Why is it important to have the language in the bill? Because the administration in effect proposes to dumb down our TMD. And that is the problem. In both the Patriot system and the THAAD system earlier, we dumbed them down. The reason the Patriot could not be any more successful in the gulf war was because of decisions made right after the ABM Treaty that in effect preclude the use of certain sensors to enable it to be more robust.

We have done the same thing with the THAAD system in taking out certain software and making certain hardware changes that precluded it from being as robust as it otherwise would be in meeting these threats. We cannot do this anymore. And we should not dumb down our TMD system.

Our demarcation language in the bill merely proscribes tests against strategic missiles, as I said, and that enables us then to continue to test the theater system in a way that would make it effective against future threats.

Let me quote, as a matter of fact, from General Shalikashvili. He has been quoted before. Let me first of all quote a January 3 memo to Deputy Secretary of Defense John Deutch. Here is what he said General Shalikashvili said:

> The United States should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

The reason that General Shalikashvili, I believe, made that statement is because he understood that the position that Bob Bell had negotiated with the Russians that I referred to earlier was as far as this country should go; that if we went any further, we would arbitrarily be putting limits on our theater systems in ways that we should not do. That would make them less capable of meeting future threats. That is why he said at that time that we should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

That is the real position of General Shalikashvili. That is the position which is embodied in this legislation, to make no further concessions with regard to this demarcation.

Finally, with respect to this argument that the ABM Treaty is sort of sacrosanct, I want to make this point. There is no anticipatory breach in the bill at all because, of course, there are two specific conditions. No. 1, there can be amendments to the ABM Treaty. That is all we are suggesting should eventually occur here. But it is suggested that maybe the Russians will not agree with the policies stated in the bill, and they will not agree to those negotiations or to our position.

The United States can always withdraw from the ABM Treaty after having given 6 months' notice if that is

deemed to be in the interest of the United States. So should we deem it to be in the interest of the United States to act in ways that the Russians would deem inimical to continuation with the ABM Treaty, they can either negotiate or the United States can step out of the treaty. The bill itself does not violate the treaty.

I want to make that point crystal clear.

There is some notion that has been seeping into this debate that somehow there is still a cold war going on here.

The cold war is over. The Soviet Union, with whom we negotiated the ABM Treaty, is no longer even in existence. The threats that the theater ballistic missiles are designed to thwart are not necessarily threats emanating from the Soviet Union or now Russia but, rather, are threats coming from countries like North Korea and Iraq and Iran, and countries of that sort.

Therefore, we cannot be proscribed from acting against those threats because of an ABM Treaty with the Russians. We need to proceed to develop theater missiles that can protect the United States, protect our forces deployed abroad, and protect our allies against these theater threats, whether they come from Iran, Iraq, North Korea, or whatever. So the ABM Treaty really ought not to stop us from doing it.

The second point is that it would cause the Russians to react negatively. It would not be a reason for the United States to forego actions which are clearly in our national interest. The argument that is being made here is the same argument that was used against the Reagan initiatives that in fact today are credited with ending the cold war. Maybe the Russians will react badly to this. Well, as it turned out, by taking bold action, we were able to win peace through strength. The cold war is over because of the initiatives we took and because we did not listen to those who said the Russians might react badly to this if we do it. So I do not necessarily think that is a good argument.

I again refer to the now CIA Director, John Deutch, on the ABM Treaty. In some respects, the technology has exceeded the limits of the ABM Treaty, and we have to go forward with the technology to protect ourselves not just from Russian threats but from threats around the rest of the world. And the problem of waiting for the Russians to agree is that this is no longer a bipolar world and we have these other threats to be concerned about.

It is also, I think, an important point to make that the Russian Duma is not likely to ratify the START II Treaty in any event, and this is clear from a variety of things that come out of Russia. So to suggest that the action we take here is going to prevent Russia from ratifying the START II Treaty is not relevant.

Chairman of the Duma's Foreign Relations Committee, Vladimir Lukin said:

> We need big money to carry out these reductions [in START II], and we don't have it. We do not want to ratify this treaty and then not be able to comply with its terms. We will have to wait until we see how to pay for our promises.

That is the reason—or at least that is one of the reasons—nothing to do with what we are talking about today.

Others suggest that ratification should be tied to other international issues.

The Speaker of the Federation Council, their upper chamber, Vladimir Shumeyko, said:

> We closely link [START II] ratification with the overall situation existing between Russia and NATO. . . We consider the perseverance of NATO as a stumbling block to our cooperation in the era of disarmament and advancement on the road to peace.

And still others see START II as inimical to Russian interests. Viktor Ilyukhin, chairman of the State Duma Security Committee, said:

> If this treaty [START II] is fully implemented, the United States will almost double its superiority, while the damage to Russia's national security will be unrecoverable.

There are many more quotations that I could cite.

The point is there are a lot of reasons why a lot of Russians do not want to ratify the START II Treaty. It is not because of what we are doing in this legislation here today.

Finally, let me just refer to this notion of anticipatory breach. If we are going to use that legal doctrine here, we also ought to refer to the equitable doctrine of clean hands.

I will not take the time here to recite the numerous instances of Soviet and Russian violations of treaties that we have negotiated, but they are numerous. And in some respects we have chosen to ignore those violations because we believe that it is important to continue the dialog and to keep the process moving. But the fact is it would be anomalous for the Russians to consider that a policy we state today that in no way involves a violation of the treaty is some kind of a big deal when they are in violation of a variety of treaties, and should my colleagues desire we can put that information in the RECORD.

The final argument that is given as a reason to support the amendment of the Senator from Michigan is that the language of the bill ties the President's hands. What we do here is two things. We call for a study to determine what the administration should negotiate relative to the ABM Treaty. We are not saying what the administration has to negotiate. We are saying let us have a study and pick those areas where we want to make a change. One of them I think is going to be clear. We should not go forward in this country to deploy a national defense missile system at one site. That would not make sense. So one of the items clearly is going to be let us ask the Russians to negotiate this multiple site. That is the only way we should deploy a national system. And I do not see what the problem with that is.

In the meantime, we are saying let us not use defense funds to continue, the administration should not use the 050 account to continue to make concessions to the Russians on matters that ought to be either the subject of further negotiation or at least the administration ought to come to the Senate to discuss them with us.

That is the final point I wish to make here. We have been trying for months to get the administration to work with us. That is what advice and consent is all about. And it is true that there are prerogatives of the administration that are important to be protected, and I do not want to step on those. But it is also true that the Senate has prerogatives. We have the right of advice and consent, and thus far the administration has generally ignored the position that at least those of us on this side have taken. What we are asking in this legislation is that you not go any further—in fact, we are demanding that the administration go no further in the direction of making further concessions to the Russians in ways that would limit our ability to develop our theater systems which can be used not just against Russians but against other potential threats; that they do not do that; that they not use defense funds for that purpose. That is why we are saying it is important for us to be talking to the administration.

If the administration wants to get together with us and talk about what they can do, if they want to submit the changes to the Senate, then well and good. So far that has not been the administration's position.

So with regard to the argument that we are stepping on the administration's prerogative, I would just note that the administration has been ignoring the Senate and its advice and consent prerogatives, and it is time for us to be giving a little advice and asking for the ability to consent to what the administration is doing.

Mr. President, the bottom line here is that the Armed Services Committee came up with a very good bill, and I wish to commend the chairman of the committee, Senator THURMOND, who is here; Senator LOTT is a member of the committee; Senator WARNER made an excellent statement here this morning in opposition to the amendment of the Senator from Michigan, and I believe that it would be in the best interests of the United States for this body to agree with the Armed Services Committee to vote down the amendment of the Senator from Michigan.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I will be happy to yield 20 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening and waiting very patiently for my turn to make some remarks on this matter. I had hesitation about the unanimous-consent agreement because this is one of the most important matters, if not the most important matter in my view that I have been a part of in my 17 years in the Senate.

Notwithstanding the desire to move on briskly, I simply say that I hope, regardless of political affiliation, we will all take a very close look at what we may be about to do unless the Levin, et al, amendment, of which I am proud to be an original cosponsor, is passed.

I have been listening to the Senator from Arizona and his rather interesting remarks, and during those remarks the Senator from Arizona mentioned the names of several very prominent administration officials, including Bob Bell at the White House, National Security Council. He mentioned the present CIA Director, the former second man at the Department of Defense. He mentioned the Chairman of the Joint Chiefs of Staff, General Shalikashvili.

I simply want to say that I am not indicating the Senator from Arizona has misrepresented any of the statements that those individuals have made, but I have checked, while the Senator from Arizona was addressing the Senate, with Bob Bell at the White House. Bob Bell tells me that, notwithstanding the name dropping, all of the individuals mentioned by the Senator from Arizona to substantiate his position of being against the Levin amendment is not shared by anyone in the administration including each and every one of the officials mentioned in support of his argument by the Senator from Arizona.

This is a tremendously important matter. My judgment is that this should not come down to a party-line vote.

I am afraid it is going to be a party-line vote. Maybe if we can just reach a few Republicans. I would guess at this time that we would not lose more than one or two Democratic votes, two at the most, on this side of the aisle, maybe none, which means that we Democrats are talking to five, six or seven of our Republican friends asking that they look very closely at this before they vote against the Levin amendment.

I thought it was rather ironic a couple hours ago while I was on the floor at that particular time there were four Senators on the floor. There was Senator NUNN, for whom I have great respect and with whom I have worked closely for 17 years; there was the chairman of the Armed Services Committee, my dear friend, and no one has more respect in this body, in the view of this Senator, than my friend STROM THURMOND from South Carolina; there was JOHN WARNER, who came to the Senate the same time as this Senator. And the four of us happened to be here on the floor.

There have been many very important statements made and, I thought, well thought out by Members on both sides of this issue. It is an issue that may not be clear-cut in some people's minds. For 17 years, I believe, on national defense matters I have stood hand in hand with the Senator from South Carolina, the Senator from Virginia and others. I do not know that we have been very far apart, if far at all, on many issues. I can include Senator LOTT, a Member of the Senate that I work very closely with; Senator LEVIN; and others.

I simply say that we are at a point where I do not feel it is fair to indicate people are in bad faith on that side of the aisle on the matter. I just hope they will listen to the pleas that we are making on this side. Maybe a good way to put it is, I think they know not what they do. They are not badly intentioned. I think they know not what they do.

To put this in perspective, I would like to ask a question of the Senator from Michigan on this matter that may put this in some kind of perspective as far as this Senator sees it. Notwithstanding the protestations to the contrary, if the Levin amendment is not adopted, I feel that we have gone a long way down the road to disrupt some of the advances that have taken place over the last few years with regard to downplaying the role of dependence on nuclear devices. It is this Senator's feeling—and I am wondering to what degree this is shared by my friend and colleague from the State of Michigan. Senator LEVIN and I came here at the same time. We have sat side by side on the Armed Services Committee. We have generally agreed. And I would generally include him in that group of bipartisan Senators, Democrats and Republicans, that have worked hand in hand on critical defense matters.

Without losing my right to the floor, I want to ask Senator LEVIN this question: If your amendment striking basically the references to the ABM Treaty fails, it is the opinion of this Senator that such action, if your amendment fails, will probably end any chance of finally completing in a successful fashion the implementation of the START I treaty. In all likelihood, further, it will scuttle any chances of cooperation to obtain ratification of the START II treaty and then further eliminations of the number of nuclear warheads that were planned to follow on beyond that. I think it drives a stake through the heart of the Nuclear Test Ban Treaty. I think it certainly would do great harm to any chances that we have with regard to the nonproliferation treaties that we are interested in. And last and certainly not least, I would think this action very likely would go a long way to maintain a conventional forces understanding in Europe meaningful from the standpoint of seeking some form of stability in the world. All of these things, I think, have a very grave threat of extinction if we proceed in the fashion that the ABM Treaty language that the Senator from Michigan is trying to strike as it came out of the committee remains.

Mr. LEVIN. The Senator is right. In my view and, even more important by far, in General Shalikashvili's view when he says in his letter to Senator WARNER, the following:

> With regard to broader security issues, the linkage between the ABM Treaty and the START II has been stressed repeatedly by the Russians and U.S. military representatives in many forums, including discussions with many Members of the Duma. While there are, of course, other factors that play in the Duma consideration, one must assume that unilateral U.S. legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

And it is that broader security relationship that I think my good friend from Nebraska is referring to. And I do agree with his assessment of the impact. But again, our top military officer agrees, our Secretary of Defense agrees, our Secretary of State agrees with that assessment.

Mr. EXON. I thank my friend from Michigan. Let me summarize, if I can, some of the overall problems that I see with this measure that I partially addressed in remarks this morning.

The way this came out of the committee it attacks the limits of the Nunn-Lugar proposal that has been responsible for the safe and accountable disarming of over 2,500 former Soviet Union warheads. It cuts the Energy Department nonproliferation arms control and verification funding. It recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars, while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy, and it is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement.

I will have some more to say about this later on as we go into other particular issues under consideration in this bill. Let me simply say, though, I am concerned with the tone and the substance of the bill and the level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At the same time, when one-time enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with the reality and the strong

need of amendment before it can properly serve our Nation's security interests. At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with our imaginary dragons in order to lay claim to the mantle of being strong on defense. We are a strong country, the preeminent military power of the world by far. But we must also be forward looking and recognize that it is in our national interest as well as the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. And handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support the amendment that will correct these and other self-defeating elements of this flawed legislation.

Mr. KERRY. Mr. President, a defense bill must meet threats, real threats, not shadows or ghosts of threats disappeared.

Our military leaders and our intelligence services have properly identified the threats our Nation faces.

They have come before us and told us what threats we face.

We have ignored much of their counsel and drafted a bill addressed to the realities of yesterday and a dark view of a possible future tens of years away.

This provision if enacted will take a step toward abrogating the anti-ballistic missile treaty, scuttling the START II Treaty, and launching us back into the arms race of the cold war.

This bill includes many weapons systems designed to match a missile threat from the Soviet Union that does not exist. Due to the diligent efforts of former President Bush, President Clinton, our diplomats and Senators like Mr. NUNN and Mr. LUGAR, we have been able to substantially curtail that threat, to destroy hundreds of the missiles that used to be aimed at our nations, and to divert the targeting of the others that still remain.

Since 1991, the Nunn-Lugar program has helped the states of the former Soviet Union to destroy their weapons of mass destruction and reduce the threat posed by proliferation of these weapons. This program remains an example of concise policy designed to meet an identified threat and has significantly improved our national security.

We cannot stress to the appropriate degree how important arms control efforts have been to our national security. Today, as a result of bipartisan efforts from different administrations, Russia is planning to eliminate 6,000 nuclear warheads that formerly were directed toward our Nation. That is far more than any national missile defense could hope to destroy.

It would be a shame if the other provisions of this bill caused this progress to be in vain.

Therefore, I reject the provisions in this bill that if enacted will most likely resurrect an arms race between the United States and Russia.

By unilaterally deciding what the ABM standard is in regard to missile interceptors, the Senate would disrupt the negotiating process currently underway. Not only is this an unwarranted intrusion into the normal working of foreign policy, this provision dangerously increases the risk that the ABM and other weapons treaties will be abrogated completely by the Russians.

Later this year the Russian Duma was to vote on the ratification of START II. After they see the provisions in this bill regarding the ABM treaty, and realize how we plan to have a missile defense system that could theoretically counter an attack on the United States, the incentive to destroy the thousands of weapons called for in START II will be greatly diminished.

Regardless of what we tell them, the Russians will logically be thinking, why destroy our missiles when we may need them to get through a U.S. missile defense system?

Though its proponents claim this measure will protect us from a change in Russian policy, this measure will only further destabilize our relations and cause the hardliners in Russia to question our commitment to START II.

We would be throwing away a chance to destroy literally thousands of nuclear weapons on the faint hope that we can build an impenetrable missile defense system.

To justify the national missile defense system now when the Soviet threat is gone, the supporters of this bill are countering the views of our professional military and intelligence personnel and telling the American people a threat exists elsewhere when in fact it does not.

The supporters of this bill say that North Korea, Iran, Iraq, or Libya now have or will have shortly the ability to launch a missile that can reach our shores. That is simply not the case.

The report to this bill specifically notes the possible threat from the North Korean Taepo Dong II missile, which the report claims may have the range to hit Alaska. Since this weapon is in development, we do not in fact know that this missile will be capable of that range. But with North Korea in such dire straits economically and the growing possibility of its opening, with reunification with the south increasingly likely, should we spend billions on a missile defense system that probably won't work to counter a threat that may never exist?

Our professional military and intelligence personnel, the people who have the training, the knowledge, and the access to the most sensitive of information to judge these threats, say there is no threat from any indigenously developed missile for the next 10 years. Yet the supporters of these provisions do not believe those who know the most about this subject.

This presumed threat does not justify spending the tax money of American citizens on unproven and untested anti-ballistic missile defense.

This bill adds $300 million this year toward a national missile defense system. In 1993, the GAO reported that the cost of such a system would total $35 billion and a CBO estimate from earlier this year pegged the cost at $48 billion. As we know from past estimates, these estimates would probably be low.

The bill calls for the deployment of this system even though it is unproven and untested.

Under the most likely of scenarios, the nuclear umbrella this would create would be a leaky one that fails to completely protect our Nation if the nonexistent threat were to become real. With nuclear, chemical or biological weapons, anything less than 100 percent certainty will not suffice.

One clear lesson from history is that in military affairs, those who concentrate their efforts on defense are bound to fail. In the 1930's and 1940's France felt secure behind the Maginot Line. Their defensive posture was outwitted and decimated by a German Army dedicated to the offensive. When it comes to threats to the United States today, the means chosen to deliver a weapon of mass destruction would very likely be something other than a missile. It may be a cliche that the best defense is a good offense, but it is also true. We should look to counter any incipient threat from rogue nations through a robust offensive capability.

If someone is intent on attacking the United States, they need not be rocket scientists to figure out our Nation's vulnerabilities. Why spend millions of dollars on missiles whose launch we can instantly trace and respond to with enough devastating force to destroy an entire civilization? No, our potential adversaries would most likely seek the path of least resistance. The delivery system posing the greatest threat is the rental truck, not a ballistic missile. We face that real threat through offensive actions against rogue nations and terrorist groups.

We can support and focus our offensive capability through intense intelligence activities, so our policymakers and military commanders know most about what countries or groups are developing weapons of mass destruction, delivery systems, and the characteristics and locations of these systems. Next, the full diplomatic and economic

powers of our Nation can be used to counter the threat that may develop. Then, if the developers cannot be dissuaded in peacetime, the weapons themselves can be destroyed either preemptively or in war.

I have heard other Senators state that the United States is vulnerable to an accidental ballistic missile attack. The truth is, the situation today is the same as it has been for 30 years. We have managed to survive this long because governments have stressed proper security and operating procedures for these terrible weapons. Nations understand the gravity of a mistake when nuclear weapons are involved. That is why the launching of one of these missiles involves so many intricate, redundant steps with multiple built-in safeguards.

Yes, Murphy's law is true. Accidents can happen. But to have an accidental ballistic missile launch, several accidents must occur. Several redundant safeguard systems would have to fail all in the proper sequence at the precise moment, not just multiple failures of equipment but also multiple failures of human judgment, communication, and authority.

I am no statistician, but I bet the likelihood of all that occurring simultaneously is far more remote than other Senators have led the public to believe. It would be far more likely that an interceptor missile in the national missile defense aimed at a moving target would miss its mark. The threat of an accidental ballistic missile launch toward our shores does not meet even the lowest threshold to qualify as a legitimate threat.

Again, I say to my colleagues, we need to have a rational assessment of the threats our Nation faces. And the threat we face from a Russia with several thousand more nuclear weapons is far greater than the threat from a Russia that abides by the START II agreement.

Mr. EXON. I ask unanimous consent that Senator KERREY be listed as a cosponsor.

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

Mr. EXON. I ask the Chair how much time is remaining of the time assigned to the Senator from Nebraska?

The PRESIDING OFFICER. Six and a half minutes.

Mr. EXON. I reserve the remainder of my time.

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

Mr. LEVIN. Madam President, I ask unanimous consent that at this time, I be allowed to yield in this order: 8 minutes to Senator SIMON; 15 minutes to Senator KERRY; 8 minutes to Senator BINGAMAN, and that they be recognized in that order.

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

The Senator from Illinois.

Mr. SIMON. Madam President, it was just a few days ago when Senator BYRD, in the middle of a series of votes, was acknowledged for his 14,000th vote in a row. He got up and, among other things, he said there is a growing and excessive partisanship in this body.

I was on the subway this morning with Senator LUGAR, and some young eager student asked me what was different from when I came here. I said, ''The body, the Congress as a whole, is more partisan than it used to be.''

I mention that because if we end up with a straight party vote on something as vital to the future of our Nation as this is, we have not done our two parties a favor. I think the Levin amendment is extremely important to the security of our country.

If we just decide we are going to abrogate the ABM Treaty on our own, we are going to interpret it the way we want to, and that is what this amendment calls for, we are going to raise fears all over the world. We are going to be playing into the hands of the Russian hardliners. No one should misunderstand that for a moment. If we pass this bill without the Levin amendment, the Russian hardliners are going to say, ''We're going to have to stop this elimination of nuclear warheads. We're going to have to move in the other direction.''

Unilaterally to say this is what the ABM Treaty is going to be—and among other things in this bill it says, no U.S. official, presumably the Department of Defense, can discuss with any other country what the ABM Treaty means. That is a restriction on freedom of speech, among other things, that is unwise.

What we have is the present course where we are gradually reducing the nuclear threat, the arms threat in the world where we have moved from the great threat being nuclear annihilation, to the great threat being instability around the world, and we are going to move to a world where the threat is both instability and a nuclear threat.

Our present course reduces the nuclear danger. I happen to think we are spending way too much on arms. We are spending more than the next eight countries combined. If you take a look at the 1973 defense appropriations and add the inflation factor to it, we are spending more today than we were in 1973. That is when the Berlin wall was up, that is when we were in Vietnam, that is when we had almost twice as many troops in Europe.

I think some sensible reduction in arms expenditure is desirable and, frankly, I think even the high number requested by the administration would not be there but for the sensitivity of the President, because he was not part of the military, he does not want to look like he is antimilitary. But this $7 billion increase is just unwarranted.

On top of that, to say we are going to just unilaterally decide what the ABM Treaty means, on top of that to escalate the nuclear threat, I think, just does not make any sense at all, and it is going to waste billions and billions and billions of dollars in addition to increasing the threat to our country.

If this bill passes in substantially the present condition, then I think the President of the United States has no option but to veto it, and I will strongly urge the President to veto it.

We have to move away from an arms race. This bill, without the Levin amendment, increases the probability of an arms race.

Madam President, I yield whatever time I may have left to Senator LEVIN.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Thank you, Madam President.

Madam President, I want to congratulate the Senator from Michigan and also thank the Senator from Illinois for his comments with respect to this amendment. It seems that some of our colleagues in this body, in the wake of losing the former Soviet empire and the monolith of communism as targets of their opposition, now have lost their compass. They seem unsure of where to direct their energies and our taxpayers' money, and so are struggling to find another opponent at which to throw this Nation's treasure—regardless of the costs or risks entailed.

The Soviet Union has ceased to exist, and we are well into implementation of the START I Treaty limiting nuclear weapons and on our way to a START II Treaty to dismantle strategic delivery systems and further limit nuclear weapons.

So we are on a course where the compass clearly points toward reduction in the number of nuclear weapons present in our world, toward the reduction of risk to our citizens and our society itself from an aggressor's attack, toward the control and reduction of weapons, and, indeed, toward the creation of stability in our world's political equation.

As all of us who grew up in the 1950's and 1960's understand, nuclear deterrence is built on the concept of mutually assured destruction. ''They'' can destroy ''us,'' ''we'' can destroy ''them,'' so neither chooses to destroy the other because nobody knows what would be left.

In effect, that has maintained a state of rough peace—even if an uneasy peace—since the end of World War II. Certainly there have been surrogate wars and smaller skirmishes and client-state struggles around the globe, but the great nuclear powers have never seen fit to attack each other because of the belief that the damage that would be returned would be unacceptably great.

Now, in 1995, we are no longer faced with Soviet expansionism, a Soviet desire to exploit every conceivable Western weakness, and, in every way short of initiating an all-out conflict, a Soviet desire to achieve and maintain the

advantage in every competitive situation. We no longer stare across the North Pole at thousands of Soviet nuclear warheads targeted on America's cities, its industrial and military facilities, and its governmental and social lifelines. Yet in the bill that is before the Senate today, we have a provision that unilaterally abandons—and, I would argue, effectively nullifies—one of the critical ingredients that has brought us to the point where the compass is pointing in the right direction.

The Antiballistic Missile—or ABM—Treaty is a keystone to this arms control progress—which already has made huge contributions to the security and safety of our Nation and its people, and offers the promise of even greater safety and security in the foreseeable future.

The bill brought before the Senate by the Republican-controlled Armed Services Committee establishes as our national policy that we will have a national missile defense system at ''multiple locations,'' which violates the ABM Treaty. It says that we will develop defense systems against theater ballistic missiles without regard to the ABM Treaty restrictions. It prohibits our President from even negotiating on this subject. It prohibits any interference with TMD missile testing that is self-apparently illegal under the ABM Treaty which our Nation signed and this very body ratified.

The bill before us unilaterally obliterates the ABM Treaty, Madam President.

Anyone who understands the history and psyche of the Russian people knows that they adamantly insist on realistic means of defending their nation. Fundamental to their willingness to enter into arms control agreements, and to continue to abide by them, is a requirement that their strategic weapons systems be effective in order to serve as a real deterrent to aggression against their nation, and an effective means of retaliation if that deterrence fails.

If the United States moves ahead unilaterally to build a system that can defend successfully against their strategic forces, we undo a delicate balance, and in the process almost surely destroy the willingness of the Russian nation to continue to honor arms control agreements that further damage their side of the balance-of-power equation.

Madam President, nuclear deterrence is already tricky enough. But it really has always rested on each nation's perceptions of the others' forces and of the threat that is poised against it. We hold the upper hand with respect to that today, relative to every country on the face of this planet.

Today, to break out of the ABM Treaty, or signal our intention to do so, is to invite a return to the days of suspicion and countersuspicion, and far more dangerously, to invite a diminishment of the stability of our current world order. It is not perfect, of course, but I think few would argue with the assertion that it is better than it was for the 40 years between 1949 and 1989.

We do not attack each other, because we know to do so would be to beg the ultimate destruction. But if we develop a capacity to knock down anything that could be sent at us, we have changed the threat perception—the perception of whether a balance exists—changed it in our own mind, and changed it for those who are our adversaries.

Changing the threat perception or the perception of whether a balance exists initiates the very hopscotching process that is the simple history of the entire cold war. We detonated the first atom bombs; the Soviets followed. We detonated the hydrogen bomb; they followed. We put long-range bombers in the air with nuclear weapons; they followed. We developed intercontinental ballistic missiles; they followed. We developed long-range submarines with ballistic missile capability; they followed. We developed multiple independently-targeted reentry vehicle or MIRVed nuclear warheads; they followed. Every single major episode of the cold war consisted of a first effort by the United States to develop technology that would give us an advantage. In every case, the Soviets responded by countering that advantage. After the Berlin wall fell, finally it became evident that this was an insane and vicious circle, consuming precious resources in our Nation and bankrupting the Soviet Union—in more than one respect.

But now, at long last, that threat has receded. The Soviet Union is no more. And the threat of ballistic missile attack of the United States is virtually nil—and will be virtually nil for many years.

Only Russia and China today can reach the United States with a nuclear warhead carried on an ICBM. All our intelligence agencies agree that there is no significant threat of such a missile attack today from either of those nations. Russia, while one must respect the military power still at its disposal, including intercontinental ballistic missiles, is not in any wise prepared to engage our Nation in an armed conflict. China has some strategic ballistic missile capability, but not anywhere close to enough to initiate a war with the United States. We are the only remaining superpower.

And our intelligence community further agrees that no other nation will be able to develop the ability to hit the United States with ballistic-missile-conveyed weapons of mass destruction for a minimum of 10 years.

Let me share with my colleagues an excerpt from the prepared statement of Lt. Gen. James R. Clapper, Jr., Director of the Defense Intelligence Agency, to the Senate Select Committee on Intelligence at a public hearing on January 10 of this year on the threats faced by our Nation. General Clapper said, in part:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Then-Acting Director of Central Intelligence Adm. William Studeman, in response to questions asked at that same hearing, replied that

> No new countries have emerged with the motivation to develop a missile to target CONUS and the four that we previously identified—North Korea, Iran, Iraq, and Libya—are at least a decade away.

The administration, the Secretary of Defense, and the Secretary of State are all opposed to the missile defense and ABM provisions of this bill. Let me share the Secretary of State's letter with the Senate. In a letter to the ranking member of the Foreign Relations Committee, he says:

> I am writing to you to express my deep concern over certain provisions in S. 1026. Specifically, it contains missile defense and ABM Treaty-related provisions that raise serious constitutional foreign policy and national security concerns. Unless these provisions are removed or modified, I will oppose this bill.
>
> If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site, National Missile Defense by the year 2003. Such a program is unnecessary and would place the START I and START II treaties at risk.

I know that the Secretary of Defense also has opposed these provisions.

Successive administrations, this one included, have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security.

Madam President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, DC. August 2, 1995.

DEAR SENATOR PELL: I am writing to you to express my deep concern over certain provisions in S. 1026, the Senate's National Defense Authorization Act for FY 1996. Specifically, S. 1026 contains missile defense and ABM Treaty related provisions that raise serious constitutional, foreign policy and national security concerns. Unless these provisions are removed or modified I will oppose this bill.

If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site National Missile Defense (NMD) by the year 2003. Such a program is unnecessary and would place the START I and START II Treaties at risk.

Successive Administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security. Not only has it been critical to preventing an arms race, but it has also made possible the extraordinary progress that both Republican and Democratic Administrations have made in reducing strategic offensive arms. Our allies, including Britain and France, also view the ABM Treaty as crucial to strategic stability and the viability of their own independent nuclear deterrents.

Another provision seeks unilaterally to impose a solution to the on-going negotiations with the Russians on the ABM/TMD demarcation. By prohibiting the obligation and expenditure of funds to implement Article VI(a) of the ABM Treaty according to any interpretation except the interpretation specified in the bill, the bill would infringe upon the President's exclusive responsibility for the execution of the law and would impair the conduct of foreign relations consistent with U.S. treaty obligations.

Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS–18.

There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

I hope that you will join with me to ensure that future generations enjoy the benefit of these treaties and remove these provisions that place these benefits at risk.

Sincerely,

WARREN CHRISTOPHER.

Mr. KERRY. Madam President, we do not need to abrogate the ABM Treaty in order to defend against a threat that does not exist, and will not exist for at least 10 years. Indeed, there are many things that we can do while remaining in full compliance with the ABM Treaty to prepare a defense, should the decision be that such preparations are warranted and their cost is justified. And we always retain the option, under the terms of the treaty, to withdraw from the treaty under its terms, or to negotiate modifications to the treaty if the Russians will agree to our objectives.

I might add, respectfully, that there are other ways to respond to a perceived threat that do not require building $40 billion systems that we do not even know will work when they are completed. We could use permissive action links; we could be negotiating harder with the Russians, and others, to take steps to prevent any kind of accidental launch; we could pursue the activities supported by Nunn-Lugar program funding, including strengthening Russian government controls over their nuclear weapons, safely and surely dismantling surplus nuclear weapons and delivery systems, and preventing technicians from transferring dangerous technologies to rogue states; we can provide for integral systems that literally destroy a missile before it is launched if someone tries to fire it without authorization.

Indeed, under the terms of the ABM Treaty, we already are allowed to develop an antiballistic missile defense system in one location, and we started to do some years ago in Grand Forks and then we decided it was too expensive and we gave it up.

But that is not the course this bill takes, Madam President. The missile defense and ABM provisions of this bill are an exercise in sheer lunacy. This is an attempt to create from thin air a reason to continue the numbingly expensive defense systems that the demise of the cold war has made superfluous—while simultaneously threatening the tremendous progress we have made in reducing the threat to our people from nuclear weapons.

The effect of this bill is to jettison the current, real, demonstrable protections of the START I and START II Treaties in exchange for spending a minimum of $40 billion to develop a system to attempt to defend our Nation against ballistic missiles—an entirely theoretical system that may or may not function as designed.

There are some Senators who have argued that we must be prepared, even if the risk is small and distant, for the possible threat of a potential aggressor nation developing and choosing to use against the United States a ballistic missile carrying a weapon of mass destruction. Others have said that the biggest risk is that some rogue nations may purchase such systems from either Russia or China. Mr. President, the fact is that if such nations wish us ill, and choose to act on those wishes, there are far less expensive, far faster, far easier, and far less technically complicated and failure-prone ways to wreak ill on the United States—ways against which a national missile defense system would be powerless to defend.

Should a rogue nation, for whatever reason, choose to pursue development and fielding of a ballistic missile system capable of reaching our Nation, that capacity is so far down the road, so prone to detection, and so capable of being preemptively neutralized if necessary, that the world should not shudder at the notion that we are somehow defenseless.

The main threats to our Nation today are from terrorists rolling bombs, nuclear or conventional, into our cities in cars or trucks, or carrying them in suitcases. Or cruise missiles launched from offshore. These are threats that the $40 billion-plus national missile defense system either cannot defend against at all, or against which the system could defend only incompletely.

The biggest threat of all, Madam President, is one right before our faces. It is the very same threat with which we have lived for the duration of the cold war, and which we finally reduced dramatically and are reducing further by the arms control treaties which are constructed on the bedrock foundation of the ABM Treaty. Trashing the ABM Treaty will rekindle the strategic/nuclear arms race with Russia, because even in its current condition of economic distress, Russia will do whatever is necessary to ensure it has an effective deterrent and retaliatory capability. Russia, at a minimum, will retarget its ICBM's and SLBM's on American cities, industries, and military installations. It will stop retiring and disassembling nuclear warheads and delivery systems. The progress toward a safer world that was so painstakingly and painfully achieved over two decades by Presidents of both parties would be demolished. Surely, in a world that lacks the Soviet empire, in a world where we do not have the same kind of threat we have lived with for the last 50 years, we do not have to turn around and create a new arms race.

Let us review the effects of this provision of the bill: In one sweeping movement, we are effectively demolishing—unilaterally—a treaty to which our Nation is a party and which this Chamber ratified. This action simply ignores procedures to withdraw legally from a treaty we determine no longer is in our best interests.

We are countenancing in law the known, deliberate violation of U.S. law.

We are pushing Russia to cease abiding by the terms of START I and halt progress to implementation of START II.

We are tying the hands of our President in terms of negotiating arms control agreements.

And we are launching this Nation on the course of spending a minimum of $40 billion for an untried, untested missile defense system that will not protect against the greatest threats of attack on this Nation.

The people of this Nation have long ago concluded that we in the Congress often make decisions and laws that make no sense to them. The provisions of this bill that pertain to missile defense and, in particular, to the ABM Treaty, result from fanning the flame of an irrational fear built on a fiction—a fiction with which none of our senior intelligence community officials agrees, and that has no basis in our foreign policy history, in our arms control history, or in current threat analysis. If the Senate approves these provisions, it will take one of the most outrageously nonsensical steps it has taken in my 11 years of service here.

I strongly support the amendment of the Senator from Michigan in deleting the offensive language from this bill. I believe Senate adoption of his amendment is absolutely essential. Without approval of this amendment, I will vote against this bill and urge all Senators to do the same. I will join with other Senators to urge the President to veto it—a step he already has indicated he expects to take if these provisions are not acceptably modified.

I believe this bill is destined for the trash heap if the amendment is not approved. I hope it will be approved by an overwhelming vote.

Mr. BINGAMAN. Madam President, I opposed this bill when it was being considered in the Armed Services Committee. The main reason I did so were the

provisions in the bill entitled the Missile Defense Act of 1995.

I believe these provisions will do this Nation's security more harm than good, by ensuring that START II will not be ratified by the Russian Duma.

Madam President, I am not going to repeat the analysis which Senator LEVIN, Senator NUNN, Senator EXON, Senator KERRY, and various others have already made about the specific provisions that the Levin amendment would strike. They are clearly the most provocative of the provisions on missile defense that the bill contains and the ones that are most certain to incite the Russians to react.

I would like, however, to ask my colleagues how we, here in this Senate, would react if the Russian Duma passed a defense bill that contained the following provisions: First, how would we react if the Russians adopted a provision that committed Russia to deploy a multisite antiballistic missile defense by the year 2003, with an interim capability by the year 1999, which constituted an anticipatory breach of the ABM Treaty and that added hundreds of millions of dollars in ruble equivalence in order to pursue that goal.

How would we react here in this Senate if the Russians adopted a provision that revived a space-based missile defense program, in the hope that it would allow Russia to dominate space in the long run, while providing a second layer of missile defense for that country?

How would we react here in this Senate if the Russians adopted a provision that unilaterally resolved the theater missile defense demarcation line at a point that would clearly make the American theater missile defense systems beyond Patriot violations of the ABM Treaty in Russia's view?

How would we react here in this Senate if the Russian Duma adopted a provision that limited President Yeltsin's ability to retire strategic weapons systems before START II is ratified by the U.S. Senate?

Finally, how would we react in this body if the Russians adopted a provision that proposed to resume hydronuclear testing with yields up to hundreds of tons of TNT, which is a level that is not usually associated with the term hydronuclear.

Madam President, if that bill were to pass the Russian Duma, the din on this floor would be deafening. Member after Member would stand up and declare that the right wing had won the internal political controversy in Russia, that the cold war was back on, and that in light of this deeply provocative attack by the Russian Duma, ratification of the START II Treaty was out of the question.

I am certain that at least 34 Senators here would dispatch a letter to the President declaring their opposition to START II, and demanding a defense supplemental bill be submitted to the Congress so we could react to what has happened.

Now, of course, if we do this sort of thing, in this defense bill that we are now considering on the floor, I presume the expectation is that the Russians would not be similarly provoked.

Madam President, I do not buy that assumption. The one thing that the Russian industrial base could effectively compete with us on is fabricating nuclear weapons and missiles. Some of that base is in the Ukraine and would have to be revived in Russia.

I, for one, do not want to take the chance that the extreme provisions in this bill will reignite the arms race. I, for one, do not want to subscribe it a double standard in our dealings with the Russians, now that the cold war is over.

The extreme and provocative actions by our so-called ''conservatives'' in this bill, in my view, will undoubtedly play into the hands of those who consider themselves conservative from a Russian perspective—those, in many cases, in Russia at least, who are bent on unraveling START II and other arms control efforts.

The only thing that is attempting to be conserved by this transnational alliance would be the cold war.

Madam President, I urge my colleagues, as many others have this afternoon, to support Senator LEVIN's effort to strike the most extreme provisions of this bill. If they are not struck, I trust that the President would veto the bill. I hope that is not necessary. I hope that we can act appropriately on this amendment and this bill can be improved to an extent that the President could sign it. Thank you. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, in sitting here in the past few moments listening to the debate, I am somewhat surprised at the level of rhetoric that is currently being used.

We heard Senator after Senator get up and say this declaration in the DOD authorization bill is one to violate the ABM Treaty, or to signal our intent to do so. They say this is a unilateral abrogation of the treaty against a fictional threat.

I point out to my colleagues that nothing in this bill calls for the abrogation of the ABM Treaty. Nothing in this bill calls for us to violate the treaty.

Fictional threat? I wonder how our supporters on the other side feel about the fictional threat that was launched against the state of Israel? What if the state of Israel had no defensive systems? What if they had no Patriots to defend against the Scud missile?

I wonder how many would take the floor and say it is tough luck that they are out of business. All we had to have is a few Scud missiles carrying chemical warheads land in Tel Aviv or Jerusalem and wipe out their populations. They had no defensive mechanism available against it.

We are talking about something quite different in terms of ICBM threats. I recall the debate on the threat from Iraq, during the debate on the Persian Gulf war. I remember those citing estimates by our CIA and our DIA and other intelligence agencies at that time. They said, we cannot give you an estimate. It could be 1 year, it could be 10 years, and we are guessing it is closer to 10 years than 1 year.

Following the war with Saddam Hussein, I think we came to an entirely different conclusion. We discovered that Saddam had achieved much greater progress toward that goal than we had been aware of.

Members on the other side say this should not be a partisan issue. Why is it that every time the Republican majority suggests a policy, it is partisan, but when everybody on that side lines up and vote against it, it is not partisan.

This is not a partisan issue. It ought to be bipartisan. We ought to say, as a body, that we are concerned about the proliferation of technology—missile technology—in the world. We are concerned when we see major powers selling technology to potential enemies. We are concerned when we see China, for example, selling technology to other countries that may pose a threat to us in the future. We ought to be concerned about the proliferation of technology that one day—and we cannot predict when that one day will be—will pose a threat to our population.

Now, admittedly, if we were to engage in a war with the former Soviet Union, that would not involve a limited attack or an accidental launch against us. That would be a massive exchange, against which there is no defense.

I am one who, at different times over a number of years, has stood on this floor opposing the notion of having a so-called dome over the United States to protect us from an all-out attack. I never believed it was possible to do so and led the effort to defeat spending money in pursuit of that kind of system.

But I have also stood on the floor with the Senator from Georgia, Senator NUNN, when he expressed concern about limited attacks, about accidental launches, about what we would do if suddenly received a message stating: ''Sorry, some accidental launch has taken place. There is an ICBM headed for New York City or Washington, DC, or Los Angeles,'' and all we can do is wait for it to hit?

We are talking about constructing a system that will protect against a limited attack or accidental launch and nothing more, and it is all to be done in accordance with the ABM Treaty.

The ABM Treaty as originally written called for multiple site defenses, two sites for each side. We renegotiated that treaty—at that time with the Soviets—to one site. Now we are saying, in view of the proliferation of technology, we ought to renegotiate it to

allow each of us, the Russians and the United States, to have some minimal capability to protect our respective countries against an accidental launch or a limited attack. We can do that within the ABM Treaty.

The ABM Treaty explicitly anticipates ''changes in the strategic situation'' and provides a means to negotiate amendments to deal with such changes. It also allows for us to pull out of the ABM Treaty upon 6 months' notice.

Following what I hope will be the defeat of the Levin amendment, I intend to offer an amendment—perhaps joined by the Senator from Georgia, perhaps not—to make it clear that we intend to act in accordance with the ABM Treaty. We intend also to call upon the President to seek to negotiate with the Russians to allow each side to develop and deploy a limited system to protect our respective countries against this proliferation threat. And if the President should fail to do so, it will be my recommendation that the President come back and report to the Congress and then seek our advice as to whether or not we should continue with the ABM Treaty or at that time should indicate our desire to withdraw.

That is all within the ABM Treaty. And contrary to what is being represented here on the floor this afternoon, we are not seeking a unilateral abrogation. I do not want to see that. I hope, later on during the course of this afternoon, I can make that very clear with explicit language that will resolve any doubts about that. We want to continue to act in accord with the ABM Treaty. The ABM Treaty allows us to negotiate to seek amendments. We want to see if we cannot negotiate with the Russians to allow for a deployment on a land-based system with multiple sites—and the Russians would have the same right to do so—to protect us against miscalculation or accident.

Madam President, there is an assumption in all of this debate that somehow the threat will only come from the former Soviet Union. I do not make that assumption. We are concerned about what is taking place on a global basis. We are concerned about potential threats from other sources. We cannot predict who they are, where they may be, or how far along the line of technology development they have proceeded. But we cannot face our constituents in good conscience and say: ''Sorry we failed to take any measures to protect you. Our only defense is to launch an all-out attack on whomever launched that missile.'' That is our only option today. Is that a rational, sound option, to say if you launch one or two missiles against the United States, we end up launching ours against yours?

What we need to do is to have a limited protective system. That is what the Armed Services Committee seeks to do in this authorization. I intend, following the debate and conclusion of the Levin amendment, to offer an amendment to make that very clear.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I will just yield myself 1 minute and then I will yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the language of this bill which we strike says it is the policy of the United States to deploy a multiple site national missile defense system. A multiple site national defense system is not allowed by the ABM Treaty. Period.

It also says we should negotiate. That is great. But it is very precise, and we tried to get these words out in committee and we failed. I am very glad to hear from the Senator from Maine he does not support abrogating the treaty and he will offer language making it clear we want to stay inside the ABM Treaty. That is what my amendment does. That is precisely what my amendment does, is to strike the language which says that it is the policy of the United States to deploy a multiple site system—which violates the ABM Treaty.

There is one other provision in here. The Senator from Maine talks about, ''We should negotiate,'' and I surely agree with him on that, too. It is stated right here in language which the amendment will strike, if it succeeds, that it is the sense of the Senate the President should cease all efforts to modify or clarify obligations under the ABM Treaty.

So while the Senator from Maine, in a way that I fully support, says he thinks we should negotiate changes in the ABM Treaty, the bill has language, which the Levin amendment will strike, which says that for 1 year pending this study the President should not seek to modify, to clarify obligations under the ABM Treaty.

So I think the amendment which the Senator from Maine says he will oppose actually gets exactly at the language which I believe he basically will oppose as well, at least from the statement he gave this afternoon on the floor, that is to make it clear we are not now going to declare we are going to violate the ABM Treaty. The purpose of the Levin amendment is to strike the language in the bill that says we are going to violate the ABM Treaty. It is clear, as you can read it. ''It is the policy of the United States to deploy a multiple site system.'' That is what is not permitted by the ABM Treaty. That is the language, specifically targeted, rifleshot language that we seek to remove from this bill.

Now I will yield to the Senator from Massachusetts 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. Madam President, I yield myself 10 minutes.

Madam President, I listened to the interventions of my friend and colleague from Maine and the response from the Senator from Michigan, Senator LEVIN, about whether the provisions in question effectively abrogate the ABM Treaty. I would like to refer to the committee report which I believe gives us an answer. The report reads, ''The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty.''

It cannot be much clearer than that. This language, agreed upon by the majority of the members of the committee, acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief from the ABM Treaty.

It is the purpose of the amendment of the Senator from Michigan to remove those particular provisions that would require such relief. Those who oppose his amendment want to maintain the provisions in the Missile Defense Act of 1995 which effectively will emasculate the ABM Treaty.

There is no question—certainly there was no question on the minds of any of the members of the Armed Services Committee—as to what was intended, and the Senator from Michigan has outlined in careful detail those parts of the ABM Treaty that are inconsistent with the provisions included in this bill. So we should be under no illusion about what was intended by the majority of the members of the Armed Services Committee and what the remedy will be if the amendment of the Senator from Michigan is accepted.

Madam President, during the course of the debate on the issue, some on the other side have argued that we need to build and deploy a national missile defense to protect our citizens against the accidental and unauthorized launch of Russian nuclear missiles. The Defense Department has looked at this matter. It is not a new issue. It is not a new argument. It is a matter that was considered and has been considered in its various forms over recent years in the fashioning and shaping of the START I, START II and the ABM treaties. During that consideration, the Defense Department determined that the best way to defend our Nation against accidental launches is to do two things: first, reduce the number of nuclear missiles in the Russian arsenal, thereby reducing the likelihood of an accidental launch. Republicans understood that. President Nixon understood it when he advanced the ABM Treaty. President Bush understood it when he advanced the START I and START II treaties. The Joint Chiefs of Staff and the various Secretaries of Defense and State understood it as well.

There must be some new revelation that has come over the members of our committee to undermine that very

basic and fundamental concept embraced by Republicans and Democrats, Presidents, Secretaries of Defense, and members of the Joint Chiefs of Staff. They agreed that the most important thing that can be done for the security of the United States was to achieve nuclear arms reductions. These agreements were initiated and supported because Presidents over a long period of time believed that they were in the interest of the security of the American people, and of the nations of the globe.

The Missile Defense Act would undermine these achievements, the successful arms reductions negotiated in START I and START II. We have been warned of that. The Chairman of our Joint Chiefs of Staff and the Secretary of State have outlined the statements, comments, and conditions of Russian leaders that indicate they would not go forward to ratify START II if the ABM Treaty is abrogated.

Before taking the second step to protect our Nation against the unauthorized or accidental launch of nuclear missiles one must understand that the Soviet Union is not our adversary and that it is not our ally. We can expect one form of conduct from our adversary and another from our ally. But the Soviet Union is neither.

So the Secretary of Defense and the Joint Chiefs have recognized a second step, which they have put into practice, that will be further undermined if the Levin amendment is not agreed to, and that is to work cooperatively with the Russians to assure firm command and control over our respective forces. For example, in 1994 we reached the nuclear detargeting agreement with the Russians. We agreed that our nuclear missiles deployed in silos or on submarines would not be targeted against each other—an important step.

The Russian missiles are not targeted against us today. I do not want to see them retarget their missiles on our territory because they have additional concern about the United States breaking out of the ABM Treaty. Our friends on the other side cannot guarantee that. We cannot, as supporters of the Levin amendment, guarantee it. But we can say with some degree of predictability that the arguments for changing that policy of retargeting and increasing instability are further advanced by the defeat of the Levin amendment.

We agreed in 1994 that we would change the targeting of our missiles both on land and on the seas, and, in that way, if there were an accidental launch of a Russian nuclear missile, it would not land on United States cities but harmlessly in the ocean. We achieved this important agreement through cooperative discussions, not by mandates such as those included in this particular proposal that would mandate the President's negotiating position on the demarcation between theater missile defenses and strategic defenses. We get it through cooperative methods, not by sending bulletins to the Russians. We did it through cooperation, and it has worked and is working, and we are safer and more secure today because of that.

How are we going to make similar progress if there is no cooperative relationship with the Russians? How are we going to do that? We have not heard an explanation of how cooperation will continue if this bill is not amended. Once again, the key to United States-Russian nuclear safety is maintaining the productive relationship we have struck since the end of the cold war: to continue with the START reductions and cooperative threat reduction efforts. And the best way to protect Americans from unauthorized and accidental launches of Russian missiles as maintained by the Defense Department is through cooperative measures, not through active defenses.

There are two efforts—continued reductions in strategic nuclear weapons and the Nunn-Lugar cooperative threat reduction programs—that we must ensure will continue. There is no question that there would be serious damage to these efforts if we allow this bill to put cooperative ventures at risk.

Finally, Mr. President, in the committee report on this bill, there is the discussion in the section on the Missile Defense Act that states that in the near term, national missile defense deployments serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis.

That has been an issue that has been debated by Republicans and Democrats for as long as I can remember, for as long as we have been talking about strategic nuclear weapons. That was the argument when we were looking at star wars, and it has been resurrected even with the changed world conditions.

I have great difficulty understanding the logic behind this point. If we were to deploy a national missile defense, we would be degrading the effectiveness of the Russian offensive missiles. And as anybody who follows strategic nuclear policy understands, any time you degrade the effectiveness of a nation's missiles, you shorten the fuse on those missiles in a time of crisis, you increase the incentives for the other side to strike first.

Mutual deterrence remains as the ultimate guarantor of our safety from nuclear attack. There are ways to make deterrence more stable and more secure. That is through negotiation of arms reductions and negotiations on command and control agreements that improve the safety of U.S. and Soviet nuclear arsenals.

I believe that is the way to go, and all of those efforts will be advanced by the acceptance of the Levin amendment.

Madam President, I strongly support the amendment to save the Anti-Ballistic Missile Treaty from unilateral abrogation, which would be the result if this bill is enacted in its present form. Since the United States and the Soviet Union signed this landmark treaty in 1972, it has been the cornerstone of United States nuclear arms control policy. By insuring that nuclear arsenals remain effective deterrents, the ABM Treaty has brought stability to the nuclear relationship for the past quarter century.

Unilaterally discarding the ABM Treaty would severely undermine the cooperative United States-Russian strategic relationship. Just as the United States is beginning to reap the greatest rewards from the strategic nuclear policy constructed on the foundation of the ABM Treaty, many Members of Congress want to throw it all away.

The START I and START II accords, signed by President Bush, would verifiably eliminate three-quarters of all the nuclear weapons ever pointed at the United States. Through the Nunn-Lugar cooperative threat reduction Program, the Russians are actually accepting United States help to dismantle their nuclear weapons, a situation that none of us would have dared imagine only a decade ago.

The bill's provision is a clear and present danger to the ABM Treaty. It would turn United States-Russian cooperation into mistrust. We would be discarding tangible present advances in arms control for the illusion of future security through a national missile defense system that will cost billions of dollars above and beyond the huge defense burden we already carry in this era of deep budget cuts.

The only way that opponents of the ABM Treaty could develop a rationale in support of the offending provisions in this bill is by misrepresenting the nature of nuclear threats to the United States in the post-cold war era, the value of the ABM Treaty today, and the need for building and deploying strategic defense in the near future.

Five transparent myths underlie the case for building national missile defenses and abrogating the ABM Treaty. Once the myths are exposed, the case for abrogating the ABM Treaty crumbles.

Myth No. 1 is that the ABM Treaty is a cold war relic whose value disappeared with the demise of the former Soviet Union, so that we can abrogate the ABM Treaty at no cost to United States security.

The cold war may have ended, but nuclear deterrence still remains as the centerpiece of U.S. nuclear security.

The end of the cold war and the relaxation of military tensions between the United States and the Soviet successor states have not made the ABM Treaty obsolete. The nature of nuclear weapons and their massive destructive power has not changed. No matter how much the opponents of the ABM Treaty wish it were otherwise, effective mutual deterrence is what keeps Americans safe from nuclear war.

Today, 6 years after the fall of the Berlin Wall and nearly 4 years after the breakup of the Soviet Union, the relationship between the United States and

Russia is in transition. Russia is no longer our adversary, but it is not our ally either. Although we see no apparent tensions that could lead to nuclear conflict, prudence dictates that we structure our remaining nuclear arsenals to achieve the most stable nuclear deterrence possible.

The end to the hostile relationship allows us to cooperate much more extensively than in the past to solidify and stabilize nuclear deterrence at much lower levels of nuclear weapons. Over the past 6 years, we have managed to use this change in the relationship in a way that leaves deterrence more stable, and the American people safer than at any time since the beginning of the cold war.

Consider the progress we have made in recent years. In 1991, President Bush and President Gorbachev signed the START I Treaty. Two years later, President Bush and President Yeltsin signed the START II Treaty, which will reduce the number of Russian nuclear warheads pointed in our direction from 10,000 to 3,500.

In addition, through cooperative initiatives, the so-called Nunn-Lugar programs, we are working with the Russians to assist them in dismantling their nuclear warheads, thereby substantially reducing the Russian arsenal's threat to the United States and substantially reducing the likelihood that nuclear weapons will end up in the hands of renegade regimes or terrorists.

The ABM Treaty is the indispensable foundation for these steps. Abrogating the treaty would jeopardize all of these important advances, and endanger the future of United States-Russian nuclear relations.

Some argue that the ABM Treaty is obsolete because deterrence is no longer needed. They pretend that we can rely on missile defenses to protect the American people from nuclear war. This is the same preposterous argument we heard during the 1980's, when star wars was oversold as a miracle protection from the nuclear threat.

SDI never came close to meeting the standards of operational effectiveness and cost-effectiveness that the Reagan administration said would be necessary to make the transition from deterrence to defense. No technical advances since the abandonment of that ill-conceived and wasteful adventure make the reality today any different. Defense cannot replace deterrence, and we would be foolish to try it. The ABM Treaty is not obsolete. It is still the foundation for stable deterrence, and it deserves to be maintained.

The second myth is that the Russians will not mind if we abrogate the ABM Treaty. It is said that we can deploy a national missile defense and still maintain a cooperative strategic relationship with Moscow.

This groundless assertion is refuted by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and most important of all, by the Russians themselves.

Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, in a June 28 letter to Senator LEVIN stated that undermining the ABM Treaty will make START II ratification by the Russian parliament highly unlikely. In the letter, he addresses this issue clearly. He writes:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

General Shalikashvili is the top military officer in the Nation. He has had extensive contacts with senior Russian military officers. In his view, enactment of legislation that harms the ABM Treaty will damage our cooperative security relationship with the Russians at the very moment when we are trying to move forward in arms control.

Secretary of Defense Perry, in a letter to Senator NUNN, the ranking member of the Armed Services Committee, feels the same way. He writes that the provisions in this bill "would jeopardize Russian implementation of the START I and START II treaties, which involve the elimination of many thousands of strategic nuclear weapons." Secretary Perry understands full well the damage this bill would inflict on U.S. security, which is why the administration strongly opposes these provisions.

The Russians themselves feel the same way. At the May summit in Moscow, President Clinton and President Yeltsin signed a joint statement that commits both nations to upholding the ABM Treaty, and to developing and deploying theater missile defense systems in compliance with the Treaty. It is reckless to think that the Russians will watch us violate this commitment without a response that will set back the cause of our mutual security.

At the Conference on Disarmament in Geneva on June 29, Russian Foreign Minister Alexander Kozyrev reaffirmed the commitment of the Yeltsin government to ratify the START II Treaty, "subject to strict compliance with the ABM Treaty."

It could not be any clearer. If we abrogate the ABM Treaty, we will not have START II, much less START III. We will not have cooperative threat reduction. And we may well not have a comprehensive test ban and other arms control agreements we need in the years ahead.

The third myth underlying the proposed abrogation of the ABM Treaty is that we face the threat of ballistic missile attack from renegade nations that will achieve this capability in the near future.

This myth squarely contradicts the conclusions of the U.S. intelligence community and the Pentagon leadership.

Lt. Gen. James Clapper, Jr., the Director of the Defense Intelligence Agency, testified before the Armed Services Committee in January that "we see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade." Secretary Perry endorsed this judgment in testimony before the Armed Services Committee this year.

Concern about future ballistic missile threats to U.S. territory is the basis for the Clinton administration's research and development program on national missile defenses. This reasonable level of spending on anti-missile defenses will put the United States in a position to rapidly deploy such a defense if unforeseen threats arise in the near future. It makes sense to spend a modest amount on R&D. It makes no sense to throw billions of dollars into deploying what may be an unnecessary system sooner.

Myth No. 4 is that a multi-site national missile defense can be deployed over the next decade for a modest cost. This assertion is a fantasy. This year's bill plans to spend $671 million on national missile defense, an increase of $300 million over the administration's request. But this increment is only the tip of a very large iceberg.

According to the Congressional Budget Office, deploying a single-site national missile defense would cost $29 billion to complete and $16.5 billion of the total would be spent over the next 5 years. This estimate does not include the cost of building additional sites, which the pending bill calls for, and it does not include the cost of operating and maintaining the system once it is operational.

Other costs will be higher too. Abrogation of the ABM Treaty will doom START II, and saddle us with a nuclear stalemate with the Russians at cold war levels. We will have to maintain our strategic nuclear arsenal at its current size, not the greatly reduced level under START II. If we proceed with this bill, we will be spending tens of billions of tax dollars in a way that increases the nuclear threat to the United States. The American taxpayer was taken for a long and expensive and unnecessary ride by star wars in the 1980s. It makes no sense to repeat that experience in the post-cold war era.

Myth No. 5 is that we need to discard the ABM Treaty in order to build and deploy effective theater missile defenses to protect U.S. forces in the field. The fact is, the United States can do both. We can comply with the ABM Treaty, and we can create effective theater missile defense systems.

The ABM Treaty strictly limits development and deployment of strategic missile defenses. But it expressly allows the signers to deploy theater missile defenses. The United States is already developing advanced theater missile defenses that may have significant capability to defeat strategic offensive missiles.

As a result, the Clinton administration has entered into negotiations with

Russia to determine which systems will be permitted under the ABM Treaty. By so doing, the President is using one of the key features of the treaty—its flexibility to update and revise the Treaty as developments demand.

This bill, however, prevents the effective negotiation of any boundary between theater and strategic defenses. It would deny the President the power to negotiate this clarification of the treaty in a way that will best serve our national security.

By attempting to achieve by legislative mandate what the President should negotiate, the bill will undercut the basic constitutional allocation of treaty-making powers between the President and Congress. It is wrong to legislate an ideological negotiating position while rational negotiations are underway. This step sets an extremely dangerous precedent for the future, and could result in the collapse of the ABM Treaty.

It is time to cut through the myths and misrepresentations. Our national security is at stake. It makes no sense to sacrifice real and verifiable reductions in the Russian nuclear arsenal, in exchange for a multibillion dollar national missile defense that will leave us less secure. A decade ago, we should have left star wars in Hollywood where it belonged—and that is where this senseless sequel belongs too.

I urge my colleagues to support the amendment.

Madam President, I yield whatever time remains back to the Senator from Michigan.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. SMITH. I thank the Senator from South Carolina.

Mr. President, the other side in this debate, Senator LEVIN and others, assert that somehow this bill is going to violate the ABM Treaty or require us to violate the ABM Treaty. Those are the terms that we have heard used—violate or require us to violate the treaty.

My friend, Senator LEVIN, is a very accomplished attorney, and I respect his intellect very much, but this is just patently false. There is no requirement to violate any treaty in this legislation we have written. Nothing in this bill violates the treaty, nothing. If it did, if the language in here were to violate the treaty, why does the distinguished Senator from Georgia, Senator NUNN, in comment after comment talk about an anticipatory breach down the road?

If there is an anticipatory breach down the road, the way I read that is there is not any breach yet. There is not any violation of anything. We are anticipating it. Well, you can anticipate anything you want, but the facts speak for themselves. This does not violate the ABM Treaty, period. Nothing in this bill violates the ABM Treaty. It is simply patently false to say that it does.

Now, in 2003—that is the deployment date for ground-based multiple sites—in 2003, yes, we could do that, but it is not 2003. This is still 1995 as I looked at the calendar, and I do not quite understand the logic here of how it is that we are violating something that we have not violated yet. We are anticipating a violation, but we are not violating anything. So I am having trouble understanding the semantics, and I think that is probably the intent of the opposition here, to make sure that others have trouble understanding the semantics so that we can confuse and obfuscate and hide the real truth, which is that we are not violating any treaty at all in this language.

Now, article XIII, which the Senator from Michigan and others are aware of, is very clear on this, about what our rights are under this treaty. There is nothing hidden about it. I have a copy of the treaty right here in my hand, and it says:

> To promote the objectives and implementation of the provisions of this treaty, the parties shall establish promptly a standing consultative commission within the framework of which they will—

Among other things,

> consider possible changes in the strategic situation which have a bearing on the provisions of this treaty.

Surely, my colleagues will admit there have been strategic changes since the fall of the Soviet Union. Second:

> Consider as appropriate possible proposals for further increasing the viability of this Treaty including proposals for amendments.

We have a right to amend the treaty. And finally it says under article XV, Mr. President, that:

> Each party shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events relating to the subject matter of this Treaty have jeopardized its supreme interests and it shall give notice of its decision to the other party 6 months prior to the withdrawal from the Treaty.

So we are not violating any treaty with this language. If someone is saying we are anticipating the violation of the treaty, fine; we can anticipate anything we want to. But it is simply wrong to say that we are violating this treaty or that we do not have the right to change this treaty or to withdraw from this treaty or whatever the parties wish to do. It is right there. It is written. It is clear. It is indisputable. It is fact.

I am kind of surprised to hear that we are going to automatically violate this treaty if we decide that we, in the United States of America, want to defend America against attack.

Well, you know what? We do not violate the treaty, but if we had to defend America I would violate the treaty—that happens to be this Senator's personal opinion—because I do not think I am worshiping at the altar of a treaty. I did not know that a treaty was forever and that we could not change the provisions.

We have the right to change this treaty. It was written to change, just like the Constitution was written with a possibility to amend it. This treaty was written to change it, to even withdraw from it if it is in the national security interests of a nation to do so.

Those are the facts. I suggest to my colleagues that the end of the cold war is just the kind of change the treaty is referring to. That is the kind of strategic change that this treaty is referring to, the end of the cold war, the end of a bipolar world. We are now in a multipolar world with threats that we do not really know how to calculate, with weapons that are different and in the hands of some who may be more inclined to use them than even the old Soviet Union. Our colleagues who support the Levin amendment, if we are to put this in perspective, are the same people who day after day, day after day, year after year, argue the cold war is over and therefore we should adapt our defense program to the changed environment.

That is a good argument. The cold war is over. We must adapt. We are adapting. We have downsized our military. We are changing some of the priorities in our weapons systems. That is fine. But why are they fighting so hard, Mr. President, to preserve the most obvious relic of the cold war, the ABM Treaty? The ABM Treaty, the Anti-Ballistic Missile Treaty, the relic of the cold war, deals with a bipolar world, deals with a concept of mutual assured destruction, that if one side fires at the other, the other will fire back; therefore, the first side will not fire. That is the whole logic here, but is not a bipolar world.

Does anybody believe that Saddam Hussein would be reasonable and rational, or perhaps Qadhafi in Libya? Are we dealing with rational people in some of these fundamentalist and other nations around the world today? I think not, and the American people know that.

Frankly, those who wrote this treaty knew that, that we were not always going to have the same situation in the world. The treaty is between the United States and the Soviet Union. There is no Soviet Union anymore. Even if we agree that Russia is the successor to the Soviet Union—which frankly is an open question—there are many other nations now, legitimate nations of the world that were part of that old Soviet Union. It is not just Russia. Russia is not the automatic successor to the Soviet Union.

It is clear that this treaty does not include the nations that threaten us the most. The nations that threaten us most: Libya, North Korea, Syria, Iran, Iraq, China, they did not sign the ABM Treaty. They do not have anything to do with the ABM Treaty. So why are

we locked to an ABM Treaty? Why are we locked to an ABM Treaty that does not even deal with the countries that are threatening us?

The answer is very simple. We should not be. And the treaty founders, those who authored that treaty, knew it. We are not standing on the brink with Russia. In fact, Yeltsin says Russia is no longer targeting us with missiles. This is no longer bipolar. It is multipolar.

The Levin amendment would leave us perpetually locked into an outdated posture of confrontation with the former Soviet Union, the past, the cold war. Let us step into the 21st century. Let us look at the threat today, not yesterday. We have an obligation here in this Senate to look ahead, to protect the future, and this language does it. This language does it. It encourages a cooperative transition away, away from mutual assured destruction toward mutual assured security—not destruction.

The Levin amendment would leave America completely vulnerable to ballistic missile attack. It would strike this language, gut the essence of the bill, restrict our ability to make theater defenses as technologically capable as possible.

The SASC bill says all Americans deserve to be protected and ensures that our national security and theater defense programs are targeted toward the specific threats which confront us today, not yesterday.

The Levin amendment would perpetuate the policy again of mutual assured destruction, even though the cold war is over. Do not take my word for it. Henry Kissinger, who helped develop the doctrine, agrees that mutual assured destruction is no longer relevant; not even appropriate, yet Senator LEVIN would continue a policy that I believe is absurd, that leaves our Nation defenseless while being locked into a policy, a relic that belongs in the dustbin of history. It is time to move on, Mr. President. It is time to move into the 21st century.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-seven seconds.

Mr. SMITH. Mr. President, I yield back the remainder of my time, and I thank the Senator from South Carolina for yielding.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield the Senator from Arkansas 10 minutes.

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

The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President. I thank the Senator from Michigan.

Mr. President, I heard the Senator from Maine a moment ago say that there is not anything in this bill that abrogates the ABM Treaty between Russia and the United States.

Mr. CHAFEE. Mr. President, I cannot hear very well. Is the Senator using his microphone?

The PRESIDING OFFICER. Is the Senator using his microphone?

Mr. BUMPERS. I thought I was. I see it lying on the floor.

Most people say, ''I heard your speech awhile ago, and when I stuck my head out the window I could really hear it.''

Is this better? I apologize.

As I was about to say, the Senator from Maine awhile ago said there was not anything in this bill that would abrogate the ABM Treaty. I do not know how more forcefully you can abrogate the treaty than to pass this bill. Now, obviously, it is not going to be abrogated until the Soviet Union gets a stomach full of this kind of stuff and withdraws from the treaty, which they have a right to do on 6 months' notice. But, first of all, I want you to look at the language of the treaty. As I said this morning, English is the mother tongue. That is what we speak. That is what we write. And here is what the mother tongue says in article I of the 1976 Protocol of the ABM Treaty. ''Each party shall be limited at any one time''—limited at any one time—''to a single area out of the two provided in article III of the treaty for deployment. . .''

You see the word ''single''? That means one. ''Single'' and ''one'' are the same.

Here is what the bill says. Section 233, ''It is the policy of the United States to . . . deploy a multiple-site''—''multiple,'' colleagues, is more than one. ''. . .United States to . . . deploy a multiple-site national ballistic missile defense system.''

Section 235, two sections down, ''The Secretary of Defense shall develop . . . national missile defense system, which will attain initial operational capability by the end of 2003.'' It shall include ''Ground-based interceptors deployed at multiple sites''—not two; maybe a half a dozen. And the treaty is very specific that we shall be limited to one.

And people have the temerity to get up on this floor and, I assume, try to deceive the American people into believing this is a perfectly harmless, innocent little bill. Oh, I wish I missed the cold war like some of my colleagues do. There are colleagues in this place that cannot sleep at night since the cold war ended and will do anything to resurrect it. There are defense contractors who cannot stand the demise of the Soviet Union. I do not know why it bothers them. We certainly have not cut defense spending any.

When the Senator from Maine mentioned the people of Israel, he was talking about a theater missile defense system which virtually every person in this body has strongly supported. We are not talking about theater missiles. We are talking about headed toward an antiballistic missile system in direct contravention of our word as a nation with our name on a treaty that either means something or it does not.

Oh, the arrogance in this bill drives me crazy. First, we will say where the demarcation line is between whether something is a theater missile or an antiballistic missile system. We will decide. And if the Russians do not like it, as we used to say when I was a kid, they can take it or lump it. We will deploy on multiple sites. And if the Russians think that violates the treaty, which it clearly does, they can take it or lump it.

This bill says ''the Senate.'' Now, you think about the President of the United States, who negotiates treaties and who is talking to the Russians right now about trying to resolve some of these ABM questions. What does this bill say? The Senate—not the President—the Senate will appoint a group of Senators to review ''continuing value and validity of the ABM Treaty.'' We will decide whether it has any value, whether it has any continuing validity. That would be insulting enough. What else do they say? This committee will recommend policy guidance, and the President—Mr. President, you will ''cease all efforts to modify, clarify or otherwise alter this treaty,'' et cetera, et cetera. The arrogance of a bill that says to the President, ''Stop it. Quit trying to work something out. We will decide whether this treaty has value or not.''

The arguments on the other side about how this bill does not abrogate the treaty, all it does is set out a whole host of things which lead unalterably toward a flagrant violation of the treaty and abrogation of the treaty. No self-respecting nation—and Russia is one—will sit idly by while we construe the treaty any way we want to. And they are expected to sit idly by and say, ''Yes, yes, yes.''

I have never heard as much third-grade sophistry in my life as I heard when the Senator from Michigan offered his amendment. On June 21, President Yeltsin submitted the START II Treaty, not negotiated by Bill Clinton, negotiated by George Bush—a good treaty. It should be ratified by both sides immediately. George Bush should say he wants it put on his epitaph that he negotiated START II. So when President Yeltsin appointed his Foreign Minister, Andrey Kozynev, and his Defense Minister, Pavel Grachev, then the President of the Russian party, to negotiate with the Duma and ratify START II, a spokesman for the Duma said:

> The ratification process would undoubtedly be influenced by progress in the attainment of a Russian-American agreement on the delineation of the strategic and tactical antimissile defense system. The observance of the 1972 ABM Treaty depends on this.
>
> The role of this treaty remains unchanged in creating conditions for cutting down strategic offensive weapons.

Can you blame Russia? Be fair-minded for about 10 seconds. That is unusual around here. But try it. Be fair-minded for about 10 seconds. If the roles were

reversed, if the Russians were passing laws to abrogate the ABM Treaty, would we ratify START II? We would take it to the men's room, is what we would do with it.

Well, Mr. President, both nations have saved billions of dollars by not building antiballistic missile systems. We have a lot of Senators, I say, who just can hardly handle the end of the cold war. How many times have I stood at this desk trying to keep this Nation from spending $2 billion resurrecting a bunch of old rusty buckets called battleships. Two billion dollars. Where are they? In mothballs right where everybody knew they were going. Two billion dollars already gone.

I stood here pleading with this body, ''Don't buy all these D–5 missiles, you can't possibly use that many.'' And the Star Wars battle which I thought was over.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 2 additional minutes.

Mr. LEVIN. I yield 2 additional minutes.

Mr. BUMPERS. All I heard was, ''The chiefs want it, the Secretary wants it,'' and now the chiefs do not want this. They did not even want the $7 billion that was added in committee, and they certainly do not want all this language in the bill. Chairman Shalikashvili does not want it. Nobody wants it except the Armed Services Committee.

Our bombers are not on alert. Our cities are not targeted. For the first time in 40 years the American people can get a decent night's sleep. So what are we going to do? We are going to say, ''Wake up, remember the good old days when you couldn't sleep at night for fear of a nuclear war? They are going to bring it back to you in spades.''

There are a lot of things wrong with this bill. I said this morning, and I say again, in my 21 years in the Senate, this is, by far, the worst defense bill that has ever been presented on this floor.

Oh, the arrogance of power. Every great nation that has indulged in the arrogance of power, as this bill does, has lived to regret it. The Senator from New Hampshire said we have not violated the ABM Treaty ''yet,'' ''we're just going to interpret it any way we want to and we are going to build a system and we will decide where the demarcation line is.'' Do you think the Russians are going to take something that they feel is prejudicial to their security? The last guy to underestimate Russia was Adolf Hitler. They are on their hunkers, but I will tell you, they will starve their people before they will be humiliated.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 1 additional minute.

Mr. LEVIN. I yield 1 minute.

Mr. BUMPERS. I have watched on Discovery Channel for the past 2 months and on PBS all these battles of World War II, a lot of them the Russians against the Germans. Twenty-two million Russians died. They starved to death by the thousands at Leningrad and in Stalingrad.

I am not suggesting we be afraid of Russia. I am suggesting that the world will be eminently better off if the two superpowers of this world can agree. The American people really do not understand the details of this. Do you know what the American people do? They elect you and me to do responsible things. They elect us expecting that we will know something about it and that we will protect the American people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I yield the floor.

Mr. LEVIN. I yield to Senator CHAFEE 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am deeply concerned over this bill's provision affecting the ABM Treaty, and I would like to discuss my support for the Levin amendment. Let me give a little bit of history.

The ABM Treaty was agreed to 20 years ago. What does it do? We hear a lot about the ABM Treaty, but what does it do? What is the key part of it? The thrust of it was to prevent the United States or the Soviet Union from gaining the ability to unilaterally —that is one side alone—to launch a ballistic missile attack against the other without the possibility of retribution. In other words, the whole purpose of the treaty was to prevent either side from employing a defensive system to shoot down incoming missiles, because that would, in effect, encourage one side to launch an attack knowing that they would be protected from any retaliation.

Since that time, the geopolitical situation in the world has changed. The Soviet Union no longer exists and the Warsaw Pact has collapsed. There has also been rapid technological advances that could not have been predicted at the time that the ABM Treaty was signed.

Given these dramatic changes, I certainly understand the interest to take a look at this ABM Treaty. It has been 20 years. It is appropriate to have modifications and to look at it again. But, the point I want to make is, the changes to this treaty, or any other treaty, for that matter, must be negotiated by the President of the United States, in consultation with his military and diplomatic advisers and, obviously, with confirmation by the Senate.

Such changes should not be dictated by the legislature, either the House or the Senate.

Let us look at what S. 1026 does in regard to the ABM Treaty. This is what it says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

The ABM Treaty says each nation can only have one ABM site, one site in each nation. This says ''No, no, we are changing that policy.''

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That policy is clearly in violation of the ABM Treaty. We are going to hear arguments back and forth, does that mandate that there be multiple sites? It can be argued both ways, and it obviously is an arguable point. But there is no question but we are declaring that it is the policy of the United States to have multiple sites.

Whether that is a mandate or not, I do not know, but certainly I do not want any part of it. We have gotten along with the ABM Treaty for 20 years. If we want changes, let us negotiate them. Let us not have them emerge from this Senate dictating in a way or declaring it is a policy to have these multiple sites.

What else does the bill we are debating today do? It prohibits ''any missile defense or air defense system or system upgrade or system component that has not been flight tested in a unilateral,'' and here we go ahead and define what is an ABM qualifying flight test.

Next, it goes on—here is an important point, Mr. President—it states the sense of Congress that:

> . . . the President should cease all efforts to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty pending the outcome of a Senate review.

Look, who is in charge around here? Is it the Senate of the United States, or is it the President under his constitutional powers? We say, no, he cannot do anything until we have a Senate review of the treaty. How long is that going to last? It could last 3 years; it could last 10 years. During all of that time, the President's hands would be tied. I really do not think that is what we want.

The provisions of this bill constitute an unwarranted usurpation of Presidential authority to conduct foreign policy on the most sensitive of national security matters.

Mr. President, Congress simply should not be in the business of dictating to the President how to interpret, how to implement, or how to renegotiate a binding treaty of the United States. As a Republican Senator, I would never impose those kinds of conditions on a Republican President, and as a Republican Senator, I do not suggest that they should be imposed on a Democratic President.

Secretary of Defense William Perry has warned that these provisions would jeopardize Russian implementation of the Reagan and the Bush—who are they? Republican Presidents—Reagan-Bush negotiated START I and START II Treaties. These treaties involve the destruction of thousands of nuclear warheads.

Joint Chiefs of Staff Chairman Shalikashvili has similarly cautioned that the bill's ABM provisions should

probably impact our broadened security relationship with Russia. I do not argue with the premise that the United States ought to pursue missile defense technologies in order to deter potential aggressors who have made substantial progress in this field. Yes, we ought to do some work in that area.

I also do not oppose appropriate modifications of the 20-year-old ABM Treaty that are negotiated by the President. But this bill simply goes too far. Congress must not legislate such specific modifications to the treaty.

So, Mr. President, I am in support of the Levin amendment and urge my colleagues to support it.

So I want to thank the Chair and thank the Senator from Michigan.

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Mr. President, the amendment by the Senator from Michigan attempts to hold on to the cold war status quo that we have come to know as mutual assured destruction. But is the cold war not over?

Mr. President, the United States should not be reluctant to reassess the continuing value and validity of the ABM Treaty. The Defense authorization bill does not advocate abrogation of the ABM Treaty, but it does firmly acknowledge that the strategic and political circumstances that led to the ABM Treaty have changed.

The Levin amendment is a backward rather than a forward looking amendment. We should be looking forward and attempting to foster a new form of strategic stability that is not based on mutual assured destruction. Think about it—5 years after the end of the cold war, with all the political changes that have occurred, the United States and Russia have not fundamentally altered the strategic posture that so characterized the cold war.

All Senators should agree that the ABM Treaty is technically and geopolitically outdated. While the treaty requires the United States and Russia to remain vulnerable to each other's threats, it has the effect of requiring the United States to remain vulnerable to threats posed by other countries. Countries like North Korea are developing intercontinental ballistic missiles, while missile and nuclear technologies are practically available on the open market. Let me quote former Deputy Secretary of Defense and current Director of Central Intelligence John Deutch:

> The 1972 ABM Teaty does not conform with either the changed geopolitical circumstances or the new technological opportunities of today. We should not be reluctant to negotiate treaty modifications that acknowledge the new realities, provided we retain the essential stabilizing purpose of the treaty.

It has also become clear that vulnerability to missile attack neither stabilizes nor enhances deterrence. The Persian Gulf war demonstrated this clearly. Israel, a country with an extremely credible retaliatory threat, came under repeated attack during the war. For a variety of complicated reasons Israel simply did not retaliate. Perhaps most ironic, the reason that Saddam Hussein launched missiles at Israel was precisely to provoke retaliation. Secretary of Defense Perry recognized this point in a recent speech: ''The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD.'' And yet, the amendment of the Senator from Michigan seems to deny that things have changed.

On the subject of change, let me quote Secretary Perry again: ''We now have the opportunity to create a new relationship, based not on MAD, not on mutual assured destruction, but rather on another acronym, MAS, or mutual assured safety.'' This is precisely what the Missile Defense Act of 1995 calls for. Its language almost mirrors Secretary Perry's statement.

We must not allow a 20-year-old treaty to prevent the United States from responding to legitimate and growing security threats. Stated simply, the ABM Treaty as it now stands prevents the United States from deploying a national missile defense system that could protect all Americans against even a limited ballistic missile attack. The authorization bill says that it is time to begin changing this. There is a real and growing threat. It will take us 8 years to develop the system called for in the bill. By that time the United States could face a variety of new and unpredictable threats, including a North Korean ICBM.

I would also point out that the ABM Treaty was meant to be a living document. Article XIII recognizes the possibility that changed circumstances would require the treaty to be modified. Articles XIV and XV provide the procedures for making such changes. The argument that this bill violates the treaty is simply false. All the means for achieving the policies and goals in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

We should also remember that the ABM Treaty was originally a multiple-site treaty. For those who so resist any change to the treaty, I would remind them that the Senate voted to amend the treaty in 1974. It did not upset the Russians then and it should not upset them today if we restore the treaty's multiple-site aspect.

In fact, the Russians have repeatedly demonstrated a willingness to amend the treaty in ways that are fully compatible with the Missile Defense Act of 1995. Deployment of a multiple-site national missile defense system should not be viewed by the Russians as threatening or in any way undermining their confidence in deterrence.

There is no substantive reason why a U.S. policy to develop such a system should undermine START II, as has been argued by the Senator from Michigan. START II has plenty of problems, but the ABM Treaty should not be one of them. Allowing the Russians to use the ABM Treaty as a distraction from the real problems would be a major mistake. Among other things, it would lead Russia to believe that it has a veto over a wide range of United States national security policies. Remember that they have linked START II ratification to things like U.S. NATO policy. Is the Senator from Michigan suggesting that we hold our NATO policy hostage to START II as well?

Mr. President, let me conclude by saying that we should not try to reaffirm the cold war on the floor of the Senate 5 years after its demise. We should welcome the opportunity to establish a more normal relationship with Russia that is not a mutual hostage relationship. We should pursue what Secretary Perry termed mutual assured safety and reject the Levin amendment with its embrace of mutual assured destruction.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the Senator from Rhode Island 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I strongly support the Senator from Michigan and my other colleagues in their effort to amend the missile defense sections of the defense authorization bill.

The amendment would strike from the bill language that mandates action that would violate the 1972 Anti-Ballistic Missile Treaty. The ABM Treaty, approved overwhelmingly by the Senate following extensive and thorough hearings by the Committee on Foreign Relations, has served in the intervening years as the centerpiece of modern arms control. The treaty has served to guarantee that neither side could threaten to neutralize the offensive forces of the other, with the result that we had years of strategic stability followed currently by major reductions in the strategic offensive arms of both sides. Various attacks have been made upon it over the years, largely by people who would prefer an unbridled strategic offensive arms race, but the treaty's benefits have been so clear that these assaults have been repelled.

The present favorable strategic arms environment has been achieved under the umbrella of the ABM Treaty. It probably would have been impossible to reach the present situation in which we are moving away from heavy dependence on strategic defensive arms were it not for the ABM Treaty.

The amendment also corrects an additional problem with the bill in that it

unilaterally interprets the ABM Treaty's meaning for theater missile defenses. The bill would arbitrarily impose a demarcation line between theater and strategic missile defenses that would tie the President's hands as he is trying to negotiate this very matter with the Russians. It is those negotiations that should determine the outcome, not some arbitrary judgment in an authorization bill.

Secretary of Defense Perry noted to Senator NUNN his strong opposition to these provisions. He said, ''Unless these provisions are eliminated or significantly modified they threaten to undermine fundamental national security interests of the United States.''

Secretary of State Christopher wrote me yesterday to point out that the provisions under discussion here ''raise serious constitutional foreign policy and national security concerns.''

The Secretary continued:

> Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS–18.
>
> There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

Mr. President, the Missile Defense Act portion of the bill, sections 233–235 simply does not warrant approval by the U.S. Senate. The policy it sets forth is neither realistic nor wise. It gives a sense of urgency that is not justified by any known facts.

There is no obvious danger from theater-range missiles that must be countered. As we all know, the Patriot missile system proved to be both highly effective and appropriate to the threat we faced in Desert Storm. An effort is now under way to upgrade the Patriot system over time to meet the threat in future years.

It is quite easy to overstate the missile threat this country might conceivably face, but it is important to understand that the missile technology control regime [MTCR] has done much to reduce the potential threat we will face from ballistic missiles. At present there are very few nations who have even the potential to mount new missile threats against us that could not be handled by planned systems. The provision states the policy that the United States should deploy a missile system that is highly effective against ballistic missile attacks on the United States, to be augmented over time to provide a defense against larger and more sophisticated ballistic missile threats. This proposal seems to me highly unrealistic.

Few Members of this body can seriously believe that any deployed missile system could be highly effective against any limited missile attack, much less a larger attack. While it is true that, under certain circumstances, ballistic missile defenses could shoot down incoming ballistic missile warheads, I would not wish to place a wager that no warheads would get through to bring on havoc and destruction nor would I want to risk my family or any other American lives on the supposition that any reasonable level of spending for a multiple site national missile defense system would do much of anything other than squander major parts of the national treasure.

The bill specifies that we should seek a cooperative transition to a regime that does not feature mutual assured destruction and the offense-only form of deterrence as the basis for strategic stability. This provision of the bill gives the impression that we do not understand what mutual assured destruction meant for our security during the cold war. The Anti-Ballistic Missile Treaty essentially guarantees that neither side can develop the sort of ballistic missile defenses that would prevent the other side from effectively attacking in a nuclear confrontation. The fact of assured destruction of a mutual nature kept both sides at bay.

Since the cold war has ended, the United States and Russia have embarked upon cooperative ventures that are moving us away from the confrontations of the past. We are working with them to dismantle their weapons, to ensure the safe storage of nuclear weapons material, and to implement such agreements as START I and, prospectively, START II. If, as envisioned in this bill, the United States were to violate or abrogate the ABM Treaty, the people on both sides rather than the treaty structure itself would be victimized. Moreover, such action could sabotage the current movement toward greater cooperation and throw us back to an era of confrontation as it jeopardized prospects for continued reductions in the START process and beyond.

Under the provisions of this bill, the Secretary of Defense is directed to develop an affordable and operationally effective national defense system with an initial operational capability by the end of 2003. If all goes well, that time is just about when the major reduction of the American and former Soviet nuclear arsenals by two-thirds is to have been completed.

I doubt that any Member can contemplate a situation in which the United States would go at top speed toward deployment of a national missile defense system and the Russian response would be passive acceptance. They might well match our system. They might well deploy a larger, more capable system. They might well bring to an end the reductions that are so clearly in our own national interests. They might well engage in other activities of a bellicose nature that we would find hard to bear. And that would require reactions on our part. It could well incite an action/reaction phase in our national defense activities that would be ruinously expensive and that would, in the end, increase the dangers to us rather than permitting the present continuous reduction in the strategic nuclear threat.

To me it is important that we stop to think what it is we are doing if we follow this path. In response to an uncertain threat, a threat that has not yet materialized, and a threat that might well be handled through diplomatic efforts, we would be preparing to obligate tens of billions of dollars. We would do this in the mistaken belief that we would somehow be better protected. Whereas the truth of the matter is that, even if we were able to afford and to deploy an effective national defense structure, our potential adversaries would still have the option of sending nuclear weapons our way by air, by land, or by sea. At some point in the future if some despot were to contemplate attacking the United States with a nuclear weapon under the misbegotten notion that he would teach us a lesson, it is hard to imagine that he would be deterred if informed that we had a new national missile defense.

Mr. President, this has been a rather difficult year in which many of us have tried to come to grips with the fact that our national deficits are alarming and must be curbed. We are required by the Constitution, to ''establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.'' If we lose sight of the several objectives that must be met, we risk the very well-being of our country. I remember well that a distinguished predecessor, Senator Stuart Symington of Missouri, was fond of pointing out to the committee that the key to a sound defense is a strong economy.

A key to a sound government is a demonstrated ability to keep various activities in proper focus and proper order, so that the whole Nation, not just the defense industry, would benefit.

It will not profit us if we sink further in educational quality, if we deny more of our young people the opportunity of a good education at the elementary and secondary levels and reduce the quality of our institutions of higher education, if we increase the misery of those who have no homes and who are hungry all in the interest of saving money, only to turn around and waste it on unnecessary defenses. It does not seem a wise idea to this Senator.

It is easy to say that one is for strong defenses. All of us are pledged to support strong defenses and we will do so. But the United States will stand first among nations because it continues to be strong in all of its endeavors, keeps

proper balances, and meets other standards of a great, modern nation.

Mr. President, the strategic arms competition between the United States and the former Soviet Union has dwindled away. The ABM Treaty is serving as a very stabilizing force in this promising environment. Further reductions should be achievable.

It would be extremely foolish to place all of this in jeopardy. It makes no sense to give the Russians cause to back away from their START commitments or to engage in a dangerous strategic defensive arms race. It makes no sense—when so many human needs are so obvious throughout our Nation—to jeopardize what has been achieved in controlling and reducing strategic arms and to spend billions for dubious purposes when there are so many other desperate calls upon our resources.

Mr. President, I commend the Senator from Michigan [Mr. LEVIN] for his initiative. I am happy to be a cosponsor of his amendment. I hope that the Senate will once again prove its wisdom with regard to the ABM issue and vote overwhelmingly in favor of this amendment.

In conclusion, I am reminded of the question as to how we will be remembered in history, as succeeding generations look back at us, just as we often have looked back on ancient history from the floor of the Senate. I hope that we can be like Athens and not like Sparta—meaning put more emphasis on the civilian side of our economy, the economic side and the education side, and less on the military side. I yield the floor.

Mr. THURMOND. I yield such time as may be required by the distinguished and able Republican leader.

Mr. DOLE. I thank the Chair.

I would like to commend the members of the Armed Services Committee who, under the able leadership of the distinguished chairman, Senator THURMOND, and the distinguished Senator from Georgia [Mr. NUNN], have done a first rate job on the defense authorization bill. In particular, I would like to congratulate the Armed Service Committee for the forward-looking Missile Defense Act contained in this bill.

The Missile Defense Act is unique because it does not just authorize appropriations for individual programs, it also provides a strategic logic—principles, premises, and policies—thereby integrating these programs into a coherent and comprehensive approach.

In my view, the approach adopted in this bill is very compelling on four important points.

First, this legislation firmly establishes the critical imperative of defending the United States of America from ballistic missiles. Morally, rationally, and constitutionally this must be our top priority.

Why is this important now? Very simply because the proliferation of weapons of mass destruction and the means to deliver them is dramatically increasing. I would like to commend the distinguished junior Senator from Arizona [Mr. KYL] for highlighting this threat, as well as the need to defend America against it, in his amendment.

The Missile Defense Act notes that weapons can be acquired by our potential adversaries far more quickly than they can produce them indigenously.

Mr. President, we cannot wait around for years until this threat is literally on our doorstep. We must prepare now.

And so, I am very pleased with the national missile defense architecture established in the Missile Defense Act. This architecture includes ground-based interceptors, fixed ground-based radars and space-based sensors. The bill establishes a deployment goal of 2003 and provides an additional $300 million to support that goal. In my view, that is a good start, but frankly for something as important as defending our citizens, I would like to see an increase to ensure that we will be able to meet the 2003 date.

Second, the Armed Services Committee's bill deals with the thorny ABM Treaty questions through an intelligent two-step approach:

Step 1: It addresses what missile defenses are covered by the ABM Treaty, namely by establishing the following standard: Those actually tested against a ballistic missile with a range of over 3,500 kilometers and a reentry velocity of over 5 kilometers per second. This is the standard proposed by both Presidents Bush and Clinton. The point is that we should not drag theater systems into a treaty which was never intended to cover them.

Step 2: Contrary to wild administration accusations, the bill reviews where we go next with regard to the ABM Treaty. I think we need to set straight what this bill does and does not do.

It does not set us on a collision course with the ABM Treaty by mandating abrogation.

Indeed, it does not mandate any particular outcome.

It does recognize that an effective multiple site defense of the United States is inconsistent with the treaty as things stand today. The key here is that an effective defense requires multiple sites.

It does call for a year of careful consideration of these matters before we decide how to proceed on the ABM Treaty. The bottom line is that the bill recognizes what we all should be aware of—that mutual assured destruction, the doctrine underlying the ABM Treaty is not a suitable basis for stability in a multipolar world, nor for an improving relationship with Russia. Our goal should be, as outlined in this legislation, to seek a cooperative—and I stress cooperative—transition to a more suitable regime to this post-cold-war era.

The third aspect of this bill that is noteworthy is that it establishes a cruise missile defense initiative. In view of the fact that potential adversaries now have access, in varying degrees, to the technologies necessary to build effective cruise missiles, this measure is on the mark and reflects considerable foresight. It is my understanding that in addressing cruise missiles, the committee has in no way detracted from the emphasis placed on ballistic missiles which are a current and rapidly growing threat.

Finally, I would like to commend the establishment of a theater missile defense core program. The rationale behind theater missile defense is to deny a potential adversary the option of escalating by attacking or just threatening to attack U.S. Forces, coalition partners, or vital interests. The key elements of this core program are three systems already being pursued by the Clinton administration—namely Patriot-3, Navy lower tier, and THAAD—as well as one critical addition: Navy upper tier. The committee has wisely added $170 million to Navy upper tier.

Mr. President, just imagine trying to put together the Desert Storm Coalition if Saddam Hussein could have credibly threatened London, Rome, Istanbul, or Cairo with ballistic missiles. We cannot allow our political and military flexibility to be hindered. Therefore, our objective must be to prevent placing our forces, or those of our allies, needlessly in harm's way—with systems such as THAAD and Navy lower tier.

Furthermore, the United States must have the ability to project a regional ballistic missile defense capability where and when we need it. Navy upper tier give us that capability.

Mr. President, I would also like to note that the bill does save some money by terminating the boost phase intercept program and adding a lesser amount to explore fulfilling the same mission with an unmanned air vehicle [UAV], in conjunction with Israel. Given Israel's expertise in UAV's and its keen interest in a boost phase interceptor, this makes sense to me.

In addition I would like to emphasize that the programs and approach contained in the Missile Defense Act should be viewed as an integral part of our counter-proliferation strategy. If our adversaries know that their hard-gained missiles will be of no use against America and its allies, they may well be dissuaded from acquiring them in the first place.

Before I conclude, I would like to address the issue of how much all of this costs. It costs $3.4 billion. This is a substantial price tag, but does not represent even 2 percent of the total Department of Defense budget. More importantly, however, in considering the costs associated with missile defense, we need to keep in mind how the threat to our Nation's security and to our interests has changed.

For two centuries, oceans protected us. Now technology gives even relatively weak adversaries the hope of attacking or blackmailing the United States. This bill takes concrete steps

to protect us and sends the clear message that we will defend our homeland with our superior technology. Moreover, America has, and will continue to have, vital interests around the globe which must be protected, as well.

Therefore, Mr. President, I urge my colleagues to reject the measure offered by the Senator from Michigan—or any other amendment which would weaken or threaten the Missile Defense Act.

Just let me indicate, having visited briefly with the chairman, that it is his hope, and it will happen, we will be here late tonight, and hopefully during this next vote we can line up serious amendments. Last night sort of fizzled out. Nothing very serious happened after 8:30. So tonight we would hope to have amendments up until a late hour and then conclude action on this measure tomorrow.

This is a very big amendment. It has taken a long time. It is now 5½ hours into this one amendment and I think that should be, with 30 minutes to go, that should be enough time on this amendment. But this is a very substantial amendment. It is one of the more important amendments. It certainly deserves a lot of consideration.

But, again, I would just say to my colleagues in the nicest way I can, that a lot of people want to have an August recess and they would like to have it start in August. We are trying to work that out, and much will depend on the cooperation of our colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 2 minutes.

First I ask unanimous consent Senator NUNN be added as a cosponsor of the amendment.

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

Mr. LEVIN. Mr. President, it has been said that this language in the bill is not inconsistent with the ABM Treaty. I just want to simply read the language. It speaks for itself. The ABM Treaty says that the parties undertake to deploy an ABM at no more than one site. The bill says it is the policy of the United States to deploy a multiple site defense system.

It also has been said, quoting here Mr. Deutch, that we should be willing to modify the ABM Treaty. And we surely should. Those negotiations are taking place right now. I believe we should try to modify the ABM Treaty. I would like to see a negotiated capability to deploy defenses—a negotiated capability to deploy defenses. The current Missile Defense Act provides that as something we should seek to obtain through negotiations.

But what does the bill say about negotiations and modifying the treaty? The bill says it is the sense of the Senate that the President should cease all efforts to modify the United States' obligations under the ABM Treaty. So, on the one hand, people are saying we should be willing to modify—indeed we should. We should be willing to negotiate to change it—indeed we should. And, on the other hand, there is a sense of the Senate that the President should cease until the Senate is done with its study, which will happen sometime next year. And then there is a prohibition on the spending of funds. Which, the way I think I read it, and any reasonable interpretation, is that the President may not change the demarcation line that is set forth in this bill through negotiations.

But the reading of this bill leaves, I think, only one conclusion, and that is that the treaty says multiple sites are not allowed. The bill says we will deploy—it is our policy to deploy multiple sites. I cannot think of a clearer conflict, and it should not be fudged or papered over, because I think it was the obvious intent of the sponsors of that language.

I yield the floor. I also ask unanimous consent that Senators DASCHLE and KERRY be added as cosponsors.

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

Who yields time?

Mr. THURMOND. I yield 5 minutes to the able Senator from Alabama [Mr. HEFLIN].

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today in support of providing a system to protect the citizens of the United States from ballistic missile attack.

There are two parts to the Levin amendment. The first provision strikes the goal of the Missile Defense Act of 1995—a multiple site deployment designed to protect the United States. The second provision strikes the demarcation provision for theater defenses.

My concern is with the first provision of this amendment. I support deployment. I fully believe the goal of the Missile Defense Act must be to deploy defenses to protect the United States as soon as possible. As I stated many times before, I strongly believe we should act within the ABM Treaty and deploy a single site defense immediately. I also believe it is important that the administration begin serious treaty negotiations to allow the deployment of additional ABM sites. This means that the long-range goal of our negotiations with the Russians must be a multiple site, ground-based deployment.

A statement of a national policy to deploy a multiple site defense system to protect the United States is far from violating the ABM Treaty. Many of my colleagues have called this language different things, such as a statement to plan to breach or an anticipatory breach of the ABM Treaty. By anticipatory breach I assume they mean that something like ''conspiracy to agree to commit a breach of the ABM Treaty.'' A breach does not ripen until it actually occurs.

The treaty clearly defines what constitutes a breach. Deploying multiple missile defense sites today would be a breach. Stating a goal of deploying multiple sites would only be a breach if there is no legal way to perform such a deployment within the confines of the treaty. Fortunately, there are two legal ways. The first is a new protocol to the treaty. This may be possible to negotiate. You do not know until you try. Remember, the original treaty allowed two sites. It was a subsequent agreement that limited us to just one site. A second option is to actually withdraw from the treaty. It is our legal right to withdraw with 60-days notice. In summary, Mr. President, while there are legal methods to deploy multiple sites within the framework of the ABM Treaty, there can be no anticipatory breach.

I further support replacing the stated goal in the committee version of the bill with a new goal calling for the deployment of a treaty compliance system coupled with immediate negotiation for additional sites. This was a goal of the bipartisan Missile Defense Act of 1991. Unfortunately, in striking out the goal of a multiple site deployment, Senator LEVIN's amendment also strikes out the only statement that the goal of the United States is to protect our people from a nuclear missile attack. To me, this is unacceptable.

As for demarcation provisions, I share many of Senator LEVIN's concerns. I believe we should leave the President the flexibility to negotiate modifications to the treaty as required with the guarantee of a Senate ratification to safeguard against unacceptable provisions.

I regret that the two distinct separate provisions are in the same amendment.

Mr. President, unless there can be some compromise—and I hope that there can be some compromise—on the goal of the Missile Defense Act I will have to vote against the Levin amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, if anyone else has an amendment, we would like for them to come forth now. We are ready to go forward with this bill.

I would like for both sides to notify their Members on the hotline that we are ready to vote on this bill.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call not be counted against the remaining time we have left in view of the fact we only have about 4 or 5 minutes at the most left.

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

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

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

Mr. EXON. Mr. President, I believe the Senator from Nebraska has about 5½ minutes.

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. EXON. Mr. President, I rise as a cosponsor of the amendment to eliminate numerous objectionable provisions on missile defense contained in the pending authorization bill. There was no more contentious issue in the Armed Services Committee markup of this bill than the issue of missile defense. The committee was divided 11 to 10 on numerous unsuccessful votes to amend the missile defense language. There is a good reason for the controversy surrounding this section of the bill. No single issue is more deserving of amendment than this one.

The committee bill is nothing short of a power grab on the part of the Senate Armed Services Committee. The slim majority that approved the missile defense provisions in the bill is not satisfied with simply making foreign policy; it wants to override the foreign policy position of the President of the United States, our Commander-in-Chief and the person in which the Constitution vests the power to make foreign policy.

The committee bill in its present form moves to end our Nation's 23-year participation in the ABM Treaty and move aggressively to deploying multiple missile defense sites throughout the United States. More specifically, it defines our national missile defense policy in terms that not only abrogate our Nation's treaty obligations but also sets in motion a disastrous course of events that will profoundly threaten our national security. That is right, Mr. President, contrary to how it is being advertised by the proponents, the national missile defense system called for in this bill will harm, not enhance, our national security.

By voting our intention to break out of the ABM Treaty, we will be feeding the paranoid rhetoric of the militaristic, conservative wing of the Russian Duma looking to place Russia back in an adversarial relationship with the United States. Members of this body must not ignore the sobering consequences of breaking out of the ABM Treaty and strengthening the hand of Russian extremists. Not only will withdrawing from the ABM Treaty endanger our new alliance with Russia, it will likely sink future ratification of the START II Treaty and further implementation of the START I Treaty. The language in this bill is a dagger pointed at the heart of a whole array of arms control agreements, least of which is the ABM Treaty. It will imperil a whole generation of arms control agreements which will in turn have far-reaching consequences both domestically and internationally. It will hasten the return to a time of bigger Defense budgets, an arms race in space, larger nuclear arsenals and a general erosion of global security.

To best describe what type of national missile defense system is envisioned by this bill, I will read directly from section 233 of the bill. It states:

> It is the policy of the United States to deploy a multiple-site national missile defense system that (a) is highly effective against limited ballistic missile attacks on the territory of the United States, and (b) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats.

This is no different from the flawed star wars concept pushed by President Reagan during the height of the cold war. In their rush to revive this concept of a shield against a Soviet missile attack, the committee majority is willing to trample the ABM Treaty along with START I and START II, and the START agreements that were contemplated to follow.

As a Nation, we have spent $35 billion in taxpayers' money on ballistic missile defense since 1983. The costs of implementing the type of system envisioned in the bill could easily reach or exceed that amount. No one knows for sure. A CBO report in March of this year, prepared at my request, estimates that a single site—not a multiple site, but a single site—system could cost $29 billion to complete. Additional sites necessary to provide the protective umbrella called for in the bill would cost an additional $19 billion, for a grand total of $48 billion. Is this the fiscal commitment we are ready to endorse? I think not. By voting for the missile defense provisions in the bill, that is exactly the road the Senate will be supporting—$48 billion for a Star Wars system all over again.

By the way, it may not work as advertised. After already spending $35 billion, there is no high degree of confidence that we can operationally deploy the technology capable of intercepting a large and sophisticated strike against the United States by the year 2003. I call it ridiculous. The technology is far from proven and like the Maginot Line following World War I may be the wrong defense against the emerging threat, easily circumvented by a terrorist nuclear attack employing a delivery means other than a ballistic missile.

While the superpower threat has disappeared and the cold war is over, there seems to be a wave of nostalgia sweeping over some in the Senate to gain a renewed sense of mission and purpose by reconstituting the threat facing the United States. The testimony provided to the Armed Services Committee by both military and intelligence witnesses are in agreement that an enemy ballistic missile threat against the United States does not exist and will not emerge, if at all, well past the 2003 deployment mandate in the bill. I am struck by the irony that in trying to defend against a nonexistent threat we would by our rash actions be unwittingly fostering the very threat we profess to originally be addressing. In other words, our actions would be a self-fulfilling prophesy.

Mr. President, Senator LEVIN and others have already spoken to the numerous flaws contained in this bill language. I simply ask each Senator to read the language in the bill closely before voting on the amendment. The words speak for themselves. The only proper action is to support the Levin amendment and strike the objectionable sections of this bill that have been outlined by many of us who have studied this issue.

Mr. President, I yield the floor and yield back any remaining time assigned to me by Senator LEVIN.

Mr. BIDEN addressed the Chair.

Mr. LEVIN. Mr. President, I yield 20 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair. I thank the Senator from Michigan.

I wish to thank the Senator from Nebraska, who, I might add, as a member of this committee, has fought against what seems to be the most perverse development in our military budget and planning in the last 4 years. The idea that now of all times in our history we need to overturn what was a centerpiece of two successive Republican Presidents seems to me to be a little bit bizarre. But, Mr. President, to state the obvious, I rise in support of the amendment of the senior Senator from Michigan, Senator LEVIN.

Mr. President, the so-called National Missile Defense Act of 1995 is a hodgepodge of contradictory provisions that, if implemented, would jeopardize our national security beyond anything that I have witnessed since I have been in the U.S. Senate. The bill before us represents a frontal assault on the ABM Treaty. I heard yesterday some sort of, how can I phrase it, interesting questions posed by some of our Republican friends—asking Senators, ''Are you for missile defense? Are you for mutual assured destruction?'' I would point out that the reason why we are where we are and we are dismantling missiles and we are diminishing the prospect of nuclear confrontation by super or former superpowers is because the policy of mutual assured destruction has worked pretty darn well. But I will get back to that in a minute.

This bill represents a flat, frontal assault on the Anti-Ballistic Missile Treaty. First, it would force us to violate the ABM Treaty by mandating dangerous unilateral infractions of that treaty. Then, it would jettison the

entire treaty by requiring the development of a national missile defense system by the year 2003. In a final strange and, I think, unexplainable twist, it goes on to call for a select committee to review a treaty that is effectively being declared null and void by the very same bill.

Now, either the folks who wrote this into the bill do not understand what our nuclear strategy has been thus far—and I know they do—or this is incredibly poor draftsmanship or there is a perverse game being played here.

The first two parts of what is before us—not the amendment, but absent the amendment—by definition, destroy the ABM Treaty. Then the third part is to set up a select committee to review the treaty that we are legislatively destroying.

Now, I assume that may be because there is not enough work or enough committee assignments for Senators. They want to have other committees because maybe they get additional staff. I do not know. But, I mean, why in the devil do you need the third part if you are doing away with the first two parts? But at any rate, taken together, these provisions would simply eviscerate the ABM Treaty, which has provided the basis for our strategic arms reductions over the past 20 years.

The most likely immediate consequence of gutting the ABM Treaty would be that the Russian Duma, their Congress, would refuse to approve the START II Treaty, which is, quite frankly, a jewel in the crown of President Bush's, and prior to that President Reagan's, foreign policy initiatives. With START II unratified, the hopes for further strategic arms reduction would be dashed—which, I might add, I think is the real purpose of this initiative by the majority. They did not like START II to begin with. They did not like START I. They do not like the idea of our having to talk about further reductions in the amount of nuclear warheads that exist in the world.

But make no mistake about it that if we pass this, why if you were sitting in the Russian Duma, why if you were a Russian or anyone else for that matter, would you conclude that it is a good idea to follow through with the destruction of your existing nuclear arsenal? Why would you do that? I think I understand. I think that is the underlying purpose of the legislation before us.

This singular achievement of the Bush administration, the START II Treaty, is the basis upon which we moved to even further reductions—and, along with it, the significant enhancement of the security of Americans that we all hoped would be the byproduct of winning the cold war. Now, I do not know what you all are going to tell your kids. I do not know what you are going to tell your family and friends after you tell them how we won the cold war, but there is a greater need for nuclear weapons.

Now they say, well, this is not about nuclear weapons; this is about the ability to prevent our being attacked by nuclear weapons. I will not go into all the science which Senator NUNN and others have talked about here, but the one thing for certain about how you deal with an ABM system is you overwhelm it. You build more offensive systems. It is a lot easier and a lot cheaper to build offensive systems than it is to build defensive systems. As an old bumper sticker from my generation used to say, ''One nuclear bomb that gets through could ruin your day.'' One hydrogen bomb dropping on Manhattan can ruin your day. So all you have to do, without even having the technology, is overwhelm the system. And it is cheaper to do that.

Now, I know what my friends are thinking. They say, ''Boy, we have got the Russians in a great spot. They are broke. Let's take advantage here. They are not going to be able to do this.''

Well, at a minimum, folks, I do not know why they are going to go ahead and destroy what they have, if, in fact, we are going to adopt this policy. The most likely immediate consequence of cutting the ABM Treaty, as I said, will be the elimination of the START regime.

Mr. President, what troubles me most about the provisions on the ABM Treaty is their reckless unilateralism. Article VI-A of the ABM Treaty contains two provisions that have been in place for years. First, it bans both parties from giving ABM systems the capacity to counter strategic ballistic missiles; and, second, it bans testing of such systems in an ABM mode.

The bill before us would effectively collapse these two provisions into one by asserting than an ABM system is actually not an ABM system, unless it has been field tested as a system. In other words, it must have a demonstrated capacity—a demonstrated capacity—of being an ABM system.

Now, there is a reason why when we did the ABM Treaty we insisted that you violate the treaty first, if you demonstrate a capacity to set up a system, or second, if such a system could be deployed in such a capacity even if it has not been tested.

Now, it might be useful at this juncture to cite the case of Krasnoyarsk radar, which we debated for months and months on the floor of the Senate not too many years ago. Some of the same people here were on the floor then pointing out how the Russians were violating the ABM Treaty and we could not do business with them and could not trust them. Now some of the same people are here saying we should do what we told the Russians they could not do.

A gentleman who is gone, a very bright fellow whom we all respected, from Wyoming, Senator Wallop, was on the floor day in and day out warning us about the Krasnoyarsk radar. The Soviet Union built this giant radar in Siberia in the 1980's. Although the radar was never turned on, that is, its capacities were never demonstrated as would be required now, we argued that it had the inherent capability of an ABM system and constituted a violation of the ABM Treaty. The Soviets asserted that since the system had never been tested, it was permitted under the ABM Treaty.

Eventually, through the good offices of my conservative friends and some of us who joined them, the Russians tore down the radar. If, in fact, the Armed Services Committee provisions that are contained in the bill prevail, absent being amended by the Senator from Michigan, they would be able to keep the radar.

It would not be a violation of the ABM Treaty. I wonder how many of my friends over there would be saying, ''You know, no problem, we understand. We think there should only be one test.''

I wonder what my friend Senator THURMOND would be saying then. I wonder what my friends over on the right would be saying. They would be apoplectic, because although it had not been turned on and demonstrated, it clearly had the inherent capability and, therefore, was in violation of the ABM Treaty.

I would like to point out to my colleagues that there is no legal basis for a unilateral amendment to the ABM Treaty. It seems like I have been fighting this, along with Senator NUNN, Senator LEVIN, and others, for the last decade. The Reagan administration tried a frontal attack on this in the early eighties saying, ''We are going to reinterpret the ABM Treaty.'' If you do not like what it says, reinterpret it. Well, we won that fight, and little did I think we would be back here having this fight.

It would be better to come out here and just declare the treaty null and void and have a Senate vote saying it contravenes our national interest to be part of the ABM Treaty any longer. At least we would be honest with the people here. At least we would be telling the truth. But this is a charade.

I point out to my colleagues, again, that there is no legal basis for the unilateral amendment of the ABM Treaty, or any other treaty, for that matter. The Vienna Convention on the Law of Treaties serves as a source of customary international law and provides guidance in this matter. According to its provision, a treaty is to be interpreted in accordance with the ordinary meaning of its terms.

The two prongs of section 6(A) of the ABM Treaty are clear: One is aimed at constraining demonstrated capabilities, and the other is aimed at constraining inherent capabilities. In other words, this provision was intended to prevent testing against strategic missiles and development of systems that have the ability to counter such missiles.

To say that only the testing, or demonstrated capacity, standard is relevant would represent a clear departure from the obligation set forth in the treaty.

A second area in which the provisions of this bill would mandate unilateral action with regard to the ABM Treaty is defining the demarcation line between strategic and theater missiles. The bill before us would arbitrarily set that mark at a peak reentry velocity of 5 kilometers per second and an effective range of 3,500 kilometers. The so-called 5/3,500 threshold may, in fact, be a legitimate demarcation line.

Guess what? The treaty says you negotiate those things. You negotiate them. That is what the existing treaty demands.

Mr. President, these amendments to the ABM Treaty affirm that we will define unilaterally the line between a strategic missile system and a theater missile; and we will declare unilaterally our ballistic missile defenses are in compliance with the ABM Treaty. Forget the fact that the very issues are now being negotiated with the Russians. We are going to do what we want.

As my young 14-year-old daughter's friends often say, ''Why don't we get real here?'' Let us just declare the treaty null and void and stop this. At least that would have the integrity of allowing others to trust making a treaty with us again. At least it is straightforward, and almost every treaty including the ABM Treaty says if this is not in our national interest, the President can declare it so and we are out.

So let us not wreck the ABM Treaty. Do not wreck this President's or future Presidents' ability to negotiate treaties of consequence with people when we can come along and just redefine them midstream, when we either think the other party is extremely vulnerable or we want to do something that the treaty does not suggest.

I want to ask the rhetorical question: If we did not need an antiballistic missile system when the Soviet Union had over 12,000 nuclear warheads all aimed at the United States or things of vital interest to us, why in the devil do we need it so badly now?

As Senator NUNN explained, such a system is not the thing that is going to prevent a Qadhafi or some Third World screwball from detonating a nuclear weapon in the United States. They will bring it in by ship, smuggle it in, reassemble it in the basement of the World Trade Tower, and blow us up. They are not going to wait until they have an intercontinental ballistic capability to do it.

This is nuts, with all due respect. If there is any lingering doubt about whether the provisions I have referenced are meant to scuttle the ABM Treaty, I hope we disabuse ourselves of that.

The ABM Treaty is based on a very simple, yet powerful premise that has been tested and proven to be valid—and that is that the development of defenses against strategic ballistic missiles is inherently destabilizing. Were the Russians to develop a shield against strategic ballistic missiles, what would be our reaction? We would do the same thing they are likely to do if this provision becomes law—that is, maintain the means to overwhelm those defenses.

Or would we say, ''You know, it's good for everybody, that they are now impervious to attack as long as we keep our missiles at the same number. We do not have that capability, but we are going to trust them; we have no problem.'' We know we would rush to do that.

Or would we sit here and say, ''My Lord, the only thing we know for sure we can do, and do it more cheaply, is build more intercontinental ballistic missiles and theater ballistic missiles, for that matter, so that no matter how many of these brilliant pebbles or whatever else is in the sky, we can just send enough in so that a few will get through.''

But we are going to expect the Russians to say, ''Don't worry, we know those good old Americans would never, ever do anything like this to us; therefore, we don't have to worry. We'll continue to dismantle our missiles, and we won't attempt to do the same thing and all will be well.''

One of the first assignments I was sent on abroad was in 1978 on the so-called SALT Treaty. I was asked to take a group of new Members of the Senate to meet with Mr. Brezhnev, then the leader of the Soviet Union. We sat down and negotiated what were referred to as conditions, Senate understandings that we had attached to the SALT Treaty.

In the middle of the conversation, as I was pointing out how we would never do anything bad, Brezhnev looked at me and said through an interpreter: Let me make sure I understand this.

He said, ''I would like to remind you that as bad as you think we are, we never dropped a nuclear bomb on anybody. As bad as you think we are, you are not as good as you think you are. You expect us to say we know you would never attack us with nuclear weapons when, in fact''—I am not judging whether it was right or wrong—''you have already demonstrated when your national interests are at stake, you will use atomic weapons.'' That is kind of a compelling point.

If we are going to take such a brazen step as trashing a treaty that has helped to lessen the prospect of nuclear Armageddon for over two decades, you would think that there is a good reason behind it. Well, there is none that I can discern.

Instead, we are asked to accept the dubious justifications contained in a couple of paragraphs of this year's Defense authorization bill.

One justification is that mutual assured destruction and its corollary—deterrence—is no longer relevant after the cold war. That is right, folks, traditional deterrence is dead because the bill before us has declared it passé.

Mr. President, you cannot delegislate deterrence. That concept is grounded in the fundamental interaction among States.

In a continued elaboration of flawed logic, the bill goes on to assert that with traditional deterrence dead, both the United States and Russia will be encouraged to reduce their offensive strategic arsenals.

This bizarre line of reasoning reveals a failure to grasp the fundamental counter-intuitive interaction between offense and defense that gave rise to the ABM Treaty in the first place.

As long as we have a potentially adversarial relationship with Russia—in other words, as long as we are not dealing with a Canada, or a France, or a Britain—our sense of security will depend on the confidence we have in our retaliatory capability.

Anything that undermines confidence in retaliatory capability—which is what strategic missile defenses do—will increase the reluctance of one side or the other to reduce offensive strategic forces.

One implicit aspect of the bill's analysis is correct—the Russians do not have the economic means to develop an ABM system on a par with what we are capable of developing with the expenditure of a large portion of our treasure. But they do have a stockpile of surplus warheads which they could deploy to respond to our national missile defense system.

With our planned deployment of a national missile defense system, the Russians, now feeling less certain of their retaliatory capability, will opt for the next best alternative—they will ignore their remaining commitments under Start I and they will refuse to ratify Start II.

It will not end there—they are likely to begin expanding their strategic forces to overcome missile defenses. We will respond by expanding our forces and by developing even more robust missile defenses, and so on. In short, we will restart the spiral of escalating nuclear deployments that marked the worst days of East-West confrontation.

What a cruel irony that would be—after the cold war, when we could have achieved significant reductions in strategic arms—we will instead have created the kind of bankrupting, paranoia-driven arms race that the ABM Treaty sought to prevent, and, indeed, did prevent during the cold war.

Another justification for scuttling the treaty could be called the Barbarians are at the gates argument. According to this line of reasoning, there are numerous rogue States on the verge of acquiring advanced tactical and strategic ballistic missiles. And we urgently need to develop the means to counter this imminent threat to our national security.

This is a crucial matter, and one which deserves more careful analysis than has been employed to date. I know about the estimates that say that some countries are only a decade away from having long range ballistic missile delivery capability. But I question the validity of those analyses.

Many other reputable studies by experts in the field indicate that the nations causing the greatest worry to the Defense Department will not acquire long range delivery systems for the next 20 to 30 years, if ever. Even Defense Department data reveal that 97 percent of the Third World missile threat comes from theater ballistic missiles with a range of 1,000 kilometers or less.

The delivery system of choice of rogue states targeting the United States with weapons of mass destruction will not be ballistic missiles. There are plenty of ways to circumvent defenses without even using missiles. These are the threats on which we should focus our ever-scarcer resources, not on the alarmist scenarios that are being touted by the proponents of national missile defense.

If a national missile defense can be rendered ineffective by an overwhelming Russian attack, and if such a system is many times more capable than what is required to contend with the Third World theater ballistic missile threat, then we are left to ask a basic question—what are we spending tens of billions of dollars to defend ourselves from?

I think that the only logical conclusion is one that is not explicitly stated, but begins to emerge if you read carefully between the lines. The real reason for going on a crash program to develop a national missile defense system is that there are some who don't care that the ABM Treaty will be jettisoned because, in their view, arms reduction per se is not in our national security interest.

If our deployment of a national missile defense causes the Russians to abandon START II, that fits right in with their strategy. Such a move by the Russians will provide the excuse they need to argue for maintaining and perhaps even expanding a large United States strategic arsenal.

I realize that there are others who might vote for a national missile defense system because, upon first glance, it seems to be a way to render strategic ballistic missiles obsolete. I know that not everyone who supports a missile defense wants an arms buildup. Some may honestly believe that a national missile defense is a path to future arms reduction.

But I would hope that those who do want arms reduction will realize the essential paradox of defense and offense where strategic ballistic missiles are concerned. The more you try to defend, the more the other side will buildup. This has been borne out by experience. In this manner, a well-meaning attempt to reduce the effectiveness of strategic weapons by building a robust defense could have the perverse impact of leading to a new and costly arms race.

In closing, I would just like to remind my colleagues who remain skeptical about the usefulness of the ABM Treaty, that the START treaties—in which both sides have agreed to cut their strategic arsenals by a total of two-thirds—were concluded without the United States having deployed a single strategic defensive system.

The ABM Treaty has served the purpose of arms reduction remarkably well. We should seek to build upon its successes, not scuttle it for an ill-defined and perilous course.

Finally, let me say that if Senators are going to stand on the floor and say they are going to vote against the Levin amendment but they support START I and START II, then I respectfully suggest that they go read this legislation. I do not know how you can say that.

If a Senator is going to say, ''I support the ABM Treaty but I am against the Levin amendment,'' I suggest he or she go read the legislation before us. If a Senator comes to the floor and says, ''By the way, I not only do not like the doctrine of mutual assured destruction, I do not support START I, START II, or the ABM Treaty,'' then I say vote against this amendment, because then you will be intellectually honest. It is a legitimate position to take. But let us not kid the American people and the world and say we support reducing the number of nuclear weapons, we support START I, we support START II, we are even for a START III, which we are contemplating, and we are for the ABM Treaty but, by the way, we are going to vote for this legislation. You cannot do both and be intellectually honest about it.

So, as they say, pick a team, pick a side, pick a position, but do not pretend you are on both sides because you cannot be against Levin and for the ABM Treaty. You cannot be against Levin and for the START II agreement. You cannot be against Levin and for further reduction in the nuclear arsenals of the major powers in the world.

I thank my colleague from Michigan, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Levin-Exon-Bingaman-Glenn amendment, to the National Defense Authorization Act for Fiscal Year 1996, to strike provisions of the bill which would directly lead to our violation of the ABM treaty. This treaty is vital to American national security.

The Missile Defense Act would lead to violations of the ABM Treaty in two crucial ways.

First, it would establish a deployment plan for a national missile defense. If a national ballistic missile defense were deployed, it would blatantly violate the treaty.

Second, before any national missile defense system can be deployed, it must be tested. Fully testing this type of system would violate the ABM Treaty.

The ABM Treaty is the diplomatic foundation of our intercontinental ballistic missile reduction strategy. It was possible to negotiate and ratify the Strategic Arms Reduction Treaty or START, which is currently being implemented, and negotiate START II, which awaits ratification by this Senate and the Russian Duma because of the strategic groundwork laid in the ABM Treaty. Abandoning or violating the ABM Treaty would threaten the strategic ballistic missile reductions under these two treaties which, when implemented, would verifiably eliminate the intercontinental ballistic missiles carrying two-thirds of Russia's nuclear warheads.

Further, abandoning our treaty obligations jeopardizes our future relationship with Russia. The Reagan, Bush and Clinton administrations have worked hard to not only strengthen the strategic relationship between our nations, but economic, cultural, and diplomatic relationships as well. We have achieved measurable strategic reductions because of the foundation of trust the ABM Treaty provides. To jeopardize this trust, especially while START II waits precariously for ratification, is simply unwise. If the ABM Treaty is abandoned, the casualty may very well be the future of nuclear arms reductions with Russia.

While it is true that the ABM Treaty was ratified at the height of the cold war and that its outlook is bipolar in nature, the fact remains that the greatest ballistic missile threat to the United States is still located in Russia and the states of the former Soviet Union. The ABM Treaty gives a sense of security to the Russian government which allows them to move forward toward reducing their stockpiles of nuclear weapons under both START and START II.

Even the chairman of the Joint Chiefs of Staff, General Shalikashvili, has felt it necessary to declare that United States abandonment of the ABM Treaty could harm both the prospects for START II ratification by the Duma and our broader security relationship with Russia. In addition, abandonment of the treaty could threaten the continued dismantlement of nuclear weapons under START. Again, if we abandon our commitments under the ABM Treaty, we stand to lose the verified elimination of thousands of nuclear missiles currently aimed at the U.S. Our national security priority should be to greatly reduce this ICBM threat.

My support of the ABM Treaty does not negate my willingness to see a national ballistic missile defense system studied. We should continue our research and development programs for a national ballistic missile defense system and should always look toward our future defense needs.

Turning to the issue of theater missile defense, I also believe deeply that we must develop and deploy this type of system which does not violate the ABM Treaty. Development and deployment of this type of system is technologically feasible and is permissible under the ABM Treaty. Most of the

theater ballistic missile defense systems currently in development and being tested are ABM Treaty compliant. In fact, the joint summit statement from the May Clinton/Yeltsin Summit delineates a set of principles that provides that both sides can deploy effective theater ballistic missile defense systems within the framework of the ABM Treaty.

Because theater ballistic missile defense is entirely possible under the ABM Treaty, is it not the better path to both maintain the ABM Treaty thus protecting the elimination of thousands of intercontinental ballistic missiles under START and START II and to develop and deploy a theater ballistic missile defense system that could both protect future theater ballistic missile threats to American shores and current theater ballistic missile threats to American and Allied troops overseas?

Let us continue our research and development programs for a national ballistic missile defense, let us continue to develop and work to deploy a theater ballistic missile defense, but let us oppose abandoning the ABM Treaty and thus lose our opportunity to eliminate thousands of Russia's intercontinental ballistic missiles.

It is in our national security interest to continue to support the ABM Treaty until the great threat of Russian ICBMs aimed at the United States is substantially reduced under START and START II. Until this important process is completed, let us work to deploy a theater missile defense system and continue our research towards the development of national ballistic missile defense system.

Mr. THURMOND. Mr. President, today, I received a letter from the Honorable Henry Kissinger, former Secretary of State. I will take a few seconds to read a short paragraph:

> I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence. . . The ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact, the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I ask unanimous consent that the entire letter be printed in the RECORD.

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

AUGUST 3, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Washington, DC.

DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.

The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.

I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, is the leader ready to proceed?

Mr. DASCHLE. Yes.

Mr. LOTT. I will withhold. I understand the Senator from Texas may have some remarks, if the Senator would like to wait, or would he like to proceed?

Mr. DASCHLE. I am prepared to speak, but if the Senator has been on the floor, I am happy to defer to her.

Mr. THURMOND. How much time does the Senator from Texas want?

Mrs. HUTCHISON. Two or three minutes.

Mr. THURMOND. I yield 3 minutes to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think there is a fundamental issue here, and that is, as the world changes, is the U.S. Senate and the U.S. Congress going to continue to meet the challenges of the new world that we face today?

The world has changed since the ABM Treaty. No longer are we a bipolar world. We now know—and it has been published often in newspapers—that there are numerous countries that have nuclear, biological, and chemical weapons. Do they have the ability to attack the United States with these weapons? We believe that some might.

So the question is: Are we going to unilaterally disarm our ability to defend our shores from a potential attack? That is the issue. We cannot, in any way, limit our capability to meet the challenges of the post cold war, multipolar world that we are living in today.

So I hope that we will not do anything that will lessen our ability to defend our shores. We must have a theater ballistic missile defense. We must continue to go forward to make sure we have the technology to defend ourselves against any incoming missiles, or to defend our armed services in any theater in which they may be fighting. That is the core issue today.

So I hope that our colleagues understand the significance of this argument. This is not, in any way, partisan; it ought not be in any way a matter for discussion, really; it is a matter of priorities and what our leadership role is. I hope that we will put aside partisan views on this issue and look at our responsibility to defend our shores and our future generations.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the remainder of my time to the Democratic leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. I thank the Senator from Michigan for the time.

Mr. President, I want to also thank him for offering this amendment, and I commend Senators EXON, BINGAMAN and GLENN for cosponsoring it. I believe that the vote on this amendment may be one of the most critical votes that we cast this year. There are many provisions in this bill that I, along with many of the people on this side of the aisle—and I suspect beyond the beltway—strongly oppose. However, perhaps the most objectionable provisions in this bill—and potentially the most damaging to the long-term security interests of the United States—are those calling for the United States to deploy multiple-site national missile defenses by the year 2003.

As Senator LEVIN and others have already pointed out, committing this country to deploying a multisite national missile defense system at this time would have very damaging consequences for our national security. The Levin amendment would retain the strategic policies that have kept this country safe now for a half century.

I strongly support the Levin amendment for several reasons.

First, I am concerned that any effort by the United States to deploy theater missile defenses could jeopardize several important treaties negotiated under both the Clinton and Bush administrations. For instance, the provisions could hold up implementation of

the START Treaty; imperil Russian ratification of the START II Treaty, which requires Russia and the United States, as everyone here knows, to reduce their long-range nuclear weapons from 8,500 to 3,500; and possibly impact the conventional forces in Europe Treaty, which calls for the reduction of heavy weapons, such as tanks and combat aircraft throughout NATO and the former Warsaw Pact.

Second, I am concerned that deployment of national missile defenses in the United States could undermine U.S. nonproliferation efforts. For instance, China could withhold support for the Comprehensive Test Ban Treaty if the United States violates or renegotiates the ABM Treaty.

Needless to say, Chinese resistance to the CTB could induce other regional powers to follow suit, thus eroding support for the Nonproliferation Treaty. Moreover, deployment of theater missile defenses would make other nuclear countries, like China, Britain, and France, less willing to enter into future nuclear reduction treaties.

Third, as has been pointed out several times during this debate, nothing in the treaty precludes the Department of Defense and the Ballistic Missile Defense Office from conducting the program as currently planned for at least the next year or two. Let me repeat that. The ABM Treaty will not constrain our ballistic missile defense efforts for at least the next year or two.

Therefore, we have ample time to weigh the threats this Nation faces and debate the appropriate response. We need not march off precipitously on a path that leads us to unilateral abrogation of one treaty, and the probable breaking of several others.

Mr. President, let me make it clear, I am not saying that we should never consider making changes to the ABM Treaty or any other treaty. Circumstances change and security requirements must be modified accordingly.

Even the Constitution, the greatest document drafted by this country, has been modified 26 times. What I am saying is that this is neither the time nor the manner to modify the treaty.

For all these reasons, I strongly support the Levin amendment and urge my colleagues to do the same.

I yield such time as I have remaining to the author of the amendment, the distinguished Senator from Michigan.

Mr. LOTT. Could I inquire about the remaining time?

The PRESIDING OFFICER. One minute and eighteen seconds for the Senator from South Carolina, and 6 minutes for the Senator from Michigan.

Mr. LOTT. Due to the fact that we only have 1 minute and 18 seconds, we will reserve our time to see if the Senator from Michigan would like to use the balance of his 6 minutes.

Mr. LEVIN. I understand the Chair is saying there is 6 minutes remaining. I yield myself 5 minutes.

Mr. President, the language in the bill which this amendment would correct does three things.

First, the language sets forth a head-on clash with the ABM Treaty. Words have clear meaning by the way they have consequences, too, which we will get to in a moment.

Section 233 says it is the policy of the United States to deploy multiple site national defense missiles. The ABM Treaty prohibits such defenses. You cannot get much clearer than that without a formal abrogation document. What this bill says is the policy to do it is not allowed by the ABM Treaty.

In addition, section 235 of the bill says that to implement the policy established in that earlier section, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability by a specified year.

''Shall'' and ''will;'' these are very clear and very strong words.

Second, the bill says that the line between short-range and long-range missile defenses is a specific line. We are doing it by U.S. law.

Now, it is the same demarcation which is being negotiated between Russia and us. What we are doing is usurping the negotiations and transferring them from wherever they are being negotiated to the floor of the U.S. Senate. If the Duma did that, we would not stand for it for one moment—any of us—I hope. So there is a unilateral interpretation of the ABM Treaty in this bill which would be stricken by this amendment.

Third, the bill says it is a sense of the Senate that the President shall not negotiate—these are the words—sense of the Senate the President should cease all efforts to clarify U.S. obligations under the ABM Treaty.

We have heard a lot about the need to modify. By the way, I think most would agree that the ABM Treaty should be modified. At least many of us, including myself.

Here it is said in section 237, that it is the sense of the Senate that the President should cease all efforts to modify, clarify, U.S. obligation. Both words are used—modify and clarify.

On the floor, we hear a lot about we ought to try to modify this treaty, and we should. Section 237 says the President shall cease all efforts to modify or clarify our obligations under the treaty. That section would also be stricken.

Mr. President, this language in this bill which the amendment would strike will dash the hopes of our generation for a new relationship with Russia, following the end of the cold war. That is what Secretary Perry tells us. That is what General Shalikashvili tell us.

This is why Secretary Perry has written us the following:

> Certain provisions [in this bill] related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

We cannot get much more serious than this. It has never been more important to read words in a bill than it is now because what our Secretary of Defense is telling us; that the elimination of offensive weapons aimed at us is jeopardized if we unilaterally move to trash the ABM Treaty or interpret the ABM Treaty the way this bill does.

That is why this debate is worth 5 hours—indeed, maybe 5 days. That is the seriousness of the language that is in this bill.

Then the Secretary of Defense goes on to say that, ''The bill's unwarranted imposition through funding restrictions, of a unilateral . . . demarcation interpretation would similarly jeopardize these reductions . . .''

Now, we have a treaty. Treaties should mean things. They should have significance. When the Russians violated it, we tried to hold them accountable. So, I believe, the Duma will point to our action in saying that this gives them an excuse to, instead of reducing nuclear weapons, to stop those reductions, to keep the numbers where they are, and, indeed, increase them, in order to now deal with these new defenses which this bill commits us to build.

I reserve the balance of my time.

Mr. LOTT. We do have at least one more speaker. Could I ask unanimous consent we have 10 additional minutes, 5 on each side?

Mr. LEVIN. Mr. President, does that then supersede whatever time we have left?

Mr. LOTT. It would begin now, when all existing time expires, which is within about 2 minutes.

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

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President. We have talked about this now for 3½ hours, and we have got a little bit longer to go.

I think it has been said every argument has been made on both sides by this time. When the Senator from Texas stood up and talked about this being a different world, I have to emphasize that this is a different world than it was back in 1972.

In 1972, we had two superpowers. We had the USSR and the United States, and we had a treaty that took place back then that was controversial at that time, the ABM Treaty between two parties. One of those parties does not even exist anymore. The world is totally different. The threat is not there from the Soviet Union because the Soviet Union is not there anymore.

If we stop and look at the comparison that we have today, we are living under

a treaty that says that we can defend ourselves overseas, we can defend ourselves in a theater missile environment, but we cannot defend our own country.

Now, I think we have to look at it and say, is the environment we are in today a more dangerous environment than it was in 1972? I think there is some argument, very persuasive argument, that there is. We have heard quoted several times on this floor a statement by Jim Woolsey, who is the Security Adviser to President Clinton, said that we know of between 20 and 25 nations that have developed or are developing weapons of mass destruction—either nuclear, chemical, or biological—and they are working on the missile method to deliver those weapons of mass destruction.

I think that a case can be made that the environment we are in today is far more serious, far more dangerous, to our Nation's security than it was when we could identify who the enemy was. At that time, of course, the enemy was the U.S.S.R.

I will share with you a conversation I had with Dr. Henry Kissinger. We all know he was the architect, back in 1972, of this controversial antiballistic missile treaty. He said at that time he felt it was the right thing to do.

At that time the mutual destruction mentality that we had seemed to make sense. ''We only have two countries in the world who are capable of developing and delivering any form of destruction of that nature, so let us just both make ourselves so we are vulnerable to the other one.'' Maybe it made sense then. I am not sure that it did.

But the other day, in a private conversation with me—and he said it is fine to quote him—he said: For us to be living under that treaty today is insane. And he said, and this is a direct quote, ''It's nuts to make a virtue out of our vulnerability.''

I do not know whether that is in the letter that the distinguished Senator from South Carolina submitted for the RECORD. I suggest words to that effect are there, but it is a lengthy, two-page letter. In that letter he describes it.

This is the person who was the architect of the ABM Treaty. So all I am saying, Mr. President, is today it is a different world. Today it is a world not with two superpowers but with a superpower, the United States—if we want to call ourselves that—and many other semi-superpowers or quasi-superpowers, any of which, if they have the technology, can deliver weapons of mass destruction to the United States.

I agree with Henry Kissinger; it is nuts to make a virtue out of our vulnerability, which is exactly what we have been doing.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 2 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from Michigan. I think this is awfully important. I know it has taken an awful lot of time on the Senate floor today, but I think it is worth the amount of time it has taken. This is an enormously important amendment. This amendment strikes the language in the bill that is brought to the floor by the Armed Services Committee that will abrogate the ABM Treaty. In my judgment, it is reckless to do what is done in this bill in a manner that will abrogate that treaty.

We had a long debate this morning on the subject of funding, $300 million added to the bill for a national missile defense system. That amendment that I brought to the floor to strip the $300 million out lost by a vote of 51 to 48. I hope we will revisit that issue in an appropriate way and we will achieve a different result. That was important.

But this is even more important. I hope the Senate, on this amendment, will understand the dimensions of this amendment offered by the Senator from Michigan. The ABM Treaty is the foundation of the arms agreements which we have reached with the Soviet Union and Russia and others. I think it is critically important that we agree to this amendment this afternoon and strike the language in the bill brought to the floor, that I think jeopardizes, literally jeopardizes, our security by weakening the arms control agreements that are now in place.

I congratulate the Senator from Michigan for a long, hard fight. I hope when the votes are counted we will find, in this circumstance, he prevails—he prevails for the good of this country and for the future of our children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, could I inquire on the remainder of time on both sides of the aisle?

The PRESIDING OFFICER. There is 1 minute and 33 seconds left on the majority side and 3 minutes and 50 seconds left on Senator LEVIN's side.

Mr. LOTT. I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the cold war is over. But there are some remnants that remain, including about 8,000 nuclear warheads on Russian soil. Those warheads are being dismantled. They are being dismantled as part of the START I agreement and START II agreement. The dismantling of those warheads is critical to our security.

The Chairman of our Joint Chiefs says that the continuing dismantlement of Russian warheads that threaten us is jeopardized if we undermine the ABM Treaty. Because instead of dismantling warheads, the Russians will now be faced with the threat of defenses, which means they would be tending to increase the warheads in order to overcome those defenses.

So there are a number of treaties which are at issue. There is the ABM Treaty, but there is also a START I Treaty and a START II Treaty.

When General Shalikashvili tells us, as he has in writing, that we must assume that unilateral United States legislation could harm prospects for START II ratification by the Duma, and probably impact our broader security relationship with Russia as well, we should listen.

And when the Secretary of Defense says that the study which is referred to in this bill should be completed before we decide to deploy sites in violation of the ABM Treaty instead of vice versa—we should not be now committing to deploy multisites when they violate a treaty which we are then going to study—so what the Secretary of Defense last said is these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before—underlined—before considering such drastic and far-reaching measures.

The PRESIDING OFFICER. The Senator's time is up. Who yields time?

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. There is approximately 1 minute, 31 seconds on your side, approximately 1 minute and 20 seconds on the side of the Senator from Michigan.

Mr. LOTT. Mr. President, I have the authority of the majority leader to use leader time.

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

Mr. LOTT. Mr. President, if I understand correctly what the Senator from Michigan said a minute ago—did I hear him say the ''threat of defense''? The ''threat of defense,'' did the Senator say that?

Mr. LEVIN. The Senator is correct. Our having defenses to the Soviets means that instead of getting rid of their offensive weapons, they will need more. That is not what I am saying, though. That is what General Shalikashvili and Secretary Perry are saying, far more important than what this Senator was saying.

Mr. LOTT. I thank the Senator, but I just want the American people to think about that terminology. The threat of defense. Maybe that should be the description of what the Levin amendment is all about. Defense—who does it scare in America? Our defense scares the Russians? The MAD era is over, thank God. Let us admit it. Let us let it go. Times have changed. The threat of defense, to me, is not a scary idea.

We are not saying, do it now. We are saying, let us move forward with development, let us have some plans, let us begin some specificity, let us have enough money to really do the job. Let us not have enough money to waste. Let us have enough money to do the job. Let us have enough money to deploy.

Yes, we should be reasonable. We should think it through. But does any Senator here, or any American, think that the Senator from Maine is going to support language that is going to be dangerous and irresponsible? That is ridiculous. The Senator from Virginia, Senator WARNER, who has worked on this for years and years and years and was one of the coauthors, with the Senator from Georgia, of the missile defense language of 1991, these are not irresponsible people.

Can we continue to work together to try to move into this new era to move beyond ABM? Yes. Let us do it rationally and reasonably. But let us do it. What is this absolute infatuation, this clinging to ABM? It is time to move on.

We have a letter from Dr. Kissinger that has been referred to. But I know a lot of Senators on both sides of the aisle have a lot of respect for Dr. Kissinger. Dr. Kissinger's letter is very telling. I am going to read every word of it because it really sums up where we are today. It is addressed to the distinguished chairman of the Armed Services Committee, Senator THURMOND. It is dated August 3. He also testified before the Armed Services Committee very clearly and very succinctly about what we should do and how we should move into the present and forget the past. This language is about the future, how do we get there and plan to get there. By clinging to ABM, are we trying to, as a matter of fact, stop a movement toward defense and start the movement toward the next generation? I fear that is what is involved.

Here is what Henry Kissinger had to say:

AUGUST 3, 1995.

DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.

The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.

I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

This is a name, this is a voice, although sometime not understandable, one that we all recognize, that has influenced so much of what has happened in this area over the past 30 years, I guess. Yet, he takes such a strong stand. Why are we so afraid of this?

So I think that we should defeat the Levin amendment. I know there are negotiations between the Senator from Maine, Senator COHEN, and Senator NUNN, and perhaps some others for some improvements. I am always willing to look at that. I think we can do that. But first we must defeat the Levin amendment. We must move into the era of reality.

The argument has been made that the Missile Defense Act of 1995 will undermine START II ratification, and perhaps even damage broader United States-Russian relations. This argument is fundamentally rooted in a cold war view of the world. It assumes an adversarial, bipolar relationship between the United States and Russia. Essentially, it projects the United States-Soviet rivalry into the present day by suggesting that missile defenses, even limited defenses, are destablizing.

I do not believe that. Times have changed. Yes, there is some opposition to this, and there are those in the Soviet Union that will argue that the START II Treaty may be in trouble. But if it is, there is plenty of evidence that it is for other reasons: money. We have quotes from the Russians saying they just do not have the money to implement it or for them to be able to tie START II and ABM. We cannot allow that.

They have even tried to link other things to ratification of START II such as expansion of NATO, which they oppose. It is clear that Russia is willing to play the START II card on a number of issues. We must reject this linkage lest we encourage Russia to believe that they possess a veto over U.S. foreign and national security policy.

Of course, we should cooperate with Russia and not disregard their legitimate security concerns. But this is what START II ratification is all about. This agreement is manifestly in both countries interest and should not be held hostage to other issues.

Before we conclude that a U.S. national missile defense program will undermine START II, we should examine what impact such a system would actually have. In reality, the NMD system envisioned by the Missile Defense Act of 1995 would in no way undermine Russian confidence in the effectiveness of their strategic deterrent. Even a multiple-site deployment will not significantly alter Russia's ability to threaten the United States.

Given this, I believe there is no basic rationality to these connections. Even President Yeltsin himself recommended a global defense system shortly after he assumed office. During the Bush administration, there was tentative agreement between the United States and Russia on amending the ABM Treaty to allow for up to five sites and unlimited deployments of sensors, including space-based sensors. Since then, many Russian officials have reconfirmed that a limited NMD deployment would not in any way undermine their deterrent posture.

We must also recall that the ABM Treaty has already been amended once, and that the original treaty did allow for the deployment of more than one site. In fact, I think multiple sites was in the original treaty. During the negotiations that led up to the signing of that treaty in 1972, the Russians were even willing to agree to as many as 5 sites with 100 ABM interceptors each.

So there is a long history here of an understanding really of what ABM means and the recognition that we need or may need and should move toward multiple sites.

But let me begin to conclude with these two points. Why is this legislation needed? The proliferation of ballistic missiles of all ranges, along with weapons of mass destruction, poses an ever-increasing threat to the United States and its interests. I think there is a lot of evidence that shows that, even from administration officials. We must get started now if the United States is to counter these threats in time. Ten years? Is that a rush? There is an orderly plan here.

The administration has repeatedly demonstrated a willingness to extend the ABM Treaty to theater missile defense systems which have not and have never been covered, as I understand it, by treaty.

What the legislation does not do is it does not signal a return to star wars. It advocates a modest and affordable program that is technically low risk. It does not violate, as I understand it, or advocate violation of the ABM Treaty. The means to implement the policies and the goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

So I urge that we take this step. Is it a step? Yes. Is it different from last year or 2 years or 3 years ago? Absolutely. Times are different. In order to

make that step, though, we must first defeat the Levin amendment.

I yield the floor, Mr. President.

Mr. LEVIN. Mr. President, do I have any time left?

The PRESIDING OFFICER. One minute and twenty seconds.

Mr. LEVIN. Mr. President, just last May our President and the Russian President issued a joint statement following a summit. One of those statements was that the United States and Russia are each committed to the ABM Treaty, a cornerstone of strategic stability.

That is how important the ABM Treaty is to the Russians.

Should they be afraid of our defenses? Should they be threatened by our defenses? Gosh, we do not think so because we are good guys.

The truth of the matter is they are. What is the proof of that? General Shalikashvili's statement and Secretary Perry's statement, which says flatout that if we act in this way to undermine the ABM Treaty, we jeopardize the reduction in START I and START II. So we are not afraid of defenses. We should be afraid of 8,000 Russian warheads which probably now will not be dismantled if we jeopardize a treaty which has provided some strategic stability. That is the threat to us, the 8,000 warheads which are currently being dismantled, reduced under START I and II, which now will probably not be dismantled according to two pretty important folks, Secretary Perry and General Shalikashvili. That is current evidence of what the stakes are here.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina controls 1 minute 26 seconds.

Mr. LOTT. Mr. President, has the distinguished Senator from Michigan yielded all time?

The PRESIDING OFFICER. Yes, he has.

Mr. LOTT. I believe we are ready to proceed.

Mr. THURMOND. Mr. President, we are willing to yield back any time remaining if they are and we will proceed to a vote.

The PRESIDING OFFICER. All time has expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Levin amendment No. 2088. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—51

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner

NAYS—49

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Heflin	Nunn
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Chafee	Kassebaum	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	
Feingold	Leahy	

So the motion to table the amendment (No. 2088) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2089

(Purpose: To express the sense of Congress on missile defense of the United States)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. NUNN, proposes an amendment numbered 2089.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles of all ranges is a global problem that is becoming increasingly threatening to the United States, its troops and citizens abroad, and its allies.

(2) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this Treaty''.

(3) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(4) Article XV of the ABM Treaty establishes means for a Party to withdraw from the Treaty, upon 6 months notice, ''if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.''.

(b) SENSE OF CONGRESS.—Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology,and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty;

(4) the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense systems specified in section 335 to protect the United States from limited ballistic missile attack; and

(5) if these negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of the Treaty.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Maine has the floor. The Senate will come to order.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. COHEN. Mr. President, I am going to yield to the minority leader in just a moment. I just want to indicate that during the course of the debate on the Levin amendment, I indicated that I would be sending an amendment to the desk for consideration that would, I think, clarify the intent of the Armed Services Committee, as far as the ABM Treaty is concerned.

My understanding is that the minority leader wishes to proceed at this point and introduce another measure dealing with welfare. I am prepared to yield to him if that is his desire, or we can continue to debate the amendment that I have now offered. But I am prepared to yield the floor for as much time as the minority leader needs, and then I will come back to my amendment following his statement.

Mr. DASCHLE. I thank the Senator from Maine for his courtesy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I seek the floor using my leader time to make a statement unrelated to the bill. If I can do that and then return to the bill just as soon as we complete the statements, I prefer to do that. I appreciate the courtesy of the Senator from Maine.

Mr. COHEN. Senator NUNN is a principal cosponsor of the amendment I just sent to the desk.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, will we be able to get a time agreement on this amendment? Is it going to be accepted? We just spent 7 hours on the last amendment. If this bill is not finished by tomorrow night, I think it is gone. I hope we can get a time agreement, if it is necessary to have it.

Mr. COHEN. If the leader will yield, I think we can have a fairly short time agreement. I think Senator NUNN and I are working through really modifying this amendment to make sure we have broad bipartisan support for it. It should not take very long. If the leader wants to propose a time agreement——

Mr. LEVIN. Will the leader withhold offering a time agreement until we can see the amendment?

Mr. NUNN. I will say to the majority leader, if he will yield, I would like to have a time agreement on this amendment no longer than an hour equally divided. I believe we would be better to put that unanimous-consent request after the minority leader makes his statement.

Mr. BUMPERS. If the majority leader will yield, I wonder if it is possible to sequence the amendments so the Members will have some idea as to the sequence. I am not pleading for mercy, but I have to go to a funeral in my State this weekend, with absolutely no reservation. I have to leave here tomorrow night. I have a couple of amendments, and I would like to offer them before I leave. I think it would be expeditious for the Senate if we can get some lined up and some sequence and time agreements, maybe 30 minutes or an hour. I think we got the tough ones out of the way. The rest should not take that much time.

Mr. DOLE. I think that is an excellent idea. Senator DASCHLE and I may be starting to put it together, to rotate back and forth on the sequence of amendments. I think the Senator from Arizona wants to do the same thing. Maybe we can do the Senator's this evening if he has to be gone tomorrow.

Mr. DASCHLE. I yield to the manager of the bill.

Mr. THURMOND. Mr. President, I just want to say that we have spent a long time now just on a few amendments. I hope we can get reasonable time agreements and finish up this bill. I am saying that we can finish this bill in a reasonable time tomorrow, if we stay here tonight and work a reasonable time and do not take too much time on any one amendment. Most of the people know how they are going to vote; it is just a matter of voting. I hope we are all together.

Mr. DASCHLE. Mr. President, given that, I will use my leader time, and Senator DOLE and I will have an opportunity to go off the floor and talk.

I will yield to the Senator from Maryland, and following that, the distinguished Senator from Louisiana, for remarks regarding the Work First welfare reform plan.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

(The remarks of Ms. MIKULSKI and Mr. BREAUX pertaining to the introduction of S. 1117 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment 2089 offered by the Senator from Maine [Mr. COHEN] and the Senator from Georgia [Mr. NUNN].

Mr. MCCAIN. Mr. President, I believe that language is still being worked out by Senator COHEN and Senator NUNN, and I believe that language will be resolved very quickly and with a commensurate time agreement.

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

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

The Senator from Maine.

Mr. COHEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2089, offered by the Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to allow Senator MCCAIN to proceed with his amendment, and that there be a time limitation of 2 hours equally divided.

Mr. MCCAIN. They are not ready for the time agreement.

Mr. COHEN. I ask unanimous consent that we set aside the pending amendment to allow Senator MCCAIN to proceed with offering his amendment dealing with *Seawolf*. And, during the course of that time for debate, if we, Senator NUNN and I, come to the floor with our amendment, we then go off the McCain amendment and return to the Cohen-Nunn amendment.

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

The Senator from Arizona.

Mr. MCCAIN. Mr. President, if I may repeat, my understanding of the parliamentary situation is that we temporarily set aside the Cohen amendment while negotiations continue on that amendment in order to take up the *Seawolf* amendment. It is also my understanding that a time agreement on the *Seawolf* is being negotiated. On the McCain amendment, there are negotiations going on, and I ask that the clerk keep time so that it will apply once the unanimous-consent agreement is reached for the purposes of moving forward.

The PRESIDING OFFICER. The Senator is correct with respect to the parliamentary situation. The clerk will keep time on the McCain amendment.

AMENDMENT NO. 2090

(Purpose: To delete funding for procurement of a third *Seawolf* submarine, and to prohibit expenditures of fiscal year 1996 funds and prior fiscal year funds for procurement of such submarine)

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself and Mr. ROTH, Mr. FEINGOLD, and Mr. GRAMS, proposes an amendment numbered 2090.

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

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

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SSN–23 SEAWOLF CLASS ATTACK SUBMARINE.

(a) DELETION OF FUNDING.—Notwithstanding any other provision of this Act, the total amount of the funds authorized under section 102(a)(3) for the Navy for fiscal year 1996 for shipbuilding and conversion is reduced by $1,507,477,000.

(b) PROHIBITION.—(1) Notwithstanding any other provision of this Act, funds available for the Department of Defense for fiscal year 1996 and, except as provided in paragraph (2)(B), funds available for the Department of Defense for any preceding fiscal year may not be obligated or expended for procurement of a third SSN–21 Seawolf class attack submarine or for advance procurement for such submarine.

(2)(A) Funds available for the Department of Defense for fiscal year 1996 may not be used for paying costs incurred for termination of any contract for procurement of a third SSN–21 Seawolf class attack submarine, including any contract for advance procurement of such submarine.

(B) Only the funds available for the Department of Defense for fiscal years before fiscal year 1996 for procurement of an SSN–23 Seawolf attack submarine may, to the extent provided in appropriations Act, be used for paying costs described in subparagraph (A).

Mr. MCCAIN. Mr. President, for the information of my colleagues who I know are interested in this amendment, especially my friends from Connecticut, the pending unanimous-concept agreement is 1 hour equally divided on each side, which would mean that, unless the Cohen amendment intervenes, there would be a vote approximately 2 hours from now since I anticipate that there would be a time agreement agreed to very shortly, which I would like to propound as soon as it is agreed to.

Mr. President, I rise today to offer an amendment to terminate the *Seawolf* submarine program and delete $1.6 billion included in the fiscal year 1996 national defense authorization bill for attack submarine programs.

Mr. President, before I get into details, I want to talk about why it is

that I oppose the *Seawolf* submarine. Mr. President, if this were the cold war, I would be standing here as a staunch advocate of the *Seawolf* submarine. It is a technological marvel. It is a state-of-the-art weapons system, and it is perhaps one of the finest weapons of war that has been produced by the enormously capable industrial base of this country.

But, Mr. President, I oppose the *Seawolf* submarine simply on the grounds that we are experiencing a justified decline in the defense budget. We are having to make very, very difficult decisions. This year we are authorizing the appropriations of funds for a very small number of ships, submarines, airplanes and tanks. And we simply cannot afford a submarine that costs almost $5 billion per submarine for the first two, and around $4 billion per submarine for the third.

Mr. President, you are going to hear the argument propounded on the floor that the Russians are ahead of the United States, that they are devoting every waking hour to developing a fast, quiet submarine, and that, unless we build the *Seawolf* submarine, the Russians will pass us and pose some grave threat to our national security.

Mr. President, I am sure that the Russian Defense Minister, General Grachev, is having a meeting with his top military advisers, and he is saying to them: ''Guys, we have a little problem in Chechnya. We have taken a few thousand casualties. We have spent a few billion rubles. Although there is a tenuous cease-fire, it is by no means clear that we are going to be through in Chechnya for many years. We have a few battalions down there in Georgia to take care of that situation. We have Russian troops everywhere around what we now call the 'near abroad' that used to be the Soviet Union practically, and certainly to the south and to the west. We have our military officers who have come back from Eastern Europe living in boxcars with their families because we cannot afford to build houses for them, some of them living in tents. Recent conscriptions show that less than half of those conscripted are even showing up, much less being actually inducted into the military. Our fleets at Sevastopol and Vladivostok are rusting at the pier. Recent Western visitors have attested to that. We cannot even afford the oil required to allow them to go out on exercises. But forget all of that, guys. Our primary concern is fast, quiet submarines.''

Mr. President, give me a break. Fast, quiet submarines are not the priority of the Russian military today. And I might say that up in room 407, the secret room to which only a privileged few are allowed, is the CIA document that I would urge my colleagues to read that I have not read—that I have not read—but I know the content of, that raises into serious question the assumptions that the Russian priority is fast, quiet submarines. In fact, you do not have to go to room 407 to figure that out. All you have to do is read the newspaper to discover that the Soviet Union has enormous challenges as far as where they spend their defense dollars which are, as we all know, dramatically declining.

So for us to base our continued support on the *Seawolf* submarine on a perceived threat to our national security, frankly flies in the face of the facts at hand.

Mr. President, the amendment is straightforward. It prohibits expenditure of any defense funds for a third *Seawolf* submarine. It eliminates the noncompetitive language in the Senate bill. Section 121 directs the allocation of the first new submarine contract to the Electric Boat shipyard and the second contract to the Newport News shipyard. In short, the amendment seeks to terminate the *Seawolf* program without making a judgment on a follow-on attack submarine program.

In total, the amendment would delete $1.6 billion from the committee's recommendation for shipbuilding. The fact is that, like the B–2 bomber and many other cold war weapons systems, the *Seawolf* submarine has little or no place in the military force of the future. It is a costly relic of the longstanding tensions between the United States and the former Soviet Union. Unfortunately, the reasoning which led the committee to reject additional funding for the B–2 bomber program did not extend to the committee's action on attack submarine programs. The committee chose to authorize funding for a third *Seawolf* submarine and to delay cost-saving competition for the follow-on new attack submarine until sometime in the next century.

Mr. President, it is noted—it should be noted with interest—that we entered into the deliberations of the Senate Armed Services Committee bent on competition as to where the next submarine would be built. That was between the two remaining and major shipbuilding corporations, and now we came out with no competition until sometime in the next century designating one submarine for one shipyard and designating one for another, and just to make sure there was proper support, of course, we threw in an amphibious ship.

After all, the *Seawolf* program has already cost nearly $11 billion, or more than $5 billion per submarine. Since the contracts for the first two *Seawolf* submarines were originally signed, their procurement costs have increased by $1.4 billion. The third *Seawolf* submarine is estimated to cost more than $2.4 billion, slightly more than last year's estimate.

Because of these increasing costs, the Congress included in last year's defense authorization legislation a cost cap procurement of the first two *Seawolf* submarines. As a result of the legislative cost cap, the Navy instituted a new program management team, which has been successful so far in containing the costs of these two submarines. Hopefully, no further taxpayer dollars will be required to finish them.

However, the cost cap would not apply to a third submarine, if one is authorized, which could therefore cost much more than the $2.4 billion currently estimated by the Navy.

As we know, in the past 10 years, defense budgets have declined. Since 1985, it has declined in real terms by 35 percent, and we will probably experience another 10-percent reduction by the turn of the century.

These significant reductions have meant that the Pentagon has canceled or delayed nearly all of its force modernization programs for the future. And it has meant that marines deployed on the U.S.S. *Inchon* off the coast of Somalia returned home to spend time with their families and friends for 10 days before being sent off to the coast of Haiti.

Even with the increased resources, the committee was unable to begin to redress all of the recognized deficiencies in current and future force structure. At the same time, the committee approved funding for the third *Seawolf* submarine, $1.5 billion, that I would rather see allocated to programs with a mission in the likely potential conflicts of the future.

Those who continue to support the program argue that procuring a third submarine is necessary to counter an enduring submarine threat. I do not find that argument to be persuasive.

As we all know, the Navy earlier this year published and widely distributed a very slick booklet advertising proliferation of conventional submarines in Third World countries and emphasizing the growing number and technological sophistication of Russia's attack submarine force. Their conclusion? Buy the *Seawolf* submarine to meet this growing threat.

Mr. President, I already discussed earlier the problems that the Russians face and the disarray of their economy, the disarray of their society, the problems in Chechnya, et cetera.

At a hearing this year before the Seapower Subcommittee, the General Accounting Office witness testified that the intelligence analysis upon which the Navy based its claim of a growing Russian submarine threat was incomplete and in some cases disputed within the intelligence community.

At the same hearing, the Congressional Research Service witness testified that a third *Seawolf* submarine is not necessary to fulfill the Joint Chiefs of Staff requirement for 10 to 12 stealthy attack submarines by the year 2012.

Thus, military requirements do not support authorization of an additional submarine. The Armed Services Committee report flatly states that the Navy's argument of an operational requirement for the SSN–23 was not compelling as a reason to build another *Seawolf* submarine.

Another argument on behalf of the *Seawolf* program is the requirement to

maintain a two-shipyard submarine industrial base.

I am fully aware of the portion of the submarine industrial base that is in my State of Arizona, thanks to the efficiency of General Dynamics and Electric Boat. There are $62 million worth of contracts in the State of Arizona. I suspect that most Members of Congress have been advised in detail about the financial advantages to their constituents of continued nuclear submarine production at Electric Boat shipyard.

Mr. President, if we continue to base our support for weapons systems on whether there are defense contracts in our State or congressional districts, we will be doing an enormous disservice to the American taxpayer. We no longer have that luxury, if we ever did.

I believe the committee's authorization of $1.5 billion to complete the third *Seawolf* submarine amounts to a capitulation to the administration's submarine industrial base arguments. It is clear from the committee's explanation of its recommendations to authorize the third *Seawolf* submarine that cost considerations took second place to industrial base arguments. No other reasoning could explain the committee's action.

The Navy's stated policy is to maintain the two nuclear-capable shipyards currently in operation in the United States, Newport News in Virginia and Electric Boat in Connecticut. Under this policy, Newport News would build only carriers, although it is capable of building submarines, and Electric Boat would build only submarines. It is not capable of building carriers.

However, separate analyses by the Navy and by Newport News Shipbuilding Co. demonstrate that maintaining one nuclear-capable shipyard is cheaper than maintaining two yards. I am not sure how deep an analysis that might have required. For the period of fiscal year 1996 to 2012, the Navy estimates savings of $1.9 billion while Newport News estimates a savings of $5.8 billion if we had one shipyard instead of two.

Yet, the committee chose to endorse at least through the end of this century that part of the administration's industrial base policy which requires maintaining two nuclear-capable shipyards.

The committee explicitly directed that the first new attack submarine be built at Electric Boat, but in a departure from the administration's policy then directed that the second would be built at Newport News. What a surprise.

The committee appeared to support the concept of competition for the submarine's procurement but then chose to delay implementing cost-saving competition between the two shipyards until sometime in the next century—I might add, having the beneficial effect of pleasing everyone involved.

Under the committee's recommendation, however, future competition for the third and later submarines will not necessarily result in a winner-take-all contract award which could mean that both shipyards would stay in business indefinitely.

Essentially, the committee kicked the can down the road, granting one submarine contract to each shipyard without addressing future competition. The result is that the taxpayers will see no savings from competition until sometime in the next century, if at all.

Because of this arbitrary delay in imposing competition for submarine procurement, the committee found it necessary to accept the Navy's contention that building the third *Seawolf* submarine at Electric Boat was required to maintain Electric Boat shipyard as a viable competitor in the future. Thus, the committee authorized $1.5 billion for the SSN–23, an overly expensive submarine for which the threat will not materialize in the foreseeable future.

A more than adequate alternative to procuring a third *Seawolf* submarine and beginning the new attack submarine program in fiscal year 1998 as planned is extending the service life of the existing attack submarine force.

Currently, as of May 1, 1995, the U.S. attack submarine force consists of 83 SSN's. The Bottom-Up Review stated a long-term requirement for a force of only 45 to 55 attack submarines. In order to reduce the current force to the required levels, the Navy plans to retire rather than refuel a substantial portion of the SSN–688 class submarines. The Navy plan would mean scrapping submarines with an average of 18 years of service life remaining.

I might add, Mr. President, that those ships were built with an average service life of 30 years.

The cost of buying replacement submarines far exceeds the cost of refueling existing submarines as well as the estimated savings from decommissioning existing submarines.

For example, $1.5 to $2 billion is the estimated cost of a new attack submarine while the estimated savings from early decommissioning is only $600 to $700 million. Clearly, if the newest of the Navy's SSN–688 class submarines were retained in inventory throughout the remaining service life, the Bottom-Up Review requirement for 45 to 55 attack submarines could be met well into the next century at a cost much less than the cost of buying the SSN–23 and buying new attack submarines on an noncompetitive basis.

Terminating the *Seawolf* program and deferring a decision on a follow-on attack submarine program would provide needed time to reassess the need for and the design of a follow-on program. Such a decision, however, requires that we clearly face the stark reality of declining defense budgets and the future budgets which require tough decisions about sustaining duplicative infrastructure at a cost of billions of dollars.

The fact is that there are currently two nuclear-capable shipyards in the United States, Electric Boat and Newport News. How much of our scarce defense dollars are we willing to spend to maintain two shipyards capable of producing nuclear-powered submarines at $4 to $5 billion a copy? The price is very steep.

Mr. President, I yield at this time to the distinguished chairman, who I think is ready to propound a unanimous-consent request.

Mr. THURMOND. I wish to thank the able Senator from Arizona.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a total of 2 hours of debate prior to a motion to table on an amendment to be offered by Senators MCCAIN, ROTH, FEINGOLD, and GRAMS regarding the *Seawolf* submarine, with the time equally divided between Senators MCCAIN and COHEN; I further ask that no second-degree amendments be in order prior to a vote on a motion to table, and that upon expiration or yielding back of time the Senate proceed to a vote on or in relation to the McCain amendment.

Mr. COHEN. Reserving the right to object.

Mr. President, could we also indicate that the time that has been consumed to this point also be included in that 2-hour period?

Mr. THURMOND. That is correct, Mr. President, the statement made by the able Senator from Maine.

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

Mr. THURMOND. I ask unanimous consent that upon disposition of the first McCain amendment, Senator MCCAIN be recognized to offer an amendment regarding *Seawolf* cost cap and immediately after the clerk reports that amendment Senator DODD be recognized to offer a relevant second-degree amendment and that there be a total of 10 minutes of debate equally divided in the usual form on both amendments. I further ask unanimous consent that upon the expiration or yielding back of the time on the second amendment, the Senate proceed to a vote on or in relation to the Dodd amendment, followed immediately by a vote on or in relation to the McCain amendment, as amended, if amended.

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

Mr. THURMOND. Thank you.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-two minutes.

Mr. McCAIN. Thank you, Mr. President.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President in their ongoing efforts to convince the Congress to spend another $1.5 billion on a militarily unnecessary program *Seawolf* proponents argue that so much

money has already been spent on the third *Seawolf* that it would be foolish to terminate the program now. They argue that terminating the third submarine would save only $315 to $615 million.

Mr. President, never once in the 12 years that I have been in Congress have the proponents of a program that was up for cancellation not argue that it was more expensive to cancel a program that it was to keep it alive. I guess going back to that old Vietnam philosophy we had to destroy it in order to save it.

Mr. President, even if the savings are only $615 million, that is still a lot of money to most Americans. However, I must point out that a careful look at the facts shows that these claims are, at best, misleading.

CBO estimates that savings from terminating the *Seawolf* submarine could amount to between $1.1 and $1.3 billion. In a May 15, 1995 letter report, CBO concluded that: ''Canceling the third *Seawolf* would save about $1.5 billion in fiscal year 1996, minus $500 million in potential expenses over the next 5 years.''

In an updated July 28 letter report, CBO refined their estimate of the potential expenses to be in the range of $300 to $500 million.

CBO concluded that ''the net savings from canceling the SSN–23 could amount to between $1.1 and $1.3 billion * * *.''

Now, I am sure those that run the shipyards would strongly contest those figures. I would rather rely on the Congressional Budget Office, an organization that clearly has much less at stake than the respective shipyards.

Obviously, in claiming that terminating the third *Seawolf* would result in little or no savings, the submarine's supporters use inflated figures. Let me explain some of the fallacies of their statements.

A document being circulated on Capitol Hill asserts that termination costs allegedly using a Navy estimate are $500 million to $800 million. The facts do not support this assertion.

In a June 8 response to my questions about the *Seawolf* program, the Navy stated: ''If work were to be stopped today on SSN 23 the total additional liability beyond the $438 million expended would be $215 to $290 million.'' That is $285 to $510 million less than the contractor claims. It is also a significant amount of termination liability for less than $900 million in existing contracts. And the Navy admits that the amount of termination liability is entirely negotiable.

In addition, $484.6 million of prior year appropriations for the *Seawolf* submarine remained unexpended as of June 8, according to the Navy. Termination costs could be paid out of these unspent funds, saving even more money for the taxpayers.

The Navy estimates the impact of terminating the *Seawolf* would have a cost impact on existing and future contracts at Electric Boat shipyard, totaling $700 million to $1 billion. These estimates include some very questionable assumptions.

CBO notes a significant area of difference in their estimates and the Navy's, since the Navy included $130 million to $340 million for anticipated increased overhead on future contracts at Electric Boat. CBO did not include these costs in their estimate because their amounts and even whether they will be incurred at all depend on future decisions of the administration and the Congress.

Nor did CBO include the Navy's claims to other potential costs in the hundreds of millions of dollars for unspecified future claims. In their own estimates, the Navy has been unable to attach any estimated dollar amount to these potential claims for such things as environmental cleanup, severance pay, and depreciation.

The total estimated cost of the third *Seawolf* submarine is $2.4 billion, including more than $900 million already appropriated. The question we need to ask is, what are the sunk costs in that submarine today?

$438 million of prior year appropriations have already been spent and cannot be recovered.

Using the Navy's own estimates, an additional $420 to $650 million would have to be spent to pay contract termination costs and increased overhead expenses on other existing contracts at Electric Boat.

Adding these two amounts together results in approximately $850 million to $1.1 billion in total funding required if the third *Seawolf* were terminated today. That's $1.3 to $1.6 billion less than the estimated cost of the submarine. Or, in other words, that's $1.3 to $1.6 billion in savings for the American taxpayer.

In my view and in the view of our highest ranking military officers, the priorities for U.S. defense spending are near-term readiness, quality of life for our military personnel and their families, and future force modernization to meet the likely challenges of the future. In my discussions with these officers, they say emphatically that strategic lift, tactical air forces, amphibious forces, and advanced conventional munitions procurement are the types of programs most urgently required to adequately equip our forces. The *Seawolf* submarine is not mentioned.

There is no question that the *Seawolf* submarine is a technological marvel. Everyone associated with its development, design, and construction should be rightfully proud of this stellar example of American skill and ingenuity. The *Seawolf* program must be reviewed in the context of funding high-priority military requirements with a seriously inadequate defense budget.

The debate over the *Seawolf* program is not about the merits of a weapons system, rather, it is about priorities. All of us want to ensure that our military forces have the best equipment and are the best prepared to deal with the potential threats of the future. For all the reasons discussed above, particularly the declining defense budget, we simply cannot afford to buy another *Seawolf* submarine.

I cannot support spending another $1.5 billion on a militarily unnecessary jobs program. I cannot support procurement of a noncompetitive follow-on submarine when our existing submarine force remains capable and can be maintained into the next century.

Therefore, I urge my colleagues to support my amendment to strike funding for the third *Seawolf* submarine.

Mr. President, I have several letters here. Citizens Against Government Waste says:

> The *Seawolf* program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third *Seawolf* adds little to defense—

The only convincing argument: It is a great jobs program—

> while taking much-needed resources from other necessary defense programs. . .. We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Mr. President, the National Taxpayers Union says:

> If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs. . .. Today, our nation faces a far more destructive threat—a national debt racing toward $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.
>
> Congress should consider scrapping the *Seawolf* entirely.

That is from the National Taxpayers Union.

And from the Citizens for a Sound Economy:

> On behalf of Citizens for a Sound Economy and our 250,000 members nationwide. . .. At a time when all Federal spending is undergoing increased congressional scrutiny, the Department of Defense like other federal agencies, must find ways to get spending under control. . ..
>
> Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

And, finally, Mr. President, from the Council for a Livable World.

> . . .. we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces.

I am not sure I agree with that last comment.

Mr. President, I ask unanimous consent that several documents related to this subject be printed in the RECORD.

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

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, July 28, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Council for Citizens Against Government Waste (CCAGW) supports your amendment to the Department of Defense (DoD) Authorization canceling the third Seawolf submarine (SSN–23), saving taxpayers nearly $1.5 billion over the next five years.

The Seawolf program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third Seawolf adds little to defense, while taking much-needed resources from other necessary defense programs.

When the next phase in the submarine program, the New Attack Submarine, begins construction in 1998, there will be a shipyard fully prepared to begin construction, most likely at a cheaper cost. Why add the unnecessary burden of building an archaic third submarine as we are preparing to move into a new phase of naval defense? Advocates of the third Seawold muster only one convincing argument: It's a great jobs program.

This Congress' mission must be to reevaluate how all taxpayer money is spent. When looking at the changes the Navy is making in its submarine defenses, we cannot continue to fund outdated programs like Seawolf, leaving other programs more vulnerable to the budget ax! We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Sincerely,

TOM SCHATZ,
President.
JOE WINKELMANN,
Chief Lobbyist.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 31, 1995.

Attn: Defense LA

DEAR SENATOR: The 300,000-member National Taxpayers Union is pleased to support Senator McCain's amendment to the FY 96 Defense Authorization bill which would eliminate $1.5 billion to procure a third Seawolf submarine.

Seawolf continues to be plagued by numerous problems: it is behind schedule and has incurred cost overruns. Already, $1.4 billion more has been spent over the original estimate, costing taxpayers a total of nearly $11 billion, or more than $5 billion per submarine. The third Seawolf estimate to cost more than $2.4 billion, slightly more than last year's estimate. A third submarine, however, would be exempt from the cost cap that applied to the first two, which could drastically increase its price tag. If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs.

In the very year when Congress has pledged to make progress towards balancing the budget, some lawmakers would pull this policy in the wrong direction. The Cold War has ended, and with it the submarine threat that endangered the Seawolf program. Today, our nation faces a far more destructive threat—a national debt racing towards $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.

Congress should considers scrapping Seawolf entirely. At the very least, however, members should reject any additional subsidies for this relic of a bygone era. They can reaffirm their commitment by voting YES on the McCain Amendment.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, June 27, 1995.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Citizens for a Sound Economy and our 250,000 members nationwide, I would like to extend support for your proposed deletion of $1.5 billion in funding for the Navy's third Seawolf submarine. At a time when all federal spending is undergoing increased congressional scrutiny, the Department of Defense, like other federal agencies, must find ways to get spending under control.

The United States' Seawolf submarine program was a Cold War undertaking to make the best submarine force in the world even better. However, given the fall of the Soviet Union, and the weakened Russian economy, a third Seawolf submarine (and its $4 billion plus price tag) no longer can be justified. Recognizing the need to prioritize tight defense dollars, President Bush tried unsuccessfully in 1992 to stop the Seawolf program after the completion of one submarine. In today's fiscal climate, the case against a third submarine is even more compelling.

Moreover, in terms of time and cost, the Seawolf program is indicative of too many major defense programs—it has been marked by schedule delays and cost overruns. In fact, by the time Congress capped the spending level on the first Seawolf submarines at $4.759 billion just last year, the program already had cost $2 billion more than originally anticipated.

Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

Sincerely,

PAUL BECKNER,
President.

Washington, DC, July 27, 1995.

SUPPORT AMENDMENT TO CANCEL THIRD SEAWOLF

DEAR SENATOR: We urge you to support the amendment by Senator McCain to prohibit funding for the third Seawolf submarine.

The Congress is working hard to fulfill its commitment to reduce government waste. The Seawolf submarine, conceived over a decade ago to counter a specific Soviet threat, lacks a mission and should be cut.

The program has been plagued by repeated cost increases and scheduled delays. Last year Congress voted to cap the cost of the first two submarines at $4.759 billion. However, finishing the third Seawolf will require at least an additional $1.5 billion and will push the current estimate for the total program cost to over $12.9 billion, or $4.3 billion each.

It is widely acknowledged that the case for building the third Seawolf is founded entirely on ''industrial base'' arguments. However, many of the skills associated with submarine production would be maintained in other industries and submarine-unique skills would be maintained through ongoing submarine maintenance and repair activities.

It is our judgment that Congress should resist pressure to continue this funding simply to preserve jobs. We understand the concerns and fears of the people of Connecticut and Rhode Island. We strongly support assisting the people and the communities affected by the program termination in their adjustment to a difficult situation. However, at the same time, we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces. There are too many other desperate needs in this society—to say nothing of a federal budget deficit of $250 billion—to build this cold war relic.

Funding a missionless Seawolf is a waste of national resources. We urge you to support the McCain amendment to end this program.

Sincerely,

Jim Matlack, American Friends Service Committee; Darryl Fagin, Americans for Democratic Action; Timothy McElwee, Church of the Brethren, Washington Office; John Parachini, Committee for National Security; John Isaacs, Council for a Livable World; Joe Volk, Friends Committee on National Legislation; Maurice Paprin, Fund for New Priorities in America; Kay van der Horst, International Center for Technology Assessment; J. Daryl Byler, Mennonite Central Committee, Washington Office; Howard Hallman, Methodists United for Peace with Justice; Christopher Paine, Natural Resources Defense Council; Kathy Thornton, NETWORK: A National Catholic Social Justice Lobby;

Monica Green, Peace Action; Bob Musil, Physicians for Social Responsibility; Caleb Rossiter, Project on Demilitarization and Democracy; Robin Caiola, 20/20 Vision, National Project; Jennifer Weeks, Union of Concerned Scientists; Robert Alpern, Unitarian Universalist Association; George Crossman, United Church of Christ, Office for Church in Society; Jerry Genesio, Veterans for Peace; Edith Villastrigo, Women Strike for Peace; Susan Shaer, Women's Action for New Directions; Tim Barner, World Federalist Association.

[From the New York Times, July 30, 1995]

QUIETNESS ARGUMENT FOR SUB WON'T WASH

To the Editor: I have a lot of respect for Secretary of the Navy John Dalton; I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third Seawolf submarine (letter, July 24).

Although I disagree with almost everything in his letter, I would like to focus on his assertion that ''the quietest submarines in the world today are operated by the Russians.''

This allegation is like the ''missile gap'' or the ''bomber gap'' or the ''readiness gap.'' When these were scrutinized, it was found they did not exist. Their sole purpose was to justify unwarranted defense spending. Does this ''quietness gap'' exist?

There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say that our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.

The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?

I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.

JOHN J. SHANAHAN.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, how much time does the Senator from Rhode Island wish to have?

Mr. PELL. Five minutes.

Mr. COHEN. I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I rise today in strong opposition to the amendment offered by my colleague from Arizona, Mr. MCCAIN.

The Fiscal Year 1992 Defense Authorization Act authorized a third *Seawolf* submarine, commonly referred to as SSN–23. In 1992, Public Law 102–298 appropriated $540.2 million for advance procurement of critical long-lead items for SSN–23. Subsequent to this action, roughly another $400 million has been appropriated and spent on SSN–23 thus far, for a total of $920 million.

This amendment, which would deauthorize funding required for the completion of SSN–23, is opposed by the administration, is inconsistent with previous congressional action, and contradicts the findings of the Bottum-Up Review, the elaborate defense posture plan prepared by the Department of Defense as the blueprint for future weapon acquisition. In the Bottom-Up Review, the administration concluded that construction for the third *Seawolf* is the best, most cost-effective way to preserve the submarine industrial base. After much sober thought, numerous elaborate studies, and several thorough debates in this Chamber, the Department of Defense has concluded that completion of the third submarine would bridge the gap until we begin construction of the new attack submarine in fiscal year 1998.

Sustained, low-rate production is the most effective way to preserve the technology, design, and unique skills necessary to maintain our submarine industrial base. If a production gap occurs, the Navy has determined, and many observers concur, that the highly specialized submarine vendor base, consisting of over 1,000 firms in more than 40 States, will be jeopardized.

Mr. President, in addition to preserving unique skills and technology, completing the SSN–23 makes economic sense. In a recent letter to Chairman THURMOND, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, John Shalikashvili, state:

> Completing SSN–23 is right for the taxpayer and right for our defense needs. The cost to complete SSN–23 is $1.5 billion. If SSN–23 were canceled, between $700 million to $1 billion in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN–23 at this point in the program is approximately $500 million to $800 million.

Moreover, completing the SSN–23 also makes sense from a security viewpoint. In the same letter mentioned above, Secretary Perry and General Shalikashvili state that ''cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula* class submarines which are quieter than our improved 688 attack submarines.''

Mr. President, SSN–23 is a necessary bridge for the entire submarine industry to be able to produce the more affordable and technologically advanced new attack submarine. The DOD's plan, as approved by the Armed Services Committee, is the only plan which will preserve this critical industrial base as well as permit long-term competition in the submarine industry. Furthermore, this plan will assist in our national strategy to maintain our margin of undersea superiority, a truly critical area.

The Senate has, on several occasions, thoroughly debated and voted on this matter. And each year, the Senate decided to continue this program for the reasons I stated above.

It would seem to me irrational and imprudent to cancel a program which would cost less to complete than to eliminate. It does not make sense from either a fiscal or national security viewpoint. The administration and the DOD strongly oppose this amendment, and I urge my colleagues to reject it.

Mr. President, I ask unanimous consent that the letter I mentioned above be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, June 19, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The submarine funding decisions now before Congress are pivotal to maintaining our margin of undersea superiority and capability to design and produce nuclear submarines efficiently. The Department's plan maintains both these national objectives by building a final SEAWOLF in FY 1996 and a lead New Attack Submarine in FY 1998. This approach is the lowest cost plan to counter real world threats while shifting to a more affordable and capable submarine.

Completing SSN–23 is right for the taxpayer and right for our defense needs. The cost to complete SSN–23 is $1.5 billion. If SSN–23 is canceled, between $700 to $1,000 million in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN–23 at this point in the program is approximately $500 to $800 million. Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved Akula class submarines which are quieter than our improved 688 attack submarines.

The House National Security Committee in its bill supported submarine modernization by endorsing the national commitment to preserve two nuclear capable shipbuilders and by providing full funding for the continued development and advance procurement for a FY 1998 attack submarine. The Department appreciates HNSC's support in this aspect.

On the other hand, we take exception to the proposed HNSC alternative industrial bridge plan. This plan spends nearly $1 billion to avoid building SSN–23 and to build a technology demonstrator submarine in place of a needed operational New Attack Submarine. The House plan poses execution problems in that it is under-funded and creates significant future financial liability. Moreover, it causes SSN–21 and SSN–22 to be one-of-a-kind submarines which would drive up construction, operating, and support costs.

We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest cost approach to sustaining attack submarine force level requirements, while preserving two nuclear capable shipbuilders to provide the option for competition.

We ask your support for this very important program.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM J. PERRY,
Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, first, I ask unanimous consent that Edward Foster, a legis fellow in my office, be given the privilege of the floor for the duration of the debate on S. 1026.

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

Mr. LIEBERMAN. Mr. President, it has been used on many occasions before, but in the famous words of Yogi Berra, ''It is deja vu all over again,'' with regard to the *Seawolf*. I rise in opposition to the amendment of my friend from Arizona which would terminate the SSN–23, the third and final *Seawolf* nuclear attack submarine.

I am going to make three points in opposition to the amendment. The first is that in finishing the *Seawolf* submarine, we are not just involved in a make-work project. It will produce a submarine that will be of military value immediately and, in fact, will be the best nuclear attack submarine in the world and will help us close what I will call a submarine gap that has opened up between Russia and the United States in favor of Russia.

Second, I will argue that the construction or the finishing of the third *Seawolf* is part of a carefully designed plan by the Pentagon to lead us to the construction of the new attack submarine, a smaller version of the *Seawolf*, smaller and less expensive.

Mr. President, no one seems to disagree with the contention that we need to build more submarines for our national security in the future as the older attack submarines live out their lifespan. What we are seeing in opposition to this amendment is that the best way to get to the next stage, which we all seem to agree on, is to complete the *Seawolf* submarine, the SSN–23, and to preserve the military-industrial base that is necessary to get to the new attack submarine and to create competition in building that submarine.

And finally, just as a matter of business common sense, we have spent almost a billion dollars on the third *Seawolf* already. It does not make sense not to complete it.

Mr. President, let me go to the first argument. We are not debating production of a weapon which has no use or which no one wants. On the contrary. Everyone, and I stress everyone, involved in the national security of our Government has spoken out loudly and clearly that they want this submarine to be produced and that the Navy needs it for its military value, not just because it enables us to produce the next generation of attack submarines at a lower price into the next century.

So let us not be confused as to what is fat and what is muscle in the defense budget that we are debating today. The President asked Congress to authorize this submarine, it is part of his budget and part of the plan which the Department of the Navy has laid out for shipbuilding into the next century.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, has told us why we need this submarine. He has said:

> Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula*-class submarines—Russian subs—which are quieter than our improved 688 attack submarine.

And the quietness of a submarine is critical to its effectiveness.

Mr. President, I will speak more about that in a moment.

The Secretary of Defense, continuing our national security administration, has urged us to stay with the Navy plan and to authorize the SSN–23. Secretary Perry has said:

> We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest-cost approach to sustaining attack submarine force level requirements.

Secretary of the Navy Dalton and Chief of Naval Operations Admiral Boorda have spent numerous hours testifying before congressional committees and meeting with individual Members of Congress to explain why they are convinced that the *Seawolf* is essential to our future security.

Secretary Dalton has said:

> The builders of this submarine * * * are a national treasure in knowledge and skills * * *. We are gambling with a national treasure if we do not take steps to preserve it.

And Admiral Boorda, the top warfighter in the Navy today, says:

> The *Seawolf* class submarine will ensure continued undersea superiority, a position the United States cannot give up.

Mr. President, I note also that as you listen to the best thinkers when they talk about the future of warfare and security citing particularly the technological revolution that is occurring in warfare, the submarine will play an increasingly central role because of its stealth, which is to say obviously that it is hard to detect at its best. It is under water, and because of the enormous range of capacities it has, not only to perform the traditional attack submarine function of hitting targets in the water or under the water, but being able to fire cruise missiles from standoff positions unseen at targets on the land, as was done in the gulf war, being able to perform intelligence missions, being able to drop special forces into difficult situations, being able to move in shallow water and, in fact, being able to perform intelligence functions with very sophisticated technical equipment from a standoff, safe position.

Mr. President, there are many times on military authorizations when the Congress substitutes its judgment for that of the administration which is in power. I believe, however, that this is one time when we ought to listen carefully to the military experts and give them, as we always should, the benefit of the doubt.

The Armed Services Committee of this Senate spent many hours in hearings earlier this year seeking the views of those experts, and we all listened with care. And it is with some satisfaction that I note the strong support which the completion of the third Seawolf, after hearing all that testimony, received from members of the committee. The SSN–23 is necessary and essential because it has military value and meets valid military requirements.

Some have said that this submarine will serve no purpose, that there is no need or threat. I respectfully say that these allegations are wrong. We know that Russia, no matter what else has happened to its military apparatus, has continued to produce nuclear attack submarines after the end of the cold war. We know, as well, that these submarines are quieter than their predecessors—some because of better designs in their production and others because of backfitting of newer and quieting technologies. These submarines which Russia is putting to sea today are quieter than most of our existing fleet of attack submarines. For the first time in the history of undersea warfare, the United States does not have a qualitative edge over its potential adversaries in the stealth of the submarines which are taking our young sailors to sea to protect our national security. That is a fact, I would guess, that most persons are not aware of, but it is one that each of us must be unsettled by.

Mr. President, I know it is counterintuitive because the general impression is that the Russian military is falling apart. But they have made a conscious decision, no matter what else is happening in their military, to invest in attack submarines. I think we should take a look at their reasoning and think about it as we plan our national security in the future.

Listen to the words of the Russian Defense Minister, Gen. Pavel Grachev, who said a couple of years ago, June 8, 1993:

> A nuclear submarine fleet is the future of the armed forces. The number of tanks and guns will be reduced, as well as the infantry, but a modern navy is a totally different thing.

The underlying reality today is that the Russian political and military leadership has decided that they want to keep Russia a global military power. To do so, they have scaled down much of their military capacity and programming, but there are several key components critical to remaining a global military power, and at the top of that list—particularly when it comes to strategic weapons but also the attack submarine function—is submarines.

Much is made of the fact that the Russian surface ships are seen sitting in piers rusting, with no crews, undertrained crews, or rebellious and dissatisfied crews. But nobody has made those assertions about the Russian submarine forces because they are just not true. We know that Russia has in the water today about six submarines with fourth generation quieting technology. These improved *Akula*-class subs which are in the water today are quieter at tactical operating speeds that the best American submarines currently in our inventory cannot match.

Further, we know that the Russian Navy has under construction and will launch in the next year or so the lead ship of a new class of submarines which will be even quieter than the *Akula*, better armed and with improved sensors. The lead ship has been named the *Severodvinsk*, the first true multimission submarine in the Russian inventory. These are all facts that are generally agreed upon by the entire U.S. intelligence community.

There is also no disagreement within the intelligence community that the Russian Navy is returning to submarine operating patterns last seen in the mid-1990's. We are observing once again deployments of a submarine force capable of worldwide operations—and this includes renewed operations in the Western Atlantic.

Thus, my view—and I believe the view of the senior military leadership in this country—is that there is a real threat which must be addressed and this *Seawolf* addresses it quite well. In short, there is a valid military requirement for SSN–23.

The Joint Staff examined submarine force level requirements necessary to support the Bottom-Up Review and concluded that the U.S. Navy needs 10 to 12 *Seawolf*-quiet submarines by the year 2012. Since the Russian Navy has 6 fourth-generation-quiet submarines in the water today which are quieter than our 688I submarines with more under construction, the United States military needs to establish a stable low rate of production of submarines with *Seawolf*-level quieting. The Navy view is that completion of the SSN–23 is the

most critical and timely contribution to achieving this essential warfighting capability.

The bottom line then in my view, after having questioned every witness who came before the Army Services Committee on this subject this year, is NOT that SSN–23 would be militarily helpful as one analyst asserted, but that it is essential to meeting valid military requirements.

Fourth, completing the third *Seawolf* is part of a plan which has been carefully developed by the Navy to ensure that this country can regain the tactical superiority it needs in undersea warfare and that we can maintain a national treasure, to use Admiral Boorda's description—the submarine industrial base in its broadest sense, in its entirety—which we will need in the future. And we should note, that future is not very far off as I have already demonstrated.

Some critics try to argue that the Navy's plan—building SSN–23 and then a new attack submarine which will be more affordable and more focused on the threats of the 21st century—is not well thought-out or based on analysis. These charges are flat wrong. In the past 3 years, there have been some 14 different studies which have examined the submarine industrial base. The consensus of these studies has been that the most cost-effective approach to sustaining our ability to design and build nuclear submarines is through low-rate production of submarines. One does not learn or create the skills necessary to build these highly sophisticated ships and their many unique components in a short period of time. If this industrial base is shut down, as we will risk if SSN–23 is not authorized, the costs of regenerating these essential skills will be prhibitive—if in fact they can be regenerated.

Let me turn then to a point which is often made when considering this subject and which does a disservice to this debate and to this body. Some people try to describe the third *Seawolf* as a jobs program—an attempt to keep people working in spite of the fact that there is no sense to the program anymore. Obviously, each of us in our own way wants to preserve jobs in our own State, and I, no less than any of our colleagues. But the fact is that even if this third *Seawolf* is built—as I believe it should and will be—the level of employment at Electric Boat in Connecticut and Rhode Island will go from a high of some 23,000 5 years ago to less than 14,000 by the end of this year and some 6,000 by the year 2000. That means some 17,000 workers at Electric Boat have or are going to lose their jobs as part of the effort to maintain our ability to build submarines into the next century.

The managers at Electric Boat do not have any allusions that the cold war still exists. They have been actively reengineering and downsizing for a number of years to ensure that their company—a company with a long and proud history of submarine construction, a company made up of skilled and dedicated workers who don't get rich doing the work they do, but do take great pride in producing the world's finest submarines to protect our way of life—can continue to make submarines in the next century.

Those who might claim that the *Seawolf* is just a jobs program for two northeastern States—or that the Navy plan is submarines for everyone—are wrong and their observations are a disservice to the broader issues involved here, and an offense to the people whose jobs are going to be lost, even with the building of the third *Seawolf*.

Mr. President, we have been here before on this issue. But, I believe the issues I have raised today are more relevant and more important than ever before. The cold war is over—no one who supports the *Seawolf* believes otherwise. But that does not mean that this incredible submarine—the first of which has already been christened and is in the water at Groton today—is not militarily necessary and vital to our national security.

This has not been a perfect program. What weapons system ever is? For that matter, when was the last time an automobile was designed and produced without some problems? But the program is on a sound footing today. It will produce a submarine which has been requested by the President and the Department of Defense and will meet a valid military requirement. This issue has been studied at length by the Armed Services Committee under the leadership of Senator THURMOND and, in particular, in the Seapower Subcommittee under the probing and thoughtful leadership of its chairman, Senator COHEN.

I urge my colleagues to support the Armed Services Committee position on this issue and to vote to authorize and complete construction of the third *Seawolf*. I will vote against the amendment by my colleague from Arizona and urge all Senators to do the same.

Mr. MCCAIN. Mr. President, shortly, I believe there will be an agreement on the Nunn-Cohen amendment which was set aside for the purpose of this amendment, and we will return to it.

I would like to inform my colleagues that the distinguished chairman of the committee is ready to propound a unanimous-consent agreement of all remaining amendments. We have been on this bill since 9 o'clock yesterday morning. We intend to stay very late tonight, at least until we have a complete list of amendments with time agreements associated with them. Right now it is being hotlined to all the offices to get a list of the amendments.

The chairman is going to propound a unanimous-consent agreement within a very short period of time. We have had sufficient time to determine what amendments we have to this bill, and the only way we are going to move forward and get done by tomorrow evening, which is the expressed desire of the majority leader, is to get the amendments in and then we will begin to propound a unanimous consent on that and the ensuing time agreements.

I reserve the remainder of my time.

Mr. COHEN. Mr. President, I yield 8 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Rhode Island is recognized for 8 minutes.

Mr. CHAFEE. Mr. President, despite the end of the cold war and collapse of the Warsaw Pact and the Soviet Union, I think we can all agree that the United States still needs capable and effective military forces, and indeed that is why we are voting right now, very shortly, on a $264 billion appropriation, or authorization, for the U.S. military services. I do not think anybody in this body will argue that the United States will always be a maritime nation. Indeed, Mr. President, 95 percent of our export/import tonnage is carried by ship. That is an astonishing figure to me. Yes, 5 percent is carried over land to Canada and Mexico, or by air; but 95 percent is carried by ship.

During the time I spent in the Navy Department, I learned that submarines are a relatively inexpensive way for a potential adversary to disrupt international commerce.

Far too often, the press reports that the Navy does not really need the *Seawolf*. We are told that it is a ship solely designed to confront the Soviet Navy on the open ocean. This allegation is simply not true. I would like to refute it. The fact of the matter is that the third *Seawolf* has a valid military mission and will be instrumental in enabling the Navy to fulfill its national security obligations around the world.

Now, yes, the Soviet Union is gone, and its military forces inherited by Russia are undergoing substantial downsizing. There is no question about that. It is also very clear that the Russian Navy—in particular, its submarine force—has not been scaled back in the manner other components of the Russian military service have been. For example, it is estimated that by the year 2000, which is only 5 years from now, Russia will have about 122 submarines in its fleet, more than half of which will be advanced third-generation vessels. Already today, Russia has several operational submarines that are quieter than the quietest United States submarine at sea. Russia's latest submarine will be operational by the year 2000—the one under design now—and is expected to rival the capabilities of our best attack submarines.

To illustrate these advances, I would like to insert in the RECORD a February 12 article from Defense News documenting recent Russian undersea efforts.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Defense News, Feb. 6–12, 1995]

RUSSIA POURS RESOURCES INTO SUBMARINE IMPROVEMENT—BETTER WEAPONS, SENSORS WILL POSE CHALLENGE TO WEST

(By Robert Holzer)

Washington.—Despite enormous economic difficulties, the Russian government continues to invest in submarines and is expected to field a more advanced sub force by 2000, according to U.S. Navy intelligence estimates.

While the total number of submarines in the Russian Navy's inventory will decline from today's level of 181 to 122 by 2000, the overall quality of that force will increase markedly, with more than half the fleet composed of more advanced third-generation submarines, according to the Navy's analysis.

''They are getting more out of their programs now in terms of research and development,'' Norman Polmar, a Washington-based submarine design consultant and an expert on the Russian Navy, said Feb. 1. ''They are putting a lot of resources into submarines.''

Moreover, the Russians have started developing a new submarine class, called the Severodvinsk, that will be operational by 2000 and is expected to rival the capabilities of the best U.S. Navy attack submarines.

''Designed to emphasize improvements in quieting, sensor performance and weapons delivery, Severodvinsk is projected to outperform today's most advanced Western submarines in many respects,'' according to the January 1995 report ''Worldwide Submarine Proliferation in the Coming Decade,'' prepared by Navy intelligence.

The Russian Navy also is improving its mix of sea-based weapons, according to the Navy's report, and has two significant new weapon programs under development.

One is described as an extremely fast rocket-powered torpedo that has no equivalent in the U.S. or other Western navies. The other is a new type of antiship cruise missile that would be launched from the torpedo tubes of future submarines and the Oscar II cruise missile-carrying submarine.

To achieve marked improvements in its submarine fleet, the Russian military is making sacrifices in strategic bomber and rocket forces, surface ships, and tank, artillery and infantry capabilities, the report said.

Third-generation submarines will climb to 51 percent of the Russian submarine fleet by 2000, compared with only 28 percent today, according to the Navy's report.

The percentage of less advanced, second-generation subs remaining in the inventory will decline to 46 percent from today's level of 68 percent, according to the report.

The performance difference between second- and third-generation submarines is fairly dramatic, Navy sources said, noting that third-generation Russian submarines incorporate advances in quieting and improved propulsion systems, enhancing the submarine's undersea stealth.

Improved Russian submarine performance could greatly impact U.S. and Western views of antisubmarine warfare and lead to a reassessment of needed capabilities to counter this potential threat, Navy sources and military experts said.

''With the improved Akula submarine, they have already achieved acoustic parity with the [U.S. Navy's Los Angeles-class] SSN–688s, and that is frightening,'' retired Vice Adm. Bernard Kauderer, president of the Annandale, VA-based Naval Submarine League, said Feb. 1.

Akula is an attack submarine that incorporates many of the advances the Russians have made in reducing the radiated noise of their submarines.

''We need to continue our research and development programs and produce new submarines,'' Kauderer said.

Mr. CHAFEE. Thankfully, today Russia is not a major adversary, and I am hopeful that this administration and future ones will indeed strengthen U.S.-Russian relations. We are all for that.

However, in these uncertain times, unforeseen political instability or a rise in anti-West nationalism could result in Russia becoming a genuine undersea threat in the future. That is a big nation.

Perhaps more importantly to the United States in the near term is Russia's sale of its very capable submarines to potential United States adversaries abroad, a move that poses a very serious challenge to our Navy.

There are many nations that recognize the cost effectiveness of submarines, even relatively unsophisticated ones: diesel power, for example.

Listen to this statistic, Mr. President. According to the Office of Naval Intelligence, more than 600 submarines are operational in the navies of 44 countries. That is an astonishing statistic. Mr. President, 44 nations have submarines. I must say, I have difficulty adding up what the 44 are.

Iran recently purchased two *Kilo*-class submarines from Russia. These vessels are operational today. Who would ever have thought Iran would have submarines? A third *Kilo* submarine is scheduled for delivery from Russia to Iran this year.

In addition, China—that great inland land-based power—intends to buy as many as 22 diesel-powered submarines from Russia over the next 5 years in its quest to enhance its military capability in the South China Sea.

What about North Korea? Who ever thought of North Korea as a great military power? Who would have thought it is an undersea threat? Yet it possesses, if you can believe it, the world's fourth largest submarine force and could use these submarines in a variety of belligerent coastal missions.

Yes, the cold war is over and we are grateful for that. However, I think we ought to recognize that the world is still a dangerous place. That is why we have this massive defense bill before us.

Undersea threats remain a fact of life that we ask our military forces to address. I am convinced that completion of the *Seawolf* program with its third *Seawolf* will give the United States the ability to respond to these still potent undersea threats.

Contrary to what we sometimes hear in the press, the *Seawolf*'s capabilities are more than the ability to engage the former Soviet Union in open ocean conflict. The *Seawolf* would be used to strike both land and sea targets with its cruise missiles, making it a versatile platform against any potential adversary. It will allow the Navy to covertly and quickly exert special operation forces.

The *Seawolf* will be given a wide variety of missions in our Navy of the future. As the director of submarine plans, Adm. Dennis Jones, said recently, ''We must fundamentally change the way we will fight in the future.'' Included among the undersea missions is a demonstration over the next year to assess how a submerged submarine can control an unmanned aerial vehicle. This new mission and others are described in a June 12 article from the Defense News that I ask be printed in the RECORD, Mr. President.

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

[From the Defense News, June 12, 1995]

U.S. SUBS GEAR FOR BROADER MISSION—FORCE EXPLORES UAVS, COMMUNICATION LINKS

(By Robert Holzer)

WASHINGTON.—Shedding decades of self-imposed isolation patrolling the open ocean, U.S. Navy submariners may soon control unmanned vehicles and stealthily communicate with each other in operations close to enemy shores.

Long accustomed to operating independently and focused almost exclusively on countering the Soviet submarine threat, the U.S. submarine force seeks added capabilities in communications, sensors and weapons to perform shallow-water missions.

''One constant is that things are changing, not only for us, but for our enemies,'' Rear Adm. Dennis Jones, director of submarine plans, said in a June 6 briefing to the Naval Submarine League's annual symposium in Alexandria, Va. ''We must fundamentally change the way we will fight in the future.''

To accomplish this, the submarine force will conduct a demonstration effort over the next year to assess how a submerged submarine can control an unmanned aerial vehicle (UAV), Jones said.

Pentagon officials say the Navy will test the Predator UAV in this role. Built by General Atomics Aeronautical Systems Inc., San Diego, the Predator emerged over the last year as a priority system in U.S. military plans.

The Predator is a high-altitude endurance UAV that can loiter aloft for more than 60 hours without refueling. It can fly as high as 12,100 meters and carry a 180-kilogram payload. The payload can include sensor packages that provide instant imagery, even at night and in bad weather, to tactical commanders.

The Pentagon is dispatching several Predators now to monitor the situation in Bosnia, military sources said.

Because submarines usually are the first weapon systems deployed off a potential enemy's coastline, often conducting clandestine reconnaissance and surveillance days or weeks before a crisis erupts, linking those operations with UAVs makes good tactical sense, military experts said.

''There is a lot of flexibility with that concept,'' Norman Polmar, a naval expert here, said June 7, noting that a submarine could simply leave the UAV operating over an area for an extended period and then come near the surface to tap into the data the system collected during its reconnaissance.

Submarines may even launch UAVs and retrieve them later at sea, Polmar said.

Although the submarine force has augmented its communication capabilities over the last several years, conveying information and data between submerged submarines is a new area of emphasis, Rear

Adm. Richard Buchanan, commander of Submarine Group 2 with the Atlantic Fleet, said June 7.

The service already has conducted several tests of underwater communications, which even included the transmission of imagery, Jones said.

''This is a revolution unto itself,'' Jones said. ''If information doesn't go easily from submarines to joint task force commanders, then we will be bypassed as seeming too difficult.''

To prevent this, the submarine force will field a number of communication improvements over the next few years that will yield tremendous increases in capability, Navy officials said.

These include the capability by 1998 to transmit video to other subs or ships nearly instantaneously, and by 2000, Super High Frequency satellite links that will vastly increase the amount of data that submerged vessels can transmit and receive.

Mr. CHAFEE. I hope I have helped to dispel the myth that the submarine is a relic of the cold war and we no longer need submarines. To the contrary, the *Seawolf* is a very relevant military platform to face the threat of the post-Soviet world. For these reasons, I urge my colleagues to join me in opposing the McCain amendment.

I thank the Chair and thank the Senator from Maine.

Mr. COHEN. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. I thank my colleague from Maine. I will try and see if I cannot shave off some of those moments to move this along. I want to underscore and support the comments of the Senator from Arizona, trying to move this process along.

I am tempted to repeat what I have repeated on other occasions in this body or elsewhere the words of the famous Congressman from Arizona. Having listened to an extensive debate and been the fourth or fifth speaker, he announced to the audience that everything had been said on the subject but not everyone had said it. So I will take a few moments to share some thoughts about the pending matter.

Let me begin by commending my colleague from Connecticut, Senator LIEBERMAN, who serves on the committee, the chairman of the subcommittee, Senator COHEN of Maine, and of course my colleagues from Rhode Island as well.

My colleagues will be pleased to note that if we can successfully defeat this amendment, this may be the last debate on the *Seawolf* program, because this is the last *Seawolf*. That in itself may cause significant support to move in our direction, having heard for the last number of years on numerous occasions from colleagues across the country of their desire that this issue be resolved once and for all.

So I urge my colleagues to oppose the McCain amendment and once and for all put the *Seawolf* issue to bed, having completed the third program.

Mr. President, I will underscore many things that have been said by my colleagues from Connecticut and Rhode Island about the importance here—and it needs to be emphasized, it would be another matter indeed if we were talking about a world in which this technology had lost its appeal. Unfortunately, or fortunately, depending upon your perspective, that is not the case.

In fact, there are, as the junior Senator from Rhode Island pointed out, 44 nations that possess this technology. In fact, it seems to be growing in its appeal.

Again, I emphasize what has been said about Russia. All of us are deeply pleased with what has occurred in the collapse of the Berlin Wall, the end of the cold war. Again, I think we all appreciate the lack of clarity as to which direction Russia is going in. We all hope that it is going to continue to move in the direction of a democratic State which does not pose a threat to its neighbors or to others.

I do not think anyone would be prepared to stand on this floor today and say with absolute certainty that they were convinced that was going to be the ultimate result. If we cannot state that with absolute certainty, or the degree of certainty that seems to be the prudent course, to be mindful of the kind of technology that is being expanded and developed, and it is significant.

In fact, we are told by those who watch these efforts far more closely than most of us, that today Russia is developing a technology in submarine arenas that will approximate the quietness that we have been able to achieve with our technology, and as my colleagues know, in submarine technology the quietness of a submarine is one of the most critical elements of all.

So, the first point is, of course, that we still see a global threat, that there are nations that never before possessed this technology that are acquiring it.

Second, Mr. President, the industrial base argument which was made in the past but I think needs to be made here as well, there are no less than 10 unique submarine technologies that will perish if this amendment is adopted. I am not talking about large corporations with thousands of workers. I am talking about facilities with literally the last of the craftsmen—men and women—with knowledge and skill to create and build unique components of our Nation's submarine fleet.

Likewise, if this amendment should pass, the final legion of dedicated and professional workers who build the final product will disappear, and that is not an exaggeration.

Let me tell my colleague something about those workers. Some of them have been building submarines literally for decades. Most are members of entire families that have passed that knowledge on between generations. These are craftsmen, I say to my colleagues. They are the final artists of a very unique industry that America must not abandon.

Let me give an example of what I am talking about. It can take up to 7 years to replace a fully qualified Navy nuclear welder capable of welding the 3-inch steel hulls of the *Seawolf* class submarine. Mr. President, 7 years to acquire that technology. That is the apprenticeship, yard time, evaluations, and, finally, qualification to perform the delicate welds in and around the nuclear reactor area of this submarine. Seven years to acquire that skill level.

I suggest to my colleagues, and I think they would agree, we should not abandon that capability.

As for cost, I agree with the Navy plan to go to a smaller, less expensive submarine program. But to get there, we have to finish what we have started. We have to complete this final boat of the *Seawolf* class.

Remember, there were 23 of these boats we talked about. We are now down to three. I say to my colleagues that to complete the program here, to stop the program when it is 45 percent complete, I think, is penny wise and pound foolish.

So, Mr. President, again I underscore the terrific work done by my colleague from Connecticut on the Armed Services Committee in making this case. I appreciate immensely the support of the chairman of the subcommittee, the Senator from Maine, and others who have stood with us on this program over the years. It is obviously important to us in Connecticut.

But my colleague from Connecticut, my colleagues from Rhode Island, could not in good conscience stand here and ask our colleagues from across this country to support a program that did not contribute significantly to the long-term security needs of our Nation. No matter how important it is to us on a parochial level, that is not a justification to ever support one of these programs. As important as that is to us, the importance of this program is its contribution to the long-term national security needs of our Nation.

For those reasons, and with all due respect and affection for the author of this amendment, I urge the rejection of the proposal.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the distinguished chairman of the subcommittee for yielding this time. I want to start out by congratulating the Senators from Connecticut for their fine work on this project, particularly Senator LIEBERMAN, my colleague in the Armed Services Committee, for his outstanding work on this program.

I come here as someone who in the past has been an opponent of the *Seawolf*. In fact, I introduced a bill back in 1991 which called for eliminating the 29 *Seawolf* submarines that were on the boards because I thought it was too costly, that it was a cold war

relic, that 29 of these submarines was far too many, the threat was not out there for that kind of expenditure of, really, tens of billions of dollars.

Having watched what has happened since 1991, and since I introduced that resolution, I have seen the number of *Seawolf* submarines go from 29 to 3, and I have seen the Russian Navy still be the focal point, as was said earlier. What I have seen in response, in the past 4 years since the fall of the Soviet Union, is the Russians keeping their eye on the ball of maintaining their capacity, their submarine capacity as really their focal point as to how they are going to be a world threat, militarily. That is where they have invested their money.

So, while I would not stand up here and support another 27 *Seawolf* submarines, I will say that, given the threat that is out there, given the legitimacy of the dollars invested and the capability of the Russian fleet, nuclear submarine fleet and attack submarine fleet, that this is a wise investment for us.

I repeat what the junior Senator from Connecticut said. We have a situation right now—and I agree with him, I do not think the American public realizes this—where the Russians are in fact ahead of us in a very important military capability and that is submarines. They are ahead of us. They have quieter ships than we do.

That is stealth. You hear so much about stealth technology when it comes to the Air Force. That means you cannot see it on the radar and you can go in there and do things before anybody sees you. Stealth in a submarine is how quiet it is. If you cannot hear them you cannot find them. That is the situation we are in right now. We are sending our submariners out there, into the oceans of this world, in a sense blind—deaf to the threats that the former Soviet Union, the Russians are now putting forward. This is our response and it is an appropriate one. It is an appropriate place to invest those dollars.

We do so recognizing if we pull the plug on the third *Seawolf* we will waste a whole lot of money. Already, as has been said many times, $900 million is already appropriated for this submarine. We have over a third of the costs already in the submarine. To close it down would cost even more.

There are disputes. The Senator from Arizona, whom I greatly respect—I admire his ability to go into this defense budget and try to find areas where he believes there is waste. I respect that. There are some substantial disagreements as to the CBO calculations for the cost savings of the *Seawolf* submarine, discontinuing the *Seawolf* submarine. The Navy, in a document that was transmitted to me, says that they underestimate a lot of the costs, that they do not recognize that by shutting off this third *Seawolf* we will likely end production of any kind of ships at Electric Boat, in Connecticut. They do not count for the shutdown of that facility or the costs that would be incurred in future shipbuilding as a result of having just one shipyard. I think it is a substantial one, not just for our industrial base—which I happen to believe is important—but for the competitiveness that is necessary to get high-quality, low-cost ships in this country.

I want to mention just one final thing. I want to talk about the industrial base, not from a State that has a huge submarine industrial base, although we have some. I will say one of the other reasons I support this third *Seawolf* is because I do believe we do need an industrial base of skilled technicians and companies that can produce this kind of very high-quality, demanding, and very specific high-quality work. If we do not continue this bridge, which the third *Seawolf* turns out to be, into the new attack submarine, we will not only have that new attack submarine cost more as a result, but I think we may not end up with as good a product.

So I come here as a reformed *Seawolf* opponent who understands this is a project, an investment that is worthwhile to combat a serious threat to preserve an industrial base that is essential to the military capability, production capability of our country. I support it wholeheartedly and oppose the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, the GAO report was before the Armed Services Committee on May 16, 1995 as follows: On page 6:

> . . . there is disagreement about a number of issues including Russia's defense spending priorities, Russia's ability to maintain its operating tempo and readiness and maintenance levels, and the future Russian force structure levels and production programs.

The GAO report goes on to say:

> The ONI report [Office of Navy Intelligence report] does not address other factors that should be considered in determining the overall superiority of United States and Russian submarines, such as sensor processing, weapons, platform design, tactics, doctrine and crew training.

Public reports, news accounts and, more importantly, other DOD publications, including the Annual Director of Naval Intelligence Posture Statement, present other information on some of the factors that affect submarine superiority. For example, these reports note:

> . . . a decline in the operating tempo of Russian submarines, order of battle, and construction programs.

They also note:

> Morale and discipline have deteriorated, personnel shortages are serious, and the frequency and scope of naval operations, training, readiness and maintenance have declined.

Somebody said earlier, one of the Senators from Connecticut, I believe, we ought to use common sense here. Let us use common sense. Common sense shows us the condition of Russia today, the state of their military. This military could not even defeat the Chechnyans. To believe, somehow, they come from some kind of superior shipyard with superior workmanship and with superior quality of personnel flies in the face of common sense.

Mr. President, I yield myself 2 additional minutes.

I will quote the New York Times, Sunday, July 30, 1995:

> To The Editor:
>
> I have a lot of respect for Secretary of the Navy John Dalton. I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third *Seawolf* submarine.
>
> * * * * *
>
> The allegation is like the ''missile gap'' or the ''bomber gap'' or the ''readiness gap.'' . . . Does this ''quietness gap'' exist?
>
> There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.
>
> The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?
>
> I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.
>
> —John J. Shanahan, Vice Admiral, retired.

Let us use some common sense when we evaluate whether we need to spend another couple of billion dollars on a weapons system for which there is no compelling requirement.

Mr. GRAMS. Mr. President, I rise as a cosponsor and strong supporter of the amendment by Senator McCAIN to terminate the third *Seawolf* submarine.

I want to thank the Senator from Arizona for his leadership on this issue and for his constant and tireless efforts to scour the defense budget—and, indeed, the entire Federal budget—for wasteful and unnecessary spending.

Like the Senator from Arizona, I believe we must build a strong military that can respond to the rapidly changing threats America faces in the post-cold war world.

The *Seawolf* submarine, which was developed to counter a specific Soviet threat during the cold war, is simply outdated and irrelevant in this new era.

Mr. President, if we're going to buy military equipment that's behind the times, the least we could hope for is to get it at a cut-rate price. But this is not the case. The third *Seawolf* will cost $2.4 billion bringing the grand total for this program to more than $7 billion for just three submarines.

I urge my colleagues on both sides of the aisle to terminate the *Seawolf* and save the taxpayers a minimum of $1.3 billion. Moreover, these savings could increase in future years as we determine the most efficient way to construct the next generation of nuclear submarines.

As the Senator from Arizona has repeatedly pointed out, this funding is needed for higher priority defense programs that will truly enhance our military readiness.

The McCain amendment has been strongly endorsed by a number of Government watchdog organizations, including the National Taxpayers Union, Citizens Against Government Waste, and Citizens for a Sound Economy.

Mr. President, let's stand with these groups and show the American taxpayers that the Congress supports responsible spending that will yield a strong and strategically sound national defense.

Mr. COHEN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Twenty-four minutes and thirty-two seconds.

Mr. COHEN. I yield myself 10 minutes.

Mr. President, I rise in opposition to the Senator from Arizona, who is a good friend and someone I have worked with since I came to the Senate and long before that time. He was advising me on military matters when he was with the Navy.

Bismark once observed that there are two things that do not change in this life: One is history and the other is geography.

Going back historically, we can look at the period of time during World War II. At that time we had over 5,000 ships in our inventory. We are now looking at downsizing to in the neighborhood of 340 or 348 ships.

So we have come from having such an armada of 5,000 ships capable of fighting during World War II down to about 340 to 350 ships. Obviously, they are much more capable today than they were in the past. But as the numbers have come down, we have insisted that the capability increase. And that is because the oceans have not diminished in size and geography has not changed. The oceans are still roughly the same size. Our commitments have not diminished in any significant degree. We still are an island nation.

As my colleague from Rhode Island has said, we are likely to remain a naval power for the foreseeable future, hopefully for the indefinite future. Our commitment is to maintain the sealanes of communication. That is our lifeblood, and no nation should ever have the capability of being able to interrupt that, to cut off that flow, to cut off the blood supply, the oxygen supply. We depend upon having access to the open ocean and having that access unchallenged.

So looking at history and looking at geography, we can say, well, we have downsized. The reality is the cold war is over. It does not mean there are no dangers left in this world. They are of a different magnitude and a different type. But they are dangers nonetheless.

As most of my colleagues who have spoken in opposition to the Senator from Arizona, the one thing we keep reminding ourselves is that the Russians, notwithstanding the state of their economy, continue to produce submarines. Now, they may not be operating at the same tempo that our submarines are operating, the morale of their sailors may be at a much lower level than the morale of our sailors, but that, too, can change.

What has not changed is the number. They are still producing roughly the same numbers of submarines that they were at the height of the cold war. Some of that is no doubt due to fact that it is just inertia and it is a jobs program for the Russians. They have to do something. They might as well do something that they have been working on. They have to build more ships.

But the numbers ought to be of concern to all of us because at some point in time the tides might change. Our relationship with the Russians might change. It might get better. It might get worse. We do not know. We have no way of predicting the future. And we should never structure our forces or our industrial base predicated upon the unknown; that since we cannot foresee the future, we should simply conform our industrial base to what exists currently. That would be a prescription for future disaster.

So we have to plan for the future taking into account the unknown, taking into account history, taking into account geography, and try to plan as best we can given the resources that are available.

That, I believe, is what the Navy has done. The Navy has said we would like to have two nuclear-capable shipyards. We are not prepared at this point in time to say there should be only one yard in America producing nuclear-capable ships—one yard—namely, Newport News. That may be the situation sometime in the future. We may not be able to afford more than one yard.

But the Navy is unwilling, given the unforeseeability of the future, given the sort of chaotic situation which exists in the world today, to take that chance at this point in time. They are saying, ''We are not willing to put all of our eggs in one basket. We do not know whether there will be a surreptitious attack upon that location. We do not know whether it will be a bolt out of the blue. We did not know whether it will be a natural catastrophe. We are unwilling to take the risk to put all of our shipbuilding into one yard.''

We would like to see Electric Boat continue. And make no mistake about it, you cancel the third *Seawolf* and EB is out of business. They will shut down. Their 7,000 or 8,000 or 9,000 workers—whatever that figure is now—will be out of work. That may please the National Taxpayers Union and it may please the various groups that have come out in favor of this amendment saying it will save money. I do not think it will save money. It will put people on the welfare rolls. It will put them out of work. It will increase the deficit, no doubt, because we will simply have to pay for those welfare recipients and not have any income or revenues coming in from the taxpayers themselves.

So I am not sure it would be an appropriate tradeoff. If we were only engaged in one public works program, if we were simply talking about public works or dead-end jobs, sweeping streets, cleaning up garbage, that would be one thing. But we are talking about here highly skilled individuals, people who work for years to develop the capability of designing and then constructing the most complicated ships in the world—nuclear submarines.

It takes, as the Senator from Connecticut, Senator DODD, indicated, 7 years to build a ship.

Ironically, I was just at a launching of the U.S.S. *Maine* in Portsmouth Naval Shipyard in Kittery, ME. That ship, a Trident submarine, was launched. It was built by Electric Boat and commissioned at Portsmouth Naval Shipyard. The president of the EB yard was there and pointed out that in World War II Electric Boat was cranking out about two ships a month, or about one every other week. We are now down to producing one a year, or one and a half a year.

So times have changed, and we have to change accordingly. But it does not mean that we should sever the ability of this country to maintain an industrial capacity of skilled working people who are contributing substantially to our national security.

I can agree with much of what my colleague from Arizona has said. We come to a different conclusion on this. We are trying to keep Electric Boat in competition with Newport News for a little longer, at least because the Navy is unsure at this point whether or not we will ever have to build more than one ship a year, whether we will be able to support two yards. I think they are not prepared to say we can only afford one yard.

I believe Admiral Boorda, or read the writings of Admiral Shanahan and others. But I would put that up against Admiral Boorda. I do not think Mike Boorda would come to the Congress or to the U.S. Senate and misrepresent the facts. I do not think that he would suggest that this is something that is really necessary when it is not, that it is simply a jobs program for the Navy or for EB. I think that he is persuaded that the Navy does in fact need this ship in order to get us to the follow-on.

If you terminate the *Seawolf* right now, EB is not going to be in competition. That is very clear. We might as well say that Newport News will be the only yard that will then build the follow-on to the *Seawolf*, the *Centurion*, or whatever it is going to be called.

That is a policy decision that we will be making here on the floor of the Senate, and some are prepared to make it. I do not for 1 minute question my friend from Arizona. He is someone who is expert in the field. He is someone who has dedicated himself to the

Navy. We just come out on a different end of the judgment on this one.

But I do not for a moment want to put us in the position of making the policy judgment that we only need one yard in this country to produce aircraft carriers and submarines. That is what it ends up being. Newport News will be the only shipyard in the country producing all of our nuclear-capable ships into the future.

I think that is a risk that the Navy is not willing to bear at this point in time. I think it is a risk that we as Senators should not be willing to bear at this time. And I think in view of the fact that we have spent the $900 million on the third *Seawolf*, in view of the fact we have come down from 23 to 3, in view of the fact that we would have termination liabilities, we at least ought to get a ship out of it which allows EB to be in a competitive position to compete head to head with Newport News on the follow-on ships.

For those reasons, Mr. President, I hope that we defeat the amendment of my friend from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, I always respect and appreciate, and even enjoy, the comments of my old and dear friend from Maine. Usually he and I are on the same side on most issues. On this side, I pay careful attention to his words since they are always well thought out and extremely edifying.

Again, we find, as he mentioned, ourselves on opposite sides of this issue.

Mr. President, if we had a defense budget that we had all during the 1980's, I would still have some questions about this weapons system, primarily because I still believe that our money could be spent much more wisely in other areas. But we really do not have the kinds of funds that I believe would allow us to afford this ship.

I received a letter on July 28 from the Congressional Budget Office, so I can illuminate my friends as to what kind of money we are talking about.

After briefly reviewing those savings, the accompanying attachment focuses on the implications of consolidating construction of all nuclear powered ships at a single shipyard.

CBO's analysis suggests that such a consolidation could result in savings of between $2.4 billion and $3.7 billion (in 1996 dollars) over the life of the new attack submarine program, which is currently slated to acquire some 30 ships between 1998 and 2020. That amount is less than one contractor claims could be saved through consolidation, but more than the Navy's own estimate. Consolidation could also lead to a somewhat smaller shipbuilding work force: CBO estimates that at most 3,300 shipyards jobs are at issue, and the reduction resulting from consolidation might be substantially less. Essential skills for producing nuclear-powered ships—many of which reside in the suppliers and subcontractors to the shipyards—would be retained whether or not production was consolidated.

Signed by June O'Neill, who, as we all know, is the Director of the Congressional Budget Office.

Mr. President, I wish to make one additional comment. That is that I think we ought to look at history also, and the history of Russia is that they have primarily been a land empire. They have concentrated their focus on expansion of their empire to adjacent areas. It was not until well into the cold war that the Soviet Union began to build a fleet and when they built that fleet, it was primarily for strategic purposes and for the delivery of strategic weaponry. I do not believe that the Russians contemplate a strategic confrontation with the United States any time soon. Again, it is common sense, as has been said on this floor on many occasions.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes 55 seconds.

Mr. ROTH. Mr. President, a $1½ billion vote deserves serious consideration by this body in this time of fiscal crisis. Throughout the defense budget debates in the 6 years since the cold war ended, I have been routinely amazed—and disappointed—that the Senate cannot bring itself to terminate one of the most expensive, outdated, poorly managed, cold war programs in the entire budget—namely, the *Seawolf* submarine program.

Mr. President, there are several reasons to support the amendment that Senator McCAIN and I are offering. First, the *Seawolf* is a cold war weapon with no modern mission. It was originally conceived as the ultimate United States weapon against Soviet ballistic missile submarines. It would operate 1,000 feet beneath the seas, quieter than the seas themselves. Its special sensors and computer systems would detect Soviet nuclear submarines well before the *Seawolf* could be observed.

If this Nation were still in the grip of the cold war, we would probably be justified in procuring further *Seawolf* submarines. But, the cold war is over, and the system has no mission in the post-cold war world. Consequently, it should be terminated immediately.

Second, this program is poorly managed and the problems are such that I have little faith in the Navy's estimate of how much money the taxpayers will be required to spend. The General Accounting Office now says that average cost of the first two subs will be well over $5 billion. Moreover, there are significant cost overruns in virtually every aspect of this program. According to the GAO, the design contract was overrun by 131 percent, the production contract on the first sub is overrun by about 80 percent, and the average unit cost is overrun by about 250 percent.

Giving this hog more feed is not going to make it any leaner. The design for the first submarine is currently in its fifth revision and is more than half a million hours behind schedule, even though production began several years ago. With the proposed design changes in the SSN–23, additional delays and cost overruns are inevitable.

A third reason to terminate the *Seawolf* program is to restore accountability for the Navy's poor acquisition management. There is no incentive for industry to perform efficiently as long as funding is guaranteed. The guise of the submarine industrial base should not remove the Navy's accountability for the *Seawolf's* 250 percent cost overrun. This program is a dud, and we ought to let it fizzle out.

A fourth reason to kill the *Seawolf* program is that funding a third *Seawolf* submarine takes money away from more important needs. It is untenable to require service men and women to live off food stamps so that $100,000 a year defense contractors can remain employed in an endeavor that does not add to our national security. We have all heard stories of shortfalls in military readiness, due to lack of funds.

A fifth reason not to fund a third *Seawolf* submarine is that there are more cost-effective means of protecting the industrial base. One alternative approach to maintaining the submarine industrial base is allowing it to work on commercial projects, which Electric Boat is currently pursuing and should do so more aggressively in the future. The Congressional Budget Office estimates that the costs of other alternatives, such as overhauls and modernization efforts, are much less than building and maintaining a third *Seawolf*.

We must also keep in mind that engineering expertise is being protected by work on the new attack submarine and design changes on the first two *Seawolves*. Furthermore, the submarine deactivation workload will ensure an industrial base well into the future. Finally, the Navy announced its intent to increase its reliance on commercial technologies in building the new attack submarine, and reduce its reliance on the submarine industrial base.

Several years ago, when Senator McCAIN and I have moved to stop funding for the *Seawolf*, we garnered very few votes. Then, 2 days later, President Bush terminated the program in recognition that the cold war was over. Time and again, the program has been kept alive for political, rather than military, purposes. We can no longer afford to spend $1.5 billion for such reasons. I encourage my colleagues to vote to support our amendment.

Mr. McCAIN. Mr. President, due to the exigencies of the hour and the efficiency of my friend from Connecticut, and, as my other friend, Senator LIEBERMAN, said, much of this debate has been covered in years past, I am prepared to yield back the remainder of my time if my colleagues are so prepared. Senator COHEN is prepared to yield it back.

Mr. COHEN. I am prepared to yield back the remainder of my time.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I would move to table the——

Mr. McCAIN. I say to my friend, if we do, we will bring up the amendment again and again until we get an up-or-down vote.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the motion be a tabling motion, as in keeping with the previous unanimous-consent agreement.

The PRESIDING OFFICER. The Senator can make a motion to table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

The Senator from Arizona.

Mr. McCAIN. Mr. President, I have been asked to announce that the vote on this amendment—I ask unanimous consent that it be an up-or-down vote——

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

Mr. McCAIN [continuing]. Will occur at 8:10. In the meantime, Mr. President, I would like to announce that on this side we have all of the amendments. We would appreciate it if those on the other side would complete their list of the amendments so that the distinguished chairman can move forward with the unanimous consent, at least so that we can finalize the list of amendments. We hope to be able to do that between now and 8:10, when the vote will take place. Also, Mr. President, I ask unanimous consent that the vote occur at 8:10.

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

Mr. McCAIN. I ask my friend from Maine if he is ready to move forward?

Mr. COHEN. No.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. I ask unanimous consent that the quorum call be dispensed with.

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

Mr. DASCHLE. Mr. President, I also ask unanimous consent that my leader time be extended by an additional 15 minutes.

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

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1117 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

VOTE ON AMENDMENT NO. 2090

The PRESIDING OFFICER. Under the previous order, the question occurs on the McCain amendment No. 2090.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—30

Ashcroft	Domenici	Lautenberg
Baucus	Dorgan	Leahy
Bingaman	Feingold	Lugar
Bond	Gorton	McCain
Bradley	Gramm	Murray
Brown	Grams	Pressler
Bumpers	Grassley	Roth
Burns	Harkin	Shelby
Coats	Hatfield	Stevens
Conrad	Kohl	Wellstone

NAYS—70

Abraham	Glenn	Moseley-Braun
Akaka	Graham	Moynihan
Bennett	Gregg	Murkowski
Biden	Hatch	Nickles
Boxer	Heflin	Nunn
Breaux	Helms	Packwood
Bryan	Hollings	Pell
Byrd	Hutchison	Pryor
Campbell	Inhofe	Reid
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Smith
DeWine	Kerry	Snowe
Dodd	Kyl	Specter
Dole	Levin	Thomas
Exon	Lieberman	Thompson
Faircloth	Lott	Thurmond
Feinstein	Mack	Warner
Ford	McConnell	
Frist	Mikulski	

So the amendment (No. 2090) was rejected.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I wonder if I could have the attention of all Members here so I can tell them where we are.

It is my understanding we might be able to line up three votes here—or three amendments, which will be debated tonight and voted on first thing in the morning if votes are necessary.

I think the first will be an amendment by the Senator from Arizona, which will be second-degreed by the Senator from Connecticut. I am not sure that will require a vote. It may or may not require a vote.

Then there is a DOE matter which will take, I understand, about 2 hours of debate.

Then Senator BUMPERS, we want to accommodate him because he has a personal problem tomorrow. We would like to take at least one of his, debate one of his amendments tonight and the other the first thing in the morning.

Will that be satisfactory?

Mr. BUMPERS. That will be satisfactory.

Mr. DOLE. So if that took that much time, it would be about 11:30.

It would seem to me, those who are involved can stay here and debate those and then have those two votes first thing tomorrow morning, if that is all right with the Senator from South Carolina.

Mr. THURMOND. That will be all right if we can get through the debate—all but the voting. We have a lot of amendments tonight to act on.

Mr. DOLE. I understand that.

Mr. BUMPERS. If the majority leader will yield for a question, I have one amendment I would like to offer tonight. I am willing to settle for a 30-minute time agreement. I would like very much to go in front of the DOE amendment, which will take 2 hours, if that will be all right. It will be very helpful to me.

Mr. COHEN. Which one is it?

Mr. DOLE. Can you give us some indication of what the amendment was?

Mr. BUMPERS. There is a provision in the bill that sets up a new method—directs the Department of Defense to set up a new method for financing arms sales. My amendment will strike that provision. It is a very simple amendment. Everybody will understand it.

Mr. DOLE. If I can get consent, Senator BUMPERS offers his amendment regarding export loan guarantees. There will be 30 minutes for debate divided in the usual form, with no second-degree amendments to be in order, and following the conclusion or yielding back of the time the Senate lay aside the amendment. That will follow the amendments by Senator McCAIN and——

Mr. McCAIN. If the leader will yield, I think the majority leader's unanimous consent is excellent. But I would point out we still do not have the list of amendments from the other side. I hope we could, at least by the close of business, get a complete list of amendments which would then be propounded as a unanimous-consent agreement before we leave tonight. So at least it will narrow down the total number of amendments if we are to have any prospect whatsoever of finishing tomorrow night.

Mr. NUNN. If the leader will yield, we are working on that list. We will have a copy of it in another hour or so.

Mr. DOLE. Hopefully you are working it down.

Mr. NUNN. We are doing our best to work it down.

Mr. DOLE. Because let me indicate again, on Saturday we start off with the Treasury-Post Office appropriations bill, and I am not certain when this bill will be back again. So, hopefully, if we can accommodate the manager, who has been working very hard—he lost 5 hours yesterday. We had 7 hours today on one amendment. They are trying to catch up here. So if we can keep our amendments to a minimum, I am certain it will help the managers, who have done a good job.

We do want to accommodate the Senator from Arkansas. He has a funeral to attend tomorrow.

Mr. BUMPERS. Mr. President, let me correct that. I am sorry, I misled the leader. I am leaving here tomorrow night.

Mr. DOLE. That is fine. We still want to accommodate the Senator from Arkansas.

Is there any objection to the request on his amendment?

Mr. CHAFEE. He goes first under the request?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, is the Thurmond amendment going to come before the Bumpers amendment?

Mr. DOLE. The amendment by Senator MCCAIN will be next. That will be second-degreed by Senator DODD. Following disposition of that, it will be Senator BUMPERS' amendment, 30 minutes. Following that will be the DOE amendment which will take about 2 hours.

Mr. MCCAIN. And amendments to the DOE bill will be in order?

Mr. DOLE. Amendments to the DOE bill will be in order but we would like to have the votes on those tomorrow morning.

Mr. REID. Reserving right to object, I have no objection to the unanimous-consent request as far as it relates to the amendment of Senator MCCAIN or the amendment of Senator BUMPERS. But I do not consent to anything relating to the Thurmond amendment, the DOE.

Mr. DOLE. Let us get this part and then I will make the next request. Is there objection to this?

Mr. GORTON. Reserving the right to object, I say to the majority leader, on the DOE amendment I have some severe reservations.

Mr. DOLE. I have not made that request yet. That is going to be next. All right?

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

Mr. DOLE. Now, if I can have the DOE.

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

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

Mr. DOLE. Mr. President, I understand we are not going to be able to get an agreement. I will propose the consent agreement. So it may be we will have to have additional votes this evening. But I am going to ask consent, when Senator THURMOND offers an amendment regarding title 31 of the bill, and immediately after reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes under the control of Senator EXON.

Further, following the expiration or yielding of time, the Senator from Nevada, Senator REID, be recognized to offer an amendment in the second degree regarding tritium, on which we will have 60 minutes, 40 minutes to Senator REID, 20 minutes to Senator THURMOND, and that the Senate proceed to vote on or in relation to the Exon amendment and on or in relation to the Reid amendment followed immediately by a vote on the Thurmond amendment, as amended, if amended.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. We cannot get an agreement.

Does anybody else have any amendments that we can get agreements on?

Why do we not go ahead? Let us go ahead and have the debate on this amendment and go ahead and have a vote on the first Bumpers amendment. Then we will try to determine what we can figure out in the next 30 minutes.

AMENDMENT NO. 2091

(Purpose: To limit the total amount that may be obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines)

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2091.

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

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

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,187,800,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

Mr. MCCAIN. Mr. President, I make a point that the Senate is not in order.

The PRESIDING OFFICER. May we have order?

AMENDMENT NO. 2092 TO AMENDMENT NO. 2091

(Purpose: To propose an alternative limitation on the amount that may be obligated for procurement of the *Seawolf* class submarines.)

The PRESIDING OFFICER. Under the previous order the Senator from Connecticut is recognized to offer a second-degree amendment.

Mr. DODD. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 2092 to amendment No. 2091.

On page 1, line 7, strike out ''$7,187,800,000'' and insert in lieu thereof ''$7,223,659,000''.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. I know the Chair has a problem. But these are important amendments, and I hope the Chair will keep order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DODD. I yield to my colleague from Arizona.

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

Mr. MCCAIN. Mr. President I know what my amendment is about. I would be prepared to ask my friend from Connecticut what his is. But I would like to briefly explain mine.

Last year the Congress adopted an amendment to the DOD bill which caps the procurement cost for the first two *Seawolf* submarines at $4.75 billion, the total amount identified by the Department of Defense as necessary to complete construction of these two systems.

The amendment was necessary to control escalating costs of the program. Therefore, I offer an amendment to expand the existing cost caps to include the third *Seawolf* submarine, the provision establishing a procurement cost cap of $7.2 billion on the three *Seawolf* submarines.

The provision allows for the same automatic increases for inflation and labor law changes as the existing cap. It also exempts the future costs of outfitting in postdelivery for the submarines.

These are costs which will undergo congressional review and require authorizations and appropriations in the future.

For reasons which are not clear to me, the other body this year is recommending a repeal of the cost cap on

SSN–21 and SSN–22. I do not believe we can allow a return to the uncontrollable cost escalations we have seen on the first two submarines. I believe that imposing the same strict cost controls on the third *Seawolf* would be to the advantage of the American taxpayer.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Let me make this very brief. I happen to agree with my colleague from Arizona on this amendment. We disagreed obviously on the previous amendment. But the Senator from Arizona is absolutely correct in what he is trying to do here.

We have a second-degree amendment that absolutely modifies the amendment being offered by the Senator from Arizona—modifies it up by $30 million, which I think we can reach agreement on here.

This is a mature program. I think a case can be made about cost containment provisions on defense procurement. In the early stages you ought to be somewhat careful about it when you are dealing with a mature program. That is what this is. This is a mature program. I think injecting some fiscal discipline into these programs can be helpful.

I am confident that this amendment will offer no problems at all. We have talked to the contractors and to the Navy. We ought to be able to complete the program with caps that are suggested by these two amendments.

So, Mr. President, I hope that there will be no need for a rollcall vote on this. We think it does the job.

Again, I support what our colleague from Arizona is doing. It is the proper and appropriate approach that should be taken on matters such as this.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, we disagree with our friend from Arizona whether or not to finish the third *Seawolf*. We do not disagree on the question of whether or not there should be a cost cap. There should be. I hope we will agree to the second-degree amendment. We disagree on the question of whether we should complete the third *Seawolf*. The Senate has spoken now on that question.

On the question that the Senator from Arizona now raises as to whether there should be a cost cap, there is no disagreement. Senator DODD and I and all the others who support the *Seawolf* feel probably even more strongly that there should be a cost cap.

So I hope we can agree on a number and leave it at that.

I thank the Chair.

Mr. McCAIN. Mr. President, before we voice vote this, because it has been accepted on both sides, I would like to extend my congratulations to the two Senators from Connecticut and to the Senator from Maine on a significant victory in maintaining the *Seawolf* submarine. I obviously strongly disagree. But their arguments and the work they did indicated that a clear majority of the Senate chooses to maintain the procurement of this weapons system. And I congratulate them on their success.

The PRESIDING OFFICER. Do the Senators yield back the remaining time?

Mr. McCAIN. I yield back the time.

Mr. LIEBERMAN. Mr. President, I would like to thank my friend from Arizona for his gracious statement and say to him that, given a choice, I would much rather have him on my side than against me, having real strength and conviction, and this is one of those cases where I end up after a fight respecting somebody more than I did before.

Mr. DODD. Mr. President, I want to associate myself with the remarks of my colleague from Connecticut.

My friend from Arizona and I have been with each other over these many years. And there is no better fighter, no more honest Member of our body, no person who brings more integrity to a debate, and I appreciate how fairly he raised this issue and gave us an opportunity to address it.

Mr. President, I would also like to commend our respective staffs, my colleague from Connecticut for his staff, and mine, Bob Gillcash, who has done a tremendous job over the years on these issues, this one particularly and many others as well.

I urge adoption of the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut in the second degree.

The amendment (No. 2092) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 2091, as amended.

The amendment (No. 2091), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2094

(Purpose: To strike the bill's provision concerning Defense Export Loan Guarantees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. FEINGOLD, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 2094.

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

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

The amendment is as follows:

Strike line 1 on page 353 through line 16 on page 357.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, we have a 30-minute agreement on this, but perhaps because it is a very straightforward, simple amendment, we may be able to do it in less time than that, and I hope we can.

Right now, the United States totally dominates the foreign arms market. We sell 53 percent of all the arms in international trade. We also have four separate methods of financing these sales which help maintain our position of dominance.

First of all, the Arms Export Control Act allows the President to commit the U.S. Government to a loan guarantee or a grant.

Second the Export-Import Bank can finance any sale of technology as long as it is nonlethal. So we sell a lot of military hardware to countries that are financed by the Export-Import Bank.

Third we have foreign military financing which is a part of the foreign aid bill. We pick out the countries and give them grants to buy our weapons. We say here is $1 billion for you and $1 billion for you. Come and buy whatever weapons you want until you use up that $1 billion. We can also subsidize loans with this program.

Fourth we have foreign military sales. Under this program the U.S. Government or a U.S. company sells arms to a foreign government.

The bill we are debating says four methods of financing arms are not enough. We have to have another one. And it directs with virtually no guidance the Defense Department to set up a program exactly like OPIC. Senators know what OPIC is. You pay a little fee and you get your loan guarantee.

That is all there is to this amendment. I say four is enough. Let me read you though just for entertainment purposes a list of the countries that arms sales merchants in this country will be selling arms to by simply paying a small fee to this new organization that the Defense Department is ordered under the bill to set up.

You are not looking at another S&L scandal, but you are looking at something that has the potential for a mini-S&L. We just got through writing off $7.1 billion to Egypt and $300 million to Jordan.

I do not want to refight those battles, but how do you feel about Burundi? Do you want to give loan guarantees to them? They already buy weapons from us.

Here is a list of roughly 100 countries that the contractors, the arms merchants of this already country sell arms to.

Now, the arms merchants are hot for this, and I do not blame them. How would you like to be able to sell $100 million worth of weapons to some Third World nation where 50 percent of the people are starving to death for a

little simple fee you pay on the front end?

Incidentally, there is not even a prohibition in this against financing the fee. Let us assume you have a $10 million sale. Let us assume the fee is $500,000. Just add that on. Make it a $10.5 million loan. Finance the whole thing. There is no prohibition against it.

But here is Burundi, Chad, Djibouti, Mali, Niger, Nigeria, Namibia, Senegal, Zambia, Zimbabwe—100 of them. And someday in the future they will pay a little fee, and we will sell arms to them on credit. And the American taxpayer will assume the risk.

Now, Mr. President, I have a moral compunction about this. I make no bones about it. I have some moral reservation about how many arms we sell abroad. We keep forgetting that our weapons last longer than our friendships.

Do you know where the contras down in Nicaragua got most of their arms? They were the arms we left in Vietnam. The Vietnamese inherited a cache of weapons that would choke a mule, and a lot of them went to the contras in Nicaragua. What happened to all the Stingers we sent to Afghanistan? Why, our good friends the Iranians have about 30 of them.

As I said, we sell 53 percent of all the arms sold in the world, and the Pentagon estimates by the year 2004 we will be selling 59 percent. That is 59 percent of all the arms sales, and somebody will say, ''Well, if we don't do it, somebody else will.'' I heard that argument the first year I was in the Senate, and I still hear it. I say let someone else then.

This may influence some of you—The White House strongly supports this amendment. The administration does not want another method of financing weapons. And the Pentagon says this can only marginally affect the number of weapons that we are going to be selling abroad.

Mr. President, in 1993–1995, that time period, we sold $53 billion worth of weapons. Let me ask you this: Who here believes that this Nation is safer and stronger because we are selling anywhere from $10- to $20 billion worth of weapons abroad each year?

Now, Mr. President, let me say to my colleagues this is not the biggest item in this bill, but it is just another provision in which we ought not to get involved. I promise you we are going to be financing weapons to countries, and we are going to be forgiving the debts. We are going to be picking up all these bad loans. It is a very generous method. And there are a lot of Third World countries that will jump on this thing like a chicken after a June bug, and obviously the arms merchants will be tickled to death to sell the weapons.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUMPERS. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield myself 5 minutes.

Mr. President, the Bumpers amendment proposes to strike the language in the bill creating a self-financing defense export loan guarantee program at the Department of Defense. I underscore the fact that it is self-financing. All of the Members who support this measure also have a moral compass. The program provides financing to a very select list of countries for defense sales that meet all, all of the existing export controls and nonproliferation policies of the United States.

It is also important to note that this authority is not limited strictly to arms. In many cases American companies lose bids to maintain or upgrade previously sold U.S. military equipment because they cannot offer financing. The program in the defense authorization bill will allow U.S. companies and American workers to compete on a level playing field with our international competitors.

Today, almost every major arms exporter provides financing to support the export of their domestic products and services. Indeed, some purchasers now make financing a requirement before a company can bid on a proposed purchase. The program is financed by fees paid by the buyer or the seller.

The list of eligible countries—and it was interesting Senator BUMPERS went down a list of a number of countries, but the list of eligible countries is limited to our NATO allies, nonmajor allies, Central European countries moving toward democracy, and selected members of the Asian-Pacific Economic Cooperation Group. Of the 185 members of United Nations, we only allow 37 countries to be eligible for these loan guarantees.

I would ask unanimous consent that the list of these 37 countries be printed in the record.

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

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

LIST OF ELIGIBLE COUNTRIES

1. Albania.
2. Australia.
3. Belgium.
4. Brunei.
5. Bulgaria.
6. Canada.
7. Czech.
8. Denmark.
9. Egypt.
10. France.
11. Germany.
12. Greece.
13. Hong Kong.
14. Hungary.
15. Iceland.
16. Indonesia.
17. Israel.
18. Italy.
19. Japan.
20. Luxembourg.
21. Malaysia.
22. Netherlands.
23. New Zealand.
24. Norway.
25. Philippines.
26. Poland.
27. Portugal.
28. Romania.
29. Singapore.
30. Slovakia.
31. Slovenia.
32. South Korea.
33. Spain.
34. Taiwan.
35. Thailand.
36. Turkey.
37. U.K.

Mr. KEMPTHORNE. When similar legislation was proposed 2 years ago, the Commerce Department and the Department of Defense expressed support for the export loan guarantee program. The American companies continue to lay off thousands of defense workers each month. This program will help us avoid paying unemployment to defense workers and help us preserve the U.S. defense industrial base.

That is a winning combination. At a time when U.S. procurement of military equipment has reached all-time lows and we are all familiar with that in basics such as ships, planes, and trucks, it makes sense to sell these systems to our friends and our allies assuming those countries qualify for the equipment under our existing export controls.

Now, the House-passed defense authorization bill includes similar language, and in a strong bipartisan vote the House voted 276–152 to keep the language in the bill. So, I urge my colleagues to reject the Bumpers amendment and allow us to have this sort of bridge for our defense contractors and American workers.

With that, Mr. President, I would reserve the balance of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Connecticut.

Mr. THURMOND. How much time do you want?

Mr. DODD. Three minutes, 4 minutes.

Mr. THURMOND. Mr. President, I yield the Senator from Connecticut 3 minutes.

Mr. DODD. Mr. President, I rise to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS].

Mr. President, I do not believe that section 1053—defense export loan guarantees—should be deleted or amended in any way.

I believe the language in the bill strikes the right balance. It authorizes the Secretary of Defense to establish a program to issue export guarantees for financing of sales or long term leases of defense articles or services to certain countries.

Under the provision contained in the bill, U.S. companies would be eligible to seek export financing guarantees to countries that are members of NATO, to countries designated as major non-NATO allies, to countries in Central

Europe, provided the Secretary of State has first designated such country as having a democratic government, and to certain non-communist member countries of the Asia Pacific Economic Cooperation [APEC] organization.

This financing won't be free. Companies will be required to pay appropriate fees and interest charges comparable to those that non-defense exporters are charged by the U.S. Export/Import Bank.

During a period of reduced funding for purchases of weapons systems and other defense equipment, I believe that defense exports can make a significant difference with respect to whether our domestic industrial base will be sustained at levels sufficient to protect our national security.

I would remind my colleagues that we are not going to be the first country to offer such a program. We are way behind our allies and major trading partners on that score. Many of them make no distinction between defense and non-defense exports in their export assistance programs.

The international defense market is incredibly competitive. Despite the fact that the U.S. defense industry produces some of the best equipment in the world, competitive financing can make or break the sale.

Since 1989, I have been trying to convince my colleagues that we have got to equip our defense exporters so that they can compete on a level playing field.

In 1989, I was successful in getting a much narrower defense export financing program operational for 1 year—fiscal year 1990. During the brief life of that program, a United States company—Sikorsky won a highly competitive contract to sell Black Hawk helicopters to Turkey.

That sale totalled $1 billion and enabled some people in my State to remain employed who might otherwise have lost their jobs—that is not to say that significant numbers of Connecticut workers haven't been severely impacted by defense spending cut backs.

The time has come to stop treating Americans employed in the defense industry like second class citizens. They deserve comparable support from their Government as they struggle to feed their families and pay their bills.

The provision that the Arms Services Committee included in the pending bill has been carefully crafted so as not to impinge on U.S. Export/Import Bank financing. It will be a program operated in the Department of Defense.

Nor should my colleagues be concerned that somehow we will be fueling the arms race with this program. No sale under this program will go forward until it has been fully vetted by all appropriate agencies to ensure that the sale is in the national interest.

Mr. President, I believe that it is long past time for such a program to exist and I strongly oppose the amendment offered by Senator BUMPERS to prevent that from happening.

To sum up, for my colleagues, this is an area where the Senator from Idaho and I are in full agreement. In fact, before he arrived in the Senate this was an issue of great interest to me. As I mentioned earlier, in 1989, I was successful in having a very modest, 1 year, defense export financing provision included in the fiscal year 1990 Foreign Operations Appropriations Act. In the 1 year that this provision was in effect it made a significant difference.

I believe we have to be pragmatic about these matters. If every other country would back away from this kind of financing, then there would be no reason for us to be establishing such a program. But that isn't likely to happen anytime soon. I can personally tell my colleagues that other nations engage in very supportive financing schemes to assist their defense industries.

As to the assertion that this provision will permit the sales of arms all around the world, I would say to my colleagues that is not accurate. I personally would not support a blanket authorization to finance the sale of defense equipment to every country around the globe.

The provision in the bill does not propose that approach. As I said earlier, the provision limits access to such financing to a select number of countries, including NATO allies, major non-NATO allies, certain non-communist members of APEC, and several democratic countries in Central Europe, provided they remain on the democratic track.

Moreover, I would say to my colleagues, at a time when we are reducing defense expenditures for obvious reasons, an intelligent, well-thought-out financing scheme makes sense. It allows us to market defense equipment to nations with strong democratic institutions, who are our allies. It is a way of maintaining an industrial base without having to go the taxpayers in this country to support it.

The Senator from Idaho has been involved in this for some time. My colleague from Connecticut and I have met with numerous people over the years on this issue. I will tell you, in 1989, had this body not supported the particular effort we made, we would have lost a $1 billion contract to the French or the Germans. I am telling you from personal experience, that a program such as the one proposed in this bill can make a difference.

So with all due respect to my colleague from Arkansas, these are not Third World countries and not a wholesale financing scheme to any corporation that comes along. Nor is it meant to be in competition with the Export-Import Bank.

If we fail to approve this program, we put in possible jeopardy the industrial base of our country. So for those reasons, I respectfully urge the rejection of the amendment offered by Senator BUMPERS.

Mr. THURMOND. Mr. President, I rise to oppose the amendment offered by my distinguished colleague, Senator BUMPERS, of Arkansas. It would remove a very important program from the bill we have discussed in our committee and on the floor for the last several years.

According to studies conducted by the Office of Technology Assessment and others, the defense industry is laying off 20,000 workers every month and will continue to do so every month throughout the decade. One way to preserve these jobs is to help our industries export more defense products to our friends and allies. Export loan guarantees is the one way to put U.S. defense contractors on a level playing field with our foreign competitors.

Other countries such as France and Great Britain provide such finance guarantees to their industries, and we should do likewise. The loan guarantee program establishing section 1053 is a no-cost program for U.S. taxpayers. The eligible countries are restricted to 37 of our allies and friends, and the controls on the sales of sensitive technologies are in no way relaxed.

I urge my colleagues to reject this amendment.

Mr. LIEBERMAN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. How long?

Mr. LIEBERMAN. No more than 5 minutes.

Mr. THURMOND. Can you go with less than that?

Mr. LIEBERMAN. I will try my best.

Mr. THURMOND. I yield 3 minutes.

Mr. LIEBERMAN. The Senator is a tough negotiator. I thank the Senator from South Carolina.

As my colleagues before me have said, I thank the Senator from Idaho for his leadership on this.

I oppose the amendment offered by Senator BUMPERS. The point is that this is an attempt to help the defense industry of our country and our defense workers whose jobs are endangered for a reason that we are happy about, the end of the cold war. But they are not happy about it. And we ought to try the keep that base alive by helping them sell abroad.

The fact is that there is no source of export financing for arms exports available to American firms except at high commercial rates. The fact is that other countries are helping their firms dramatically with financing. I can give you one example. In Connecticut, where a Connecticut company actually moved over 70 good jobs from Connecticut to Canada in order to qualify for the export financing that the Canadian Government offers.

Mr. President, this program is not only self-financing but it is limited. Let me come back to the references that my friend from Arkansas made to Burundi and Chad and Senegal and Zambia, et cetera, et cetera. High-risk countries are ruled out of participation in this program under this law. I refer my friend from Arkansas to section

2540 of the bill. You have to be a member of NATO. You have to be a country designated as a major non-NATO ally. I think we are thinking here of countries like Israel. You have to be a country in Central Europe that has changed its form of government, and you have to be a non-communist country that was a member nation of the Asian Pacific Economic Cooperation group, which includes countries like Korea, Singapore, et cetera. This is a good program: self-financing; protect jobs; protect the military industrial base.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. I would ask if everyone would withhold while I ask for the unanimous-consent request.

I ask unanimous consent that Larry Ferderber a congressional fellow assigned to my office be allowed floor privileges during the pendency of the action.

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

Mr. BUMPERS. Mr. President, in just a moment I will yield to my good friend from Maryland, but I just want to make a couple of points.

You know, the Senator from Connecticut just talked about jobs. I have to tell you this is one place where I consider that the worst of all arguments is to create jobs so we can sell weapons abroad.

As I said, those weapons always have a tendency to get into terrorist hands. They get into all kinds of hands. They wind up half the time being used against us. And in addition to that, an awful lot of the arms sales in this country are quid pro quo. We will sell you so many weapons, but we will also create so many jobs in your country that would otherwise be in the United States. It is a trade-off.

And when it comes to who is creditworthy, you have Mexico. We are bailing them out right now. They are eligible to buy weapons under this. Chile, they are eligible. All of the Pacific rim, 37 nations on here. I promise you even some of those nations in Central Europe are lousy credit risks. They are fine and we wish them well, but they are a lousy credit risk. We have no business setting up yet a fifth way to sell weapons in addition to the four we already have.

Finally, let me just read this White House position for whatever this is worth to my colleagues.

''The bill would require the Secretary of Defense to establish a program to issue loan guarantees and surety against losses arising from the financing of defense exports to certain countries. The administration opposes this program because the administration has not found it necessary given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.''

Mr. President, I yield 4 minutes to my distinguished friend from Maryland, Mr. SARBANES.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in very strong support of the Bumpers amendment. I hear all these assertions by the opponents of this amendment that it is necessary in order to make the United States competitive in the arms market. The fact of the matter is, the United States absolutely dominates the international arms market right now—right now—and the U.S. percentage of the world's arms market has increased markedly over the last few years, ever since the implosion of the Soviet Union and other developments that have taken place.

So I say to my colleagues, first of all, the assertion that you need this program in order to be able to sell the arms does not square with the facts. The reality is we dominate the international arms market.

Second, I hear it asserted in some way as though there is no risk here. I think the term ''self-financing'' was used as though this thing is absolutely certain to pay its way. Clearly, that is not the case. Why are they seeking a Government guarantee? They are seeking a Government guarantee in order to insure against the risk which they otherwise would encounter in the private market. So, obviously, there is some risk connected with these arms sales; in some instances, potentially very heavy and substantial risks.

As my colleague from Arkansas has pointed out, there are a series of programs right now to encourage these arms sales. Others say what these other countries do. None of these other countries have anything like a foreign military loan program and a foreign military gift program the way the United States does. So we are already making very substantial provision for arms sales. Of course, those programs are very tightly controlled and circumscribed to ensure that the national interests of the United States are provided for.

The administration has not sought this. It is my understanding that the Pentagon—in fact, I will ask my colleague from Arkansas, is it, in fact, correct that the Department of Defense is resistant to this proposal?

Mr. BUMPERS. Absolutely. The Defense Department says it is not needed, and the administration says it is not needed. As the Senator said, we have 53 percent of the arms market now, headed for 59. It is not as though we are not competitive.

Mr. SARBANES. That is the worldwide market. If you isolate some of the areas, including some of the areas that are covered in this bill, the U.S. percentage rises substantially over that.

Mr. BUMPERS. Exponentially.

Mr. SARBANES. A lot of the places that it does not, a lot of the NATO producers make their own arms. You standardize their products and you direct that to meet their standardization purposely.

Some of the countries provided for here are high-risk countries—a country in Central Europe that recently changed its form of national government. Financially, those are high-risk countries. Some of the Asian countries carry risks with them.

I am not quite clear where this comes from. The administration does not want it. They are not proposing it. They are resistant to it. We dominate the arms market. I can understand the makers of arms want as many underwrites as they can possibly find. I think that is a given, and Members will recognize that. But whether it is wise to use money this way and to incur these kinds of risks by these guarantees, obviously there is a risk connected, and the provision recognizes that. To get up and assert somehow that this is a freebie, in every respect defies the basic rationale of the provision that is in the bill.

So I urge my colleagues to support the Bumpers amendment. We ought not to start down this path. We have dealt with this issue before.

Let me simply say this. The last time we had such a provision in the law, it was extended out to cover other countries as well. When it first comes before you, it gives you a short list. Then the next year that list gets added to. Then the year after that, it gets added to. And pretty soon they say, ''Well, we have to make this comprehensive now. We have covered so many countries that there is an insult connected with leaving a country out from this program.'' So then you make it comprehensive.

That is exactly what will happen—I am prepared to predict that on the floor tonight—if this provision stays in the legislation. I hope my colleagues will support the Bumpers amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS] that would eliminate the defense export loan guarantee provision in this bill.

I believe that the loan guarantee provision will help maintain and may help to create jobs as our Nation reduces defense spending here at home. By aiding the sale of ''made in the USA'' military items to our close allies, we can lessen the pain of defense downsizing for hundreds of thousands of defense and aerospace workers across the country.

The entire Nation and, in particular, my home State of California, has been hard hit by defense downsizing, not to mention the recent base realignment and closure list. Hundreds of thousands of defense related jobs have been lost in California in the last 2 years, and this number is sadly expected to rise.

Continued exports of defense goods is vital to maintaining California's industrial resources. We can help to ease the transition for defense and aerospace

workers by providing these loan guarantees, by establishing defense conversion programs, and through other initiatives. It is our duty to help in any way we can to provide good, high-quality jobs for the hundreds of thousands of dedicated workers who have contributed to U.S. national security.

The defense export loan guarantee provision in this bill does not, in any way, eliminate the many existing safeguards that protect against risky proliferation. Loan guarantees would be limited to friendly countries specified in the bill—including our NATO allies, major non-NATO allies, the democratic states of Eastern Europe, and the member nations of Asia Pacific Economic Cooperation [APFC]. Further, congressional oversight of these foreign military sales would not be lessened. All foreign military sales would still have to be reviewed by Congress as required by the Arms Export Control Act.

This defense export loan guarantee program offers an opportunity to assist our defense workers and improve our economy. I strongly believe that this provision is vital to our defense and aerospace industry and is essential to the preservation of hundreds of thousands of high-quality, good paying jobs in California and throughout the Nation.

I urge my colleagues to support this provision and oppose the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy.

We continually hear references to a variety of countries. I just want to drive the point home. The list of the 37 countries that are eligible for these loan guarantees are allies and friends—allies and friends. You can keep reading all the countries all night long, but there are only 37 that are eligible, and also those 37 countries come under the entire export control and nonproliferation policy of the United States.

This language simply grants the authority to the administration to allow the loan guarantees. It does not require the administration to do so. It is an authority to do so.

So, Mr. President, again, I urge my colleagues to reject this amendment because the language is here that is going to finally accomplish what we have been setting out to do for a number of years.

With that, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I yield the remaining 3 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee.

I must say that I do not understand the opposition to this program that the Senator from Idaho and I and the Senator from Colorado have sponsored. We have the model for this in the private sector. It is the Eximbank, and it works very well to put American companies on a level playing field and protect American jobs.

Look, if somehow we were on the verge of achieving disarmament worldwide, I would say we should not be the only country out there selling weapons. The fact is, there is an active arms market worldwide. Why tie one hand behind our manufacturers when they go out to compete with other countries' manufacturers for contracts?

The fact is that we have a lot on the line. We have some defense companies that could close up and make our country less secure in the future, undercut our industrial base. The fact is, we could lose thousands of jobs without this kind of support. So I do not apologize. I think this is just giving the Department of Defense an asset to protect defense companies and the people who work for them and put us on an even playing field with other manufacturers around the world.

My friend from Idaho is absolutely right. Everything done here must be licensed under the Export Administration. There is no danger of proliferation in that sense. And I come back and say, Mexico was mentioned by the Senator from Arkansas, Chile was mentioned. They simply would not qualify. Of those 37 countries, the program mechanics are structured so that defaults are very, very unlikely.

I think this bill is good for America's national security and good for those who work in America and will not at all increase the proliferation of weapons throughout the world.

I thank the Chair. I hope my colleagues will vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Since time has expired on both sides, I ask for the yeas and nays on this amendment.

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute.

Mr. BUMPERS. Mr. President, I heard some ingenuous arguments, but the Senator from Connecticut saying we need to level the playing field when we already have 53 percent of the market headed for 60 percent is ingenuous. I do not know how much more you can level this field.

But I would like to ask, on my time, the Senator from Idaho to tell me one country that we are going to finance under this provision that cannot buy weapons right now and to which you would want to provide loan guarantees. Name one.

Mr. KEMPTHORNE. If the Senator will yield, Greece and Turkey are two countries.

Mr. BUMPERS. Why can they not buy weapons now?

Mr. KEMPTHORNE. They need to finance it, and they are allies.

Mr. BUMPERS. They cannot afford the weapons so we are going to sell them with loan guarantees under this new program?

Mr. SARBANES. If the Senator will yield, both of those countries receive financing under the foreign military loan program, with all of the conditions and restraints of that program. Both of those countries receive financing under that currently.

Mr. BUMPERS. And military financing. We have given both of those countries billions of dollars of weapons over the years under the foreign aid bill.

Mr. KEMPTHORNE. Mr. President, to conclude, Greece and Turkey are allies, and I am proud to stand with the American workers that would provide necessary materials to our allies.

Mr. BUMPERS. The whole reason this provision should be struck from the bill is because the only countries that need it are those whose credit is so bad that they cannot get weapons under the four existing programs for selling military equipment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Bumpers amendment No. 2094.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—41

Akaka	Ford	Leahy
Baucus	Glenn	Levin
Biden	Gramm	McCain
Bingaman	Grassley	Mikulski
Boxer	Harkin	Moseley-Braun
Bradley	Hatfield	Moynihan
Bryan	Hollings	Murray
Bumpers	Johnston	Pryor
Byrd	Kennedy	Reid
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Domenici	Kohl	Simon
Exon	Kyl	Wellstone
Feingold	Lautenberg	

NAYS—58

Abraham	Frist	Nickles
Ashcroft	Gorton	Nunn
Bennett	Graham	Packwood
Bond	Grams	Pell
Breaux	Gregg	Pressler
Brown	Hatch	Robb
Burns	Heflin	Roth
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Inouye	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lieberman	Thomas
DeWine	Lott	Thompson
Dodd	Lugar	Thurmond
Dole	Mack	Warner
Faircloth	McConnell	
Feinstein	Murkowski	

NOT VOTING—1

Dorgan

So the amendment (No. 2094) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as we debate the fiscal year 1996 National Defense authorization bill, I want to join with my friend and colleague, the distinguished junior Senator from Idaho, in commending the Navy for its successful utilization of the Small Business Innovation Research Program in its development of the multipurpose processor. The multipurpose processor will be used to reduce risk and provide affordable technology for the new nuclear submarine, which will be developed within the next few years, as well as for the current U.S. submarine fleet.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague, the distinguished senior Senator from Virginia. The American people demand that we continually look for the most cost effective solutions to our problems. That fact is particularly true with regard to Defense spending. The multipurpose processor is truly a cost effective and worthwhile program. It will provide our submarine fleet with a common open system processor which allows rapid insertion of advancing technologies while also protecting our previous investments in complex software. I therefore join with Senator WARNER in commending the Navy for its initiative and leadership in this area.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Idaho, with whom I have the distinct pleasure of serving on both the Armed Services and the Small Business Committees. It is indeed noteworthy that the two of us are engaging in this colloquy because the multipurpose processor program combines the best interests of our Nation's defense with those of American small business. Many innovative products developed by small business have contributed significantly to the strength of our Armed Forces over the years and I trust, with continued congressional support for the Small Business Innovation Research Program, they will continue to do so well into the future.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague on that point as well. The continued success of American small business is vitally important to the economic health of our Nation. The multipurpose processor program is an important example of how a small business, Digital System Resources, Inc., has made an important contribution to the Nation's defense. Appropriately, American small business should be given every opportunity to continue to make contributions to the national defense as well as to the other sectors of our economy.

MEDICARE—ELIGIBLE MILITARY RETIREES

Mr. COCHRAN. Mr. President, the Defense authorization bill now before the Senate contains the following provision:

''(1) * * * the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare * * * and who reside in a region in which the TRICARE program has been implemented have adequate access to health care services after the implementation of the TRICARE program in that region; and

''(2) to support strongly, as a means of ensuring such access, the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such beneficiaries at the medical treatment facilities of the Department of Defense.''

Our military retirees are entitled to the medical benefits which they have been promised. When the TRICARE system is fully implemented, Medicare-eligible military retirees can receive care in military hospitals only on a space available basis. Consequently, these retirees are being put at the back of the line and in some cases must change health care providers after years of care in military treatment facilities. I am very concerned about this.

There must be an alternative to the current situation. Medicare funds should be transferred from the Department of Health and Human Services to the Department of Defense, so Medicare-eligible retirees will be able to use military health care facilities, with the costs covered by their Medicare benefits. I urge the approval of this legislation.

CIVILIAN MANPOWER AND AIRLIFT OPERATIONS

Mr. DODD. Mr. President, I rise to enter into a colloquy with the distinguished majority leader and the chairman of the committee.

Mr. DOLE. Mr. President, if my friend from Connecticut would yield. I am aware of the issue the Senator seeks to discuss and would be happy to enter into a colloquy on this matter.

Mr. DODD. I thank my colleague for his time. It is my understanding that the committee staff has reviewed the measure and has approved it. Specifically, this amendment seeks to restore funding to the Air Force Reserve operations and maintenance account for restoration of funds for civilian manpower and airlift operations support.

The U.S. Air Force Reserve has historically provided service-wide critical airlift and logistics support to our national defense. A perfect example of this effort is the medical airlift capability for our forces. With over 70 percent of our national medical aircrew manpower coming from the active Air Force Reserves, reductions in operation and maintenance at this point seems unreasonable.

Mr. DOLE. I have to agree with my colleague. I think Members would be interested to know that almost 45 percent of all heavy lift performed by the Air Force is provided by Air Force Reserves crewmembers. Another 25 percent occupy tactical airlift cockpits. There is no question where our Nation turns in time or need for airlift support.

Mr. DODD. I could not agree more. The Air Force Reserve is the very backbone of our national airlift and I ask my colleagues to join with me in this amendment to restore the necessary and requested funds to maintain this vital program.

Mr. THURMOND. Mr. President, I thank my colleagues for raising this important issue. I had previously directed the respective committee staff to review this matter and have included a funding adjustment in the manager's amendment. This adjustment would add $10 million to the Air Force Reserve account and reduce the Department of Defense wide activities by $10 million.

Mr. DODD. I thank my colleague and good friend from South Carolina.

Mr. DOLE. Mr. President, I join my friend from Connecticut in thanking the distinguished Senator and chairman of the committee for his cooperation.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, if I could have my colleagues' attention?

If I can just suggest the absence after quorum for 1 minute, we are about to type out the consent agreement. If we can reach an agreement there will be no more votes this evening. If not, we will just have to work through it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOLE. Mr. President, let me indicate to my colleagues that there will probably be additional votes tonight. There will be an amendment by Senator COHEN, 30 minutes equally divided—15 equally divided.

Mr. FORD. On what?

Mr. COHEN. This is on the ABM Treaty.

Mr. NUNN. I did not hear the request.

Mr. DOLE. Fifteen minutes equally divided on a Cohen amendment.

Is there any objection to that?

Mr. NUNN. I would suggest 30 minutes because most people on this side have not read the amendment.

Mr. DOLE. Thirty minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. No second-degree amendments. That would be followed by an amendment by the Senator from Georgia, Senator NUNN. As I understand, there is not any time agreement on

that so we do not know when that vote will come. So that we will do those two tonight at least.

UNANIMOUS-CONSENT AGREEMENT

This is the time agreement we wanted to obtain earlier. We could not do that. So I ask unanimous consent that tomorrow morning, after consultation with the managers—they can determine when to bring it up—Senator THURMOND be recognized to offer an amendment regarding title XXXI of the bill; that immediately after the reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and that there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes of debate under the control of Senator EXON; further, that following the expiration or yielding of time, the Exon amendment be laid aside and Senator REID be recognized to offer his amendment on tritium on which there be 60 minutes, to be divided 40 minutes under the control of Senator REID and 20 minutes under the control of Senator THURMOND; and following that debate, the amendment be laid aside and Senator MCCAIN be recognized to offer an amendment on competition, on which there be 10 minutes for debate, to be equally divided in the usual form; to be followed by a vote on or in relation to the Exon amendment, to be followed by a vote on or in relation to the Reid amendment, to be followed by a vote on or in relation to the McCain amendment, to be followed by a vote on the THURMOND amendment, as amended, if amended.

So we are talking about four amendments.

Mr. REID. Mr. President, reserving the right to object, everything is right except in the transcription, 45 should be 70 under the control of Senator THURMOND— 90 and 70.

Mr. DOLE. I said 90—

Mr. BRYAN. Seventy, Mr. Leader, under the control of Senator THURMOND.

Mr. DOLE. Did I short him? Good. I gave him 45 minutes.

He wants 70.

Mr. REID. We talked about that all night.

Mr. DOLE. Make that 70 instead of 45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Hopefully, when this happens tomorrow sometime, we will not take all this time, but we may. That would be 3 hours plus four votes. You are talking about a big, big time.

I would also ask consent—to accommodate Senator BUMPERS —that following the disposition of this agreement, whenever it occurs, the previous unanimous consent, Senator BUMPERS offer his amendment on defense firewalls, 1 hour of debate to be equally divided in the usual form, no second-degree amendment be in order, and that following the conclusion or yielding back of time, the Senate vote on or in relation to the amendment.

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

Mr. DOLE. Now, I might say to my colleagues, I know there are dozens of amendments out there. We are trying to accommodate those who have the shortest times. If we have 20 minutes equally divided or 30 minutes, we will try to rotate back and forth. It seems to me, if we are going to finish the bill, if everybody gets 2 hours, 3 hours, 4 hours, it is going to be 4 o'clock tomorrow afternoon before we take up 2 or 3 amendments here, and we cannot be on this bill Saturday.

I am not certain when we will get back on the bill. Senator THURMOND needs to leave tomorrow for an important family matter on Saturday. We will have votes on Saturday. We will be on at least one or two appropriations bills. If we should, by some miracle, finish this bill early tomorrow, we could go to Treasury-Postal tomorrow evening. If not, that will begin hopefully about 9 o'clock on Saturday morning. And there are two amendments there that may require some debate. Beyond that, it should not take very long, according to the managers.

Following that, it would be our intention either to move to welfare or to the Work Opportunity Act, or the Interior Appropriations bill.

So somebody asked me, what about Saturday. We have been saying for the last 2 weeks there will be votes on this Saturday and tomorrow. The day after tomorrow is Saturday, and there will be votes on Saturday, August 5.

AMENDMENT NO. 2089

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I have an amendment at the desk which originally was designated as being cosponsored by Senator NUNN. That was in error. Senator NUNN is not a cosponsor of the amendment that I sent to the desk, and so I would ask unanimous consent that his name be withdrawn as a cosponsor.

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

Mr. COHEN. Mr. President, I have requested that the entire amendment not be read, but let me just point to the basic purpose behind the amendment and some of the pertinent language.

Mr. President, we had extended debate during the course of the morning and afternoon dealing with the ABM Treaty. Senator LEVIN spent, I believe, roughly 6 or 7 hours debating this issue. And I think it has been resolved on a close vote but nonetheless resolved.

I had intended and now do offer this amendment for the purpose of at least clarifying what my intent was in supporting the legislation as it was developed by the Armed Services Committee in the DOD authorization bill.

Basically, I believe it should be our policy to develop a defensive capability against a limited or accidental launch of a nuclear weapon against the United States. I believe we have an absolute obligation to the American people to say that in the event that anyone were so mad as to launch an ICBM toward the United States or one should be launched accidentally, we ought to have some minimum capability of destroying that missile before it arrives on U.S. soil.

I find it really quite astonishing to think that we would represent to the American people that a missile somehow has been fired, whether by accident or by miscalculation or madness, it is on its way to New York City, Washington, DC, Los Angeles, you name the city or town, and we have absolutely no way of stopping it. The best we can do is tell you that we will try to minimize the casualties; we will try to evacuate as quickly as possible after catastrophic damage has been done.

I think that is unacceptable to the American people given the fact that we are now witnessing the proliferation of missile technology on a fairly pervasive basis. And so what this amendment does is to express the sense of Congress on this matter.

Given the fundamental responsibility of the Government of the United States to protect the security of the U.S., the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction, ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple-site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the treaty.

Mr. President, what I am saying in this amendment is that whatever we do, we can do it consistent with the treaty. I want to stay within the limits of the treaty. The treaty allows us to seek to negotiate changes.

Originally we had a multiple-site ABM Treaty, two sites. We renegotiated it down to one site. With the changes of circumstances throughout the world, what we are asking is that we encourage the President to go to the Russians to seek to renegotiate the ABM Treaty for the purpose of allowing the Russians and the United States to have a effective capability against limited ballistic missile threats.

And so in this amendment the President is urged ''to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense system as specified in section 235'' to protect us from a limited ballistic attack.

And ''(5)''—and here is another key point—

If the negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with provisions of article XV of the treaty.

Mr. President, basically what this amendment says is, there is a potential threat that we ought to be facing and that we should seek to negotiate amendments to the ABM Treaty. That is contemplated by the treaty itself. So I am urging the President to seek to negotiate with the Russians, and in the event he is unsuccessful in those negotiations to gain amendments allowing the deployment by each party of a limited system, that he then come back to the Senate and consult with the Senate about whether we should stay in the ABM Treaty as it originally stands now or whether we ought to opt out as the treaty allows us to do.

So this is a sense of the Senate that we ought to proceed with this system, that we ought to encourage the President and urge him to go and meet with the Russians and their negotiators to renegotiate the ABM Treaty to allow the deployment of a land-based system with multiple sites that would protect us against accidental launch or miscalculation, certainly not against an all-out attack by the Russians, but a limited type attack, so we can have the capability to defend ourselves.

We urge the President to do this, seek this. In the event he is unsuccessful, we ask that he turn to the Senate and at least consult with us as to whether we should stay in the treaty or get out of the treaty.

Mr. President, I believe that is a fair expression of the sentiment that was expressed during the debates within the Armed Services Committee. I believe it is a fair expression of the sentiment on this side of the aisle. I reserve the remainder of my time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I urge all Members on both sides of the aisle to read this, of course, because some people may disagree with it, parts of it, particularly on my side of the aisle.

I do not disagree with anything in the Cohen resolution. I think it is helpful in the sense that it points in the right direction for the President to negotiate changes rather than simply assert changes. And that is clear in paragraph 4. I think also that it is the correct procedure for the negotiations. If the negotiations fail with the Russians, the President is urged to consult with the Senate about the option of withdrawing from the ABM Treaty under provision of article XV of the treaty.

I agree with some of the findings. Some of the people on this side of the aisle may not agree with the findings. I do. This is very close to what we had in the Missile Defense Act that Senator WARNER and I sponsored 2 or 3 years ago in the Missile Defense Act.

What is the problem with it? There is no problem with it that would keep me from voting for it, but it does not correct any of the things that we pointed out as being what we considered —most of us on this side and a few on that side of the aisle—to be fatal flaws with the bill itself. What it does not do because it is a sense-of-the-Senate resolution, it does not change any of the operative provisions in the underlying bill. And the operative provisions have the force of law. So we have got sense-of-the-Senate legislation that cannot by its very nature change the force of law.

So anyone who thinks there are problems in the underlying bill would not be comforted by this. This does not cure the problem. That is the reason I have not cosponsored it, not because I am not going to vote for it, not because it is not in the right direction, because it is. But it does not change the operative provisions of the bill which establish a number of legal restrictions on the President. This is, I believe, the first time I have seen provisions that restrict the President as to what he can negotiate. The underlying bill restricts the President of the United States in terms of his ability to negotiate.

Now, I believe that will be challenged by many as unconstitutional. I do not try to make a judgment on it. But I imagine that those in the executive branch would assert it is unconstitutional on its face. Whether that is the case or not, in my view it is bad policy, because if the President of the United States cannot negotiate, who can? We do not have a negotiating team from the U.S. Senate that I know of. We have an arms control observer group, but we make it clear we never negotiate; we simply discuss. So if the President cannot negotiate these changes, even if they are changes that the majority wants, how do we get changes in the treaty?

The Cohen amendment deals with one set of changes. And I think it appropriately says the President should negotiate the amendments to the ABM Treaty as necessary to provide for the national missile defense system specified in section 235. So the sense-of-the-Senate resolution does urge him to move in that direction.

The restrictions on negotiations of the President, however, do not relate to that section; they relate to the section that we talked about at length earlier in the debate which gets to the demarcation point between theater ballistic missiles and strategic ballistic missiles. And the defense against strategic ballistic missiles is that restricted by the ABM Treaty. The provision on theater ballistic missiles is not. And that demarcation point is defined in the underlying bill as a matter of law, and the President in the underlying bill is told that he cannot negotiate on that point. He cannot do anything on that point. And, therefore, I do not see how the Russians would ever accept that.

Now, maybe no one cares whether they accept it or not. But as I said earlier today, I do not think they have the option to go to defenses at this stage because of their economic condition. What they do have the option to do, and what they have said repeatedly they will do. So unless you believe they will not do what they said they are going to do, there is nothing in this amendment that changes the problem of the bill. And that is, it encourages, in fact it makes it clear to the Russians that we are going to move forward notwithstanding any concerns they may have on the ABM Treaty and that we will not comply with ABM Treaty in certain respects. And if they want to take action, then they will take action.

What action will they take? In my opinion they will simply not ratify START II. They will not, in my view, continue to draw down their missile forces under START I.

So, inadvertently, in the name of defending the United States and the people in the United States, the underlying bill, in my view, almost, not quite, because you cannot ever predict with certainty a foreign country's behavior, but it almost assures that the United States will end up with thousands of more missiles pointed at this country than we would otherwise have. I do not see how that improves our defense.

We are basically saying we want to move forward in 10 years to defend against threats that may be here in 10 years, that are not here now. But the threat that is here now, that is, the SS–18's the SS–24's that are pointed at us now that we want to take down, and the two Republican presidents have negotiated successfully to get the Russians to take down, we do not worry about that threat. It is now being dismantled. We put provisions in here that are likely to require or at least to encourage the Russians to keep those missiles pointed at us. I do not see how I can go home and tell my people that I voted for an underlying provision in a bill that is likely to keep thousands of missiles that we have described as the foremost threat that is aimed at the United States that we spent 15 to 20 years trying to figure out how to either negate through a deterrence policy, through a policy of negotiations, one way or the other, either through defenses or negotiation that we finally had two Republican Presidents, President Reagan and President Bush, successfully concluded the negotiations—one of them is now being implemented, START I, the other is pending in the Russian Duma and in the Senate.

So we are going to put a provision in here that says to the Russians, ''We are going to go ahead anyway. And we are going to disregard the ABM Treaty. But you do what you choose.'' I think what they are going to choose to do is keep those missiles pointed at us. Now maybe 10 years from now we will be able to defend against them. 2003 is the date. But understand, we are only talking about a thin defense, a thin defense against a few missiles and a Third

World country or an unauthorized launch or terrorist group that gets ahold of a ballistic missile or cruise missile. I want a defense against those. I am in favor of defense. I am in favor of amending the ABM Treaty, but I think we ought to do it through the procedure of international law and the procedure of American law, because a treaty is American law, and we are the ones who signed up for the ABM Treaty. It is our law now. It is the law of the land.

A treaty is the law of the land. We are saying disregard it in the underlying bill. I do not understand the logic, Mr. President. I cannot understand the logic of taking a step in the name of defending the people of America that is likely to end up having thousands of warheads pointed toward us while we spend 10 years and billions of dollars to figure out how to defend against a threat that is not yet here. I do not understand that logic.

Mr. President, I will vote for the Cohen amendment. It does not cure the underlying defects in the bill. I will have another amendment, in all likelihood. It depends on whether I have a chance to get it adopted. If I do not, then I will simply leave the bill as it is now and people can make their choice. But if I do have a chance to have it adopted, I will have an amendment that sets forth very clearly what our policy is. Succinctly what that would be is a policy, first of all, of coming forth with a defensive system in this country that protects against unauthorized launches, that protects against accidental launches, that protects against a third country defense, but that does so in compliance with the ABM Treaty.

Second, we ask the President to try to amend the ABM Treaty with amendments that would allow us to deploy that kind of system.

Third, if he fails to be able to amend it with the Russians—that is, if the Russians refuse—that we then consider our option of terminating our ABM obligations in accordance with article XV of the treaty itself, which says we can give 6 months' notice and terminate those obligations.

Mr. President, to me, that is a sensible policy. In the meantime, we should not tie the hands of the President of the United States to negotiate. We ought to insist that anything that has the nature of a treaty come before us for approval. We should not let treaties be amended by the executive branch, but we should not prevent the President from negotiating. We should not prevent him from negotiating a demarcation point.

I happen to agree with the demarcation point in the bill. I think it is perfectly reasonable. I do not mind putting it as a matter of findings. I do not mind saying this is the policy of the demarcation point. But I do not want the President to be prevented from saying to the Russians, ''This is what the Congress thinks and I would like for you to sign up to this.'' We preclude him from even doing that. He cannot negotiate anything.

I do not believe that provision will stand, because I do not think it will become law. But if it does become law, I think it probably will be challenged on constitutional grounds. Nevertheless, that is where we are.

I urge my colleagues to agree with the findings in the Cohen amendment, to vote for it, because I think the provisions make sense. I think they are a step in the right direction, but it does not cure what I consider to be fatal flaws of the underlying provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Senator COHEN has 12 minutes; Senator THURMOND 4 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. Four minutes and 40 seconds.

Mr. NUNN. I yield 3 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, in addition to the fact this amendment highlights the flaws in the underlying legislation because of what it does not address, it still leaves the President's hands tied. He cannot negotiate. It still commits us to deploy a system which is in violation of the ABM Treaty. That all remains. But in addition to actually highlighting the flaws of the underlying bill and not curing it, this resolution raises two questions, in my mind.

First, it says that the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty. The underlying bill also has sense-of-the-Senate language which is exactly the opposite, which says the President should cease all efforts to modify U.S. obligations under the ABM Treaty.

The Cohen language says initiate it, presumably as soon as you can. In section 4, the President is urged to initiate negotiations to amend the treaty. The bill, which is left untouched, has sense-of-the-Senate language which says cease all efforts until the Senate has completed its review process. It is just totally inconsistent with the underlying language. That is No. 1. But No. 2 is a question to my good friend from Maine.

When the resolution says that it is in the supreme interest of the United States to defend itself from the threat, if one votes for this resolution, does one thereby commit himself or herself to withdrawing from the ABM Treaty under the supreme interest provision in the ABM Treaty? In other words, would this vote be looked back at as a statement on the part of people voting for your resolution that, in fact, we should withdraw from the ABM Treaty because of a supreme national interest?

Mr. COHEN. The answer to my friend is no. What the language of my amendment says is the President should, in fact, initiate negotiations. I believe we should seek to negotiate a provision to the ABM Treaty to allow for the construction and deployment of a multisite limited system. And you will see the second part of that is, if the President is unsuccessful, he is to return and consult with the Senate to see whether we should stay in the treaty or get out of the treaty under article XV.

Mr. LEVIN. The language urging the President to negotiate in one part in your resolution, and the underlying bill says cease and desist all negotiations as to modify the treaty, do you view those as inconsistent?

Mr. COHEN. I believe there is an appearance of an inconsistency that came about as a result of an attempt by the majority to prevent the President negotiating to apply the ABM Treaty to the theater missile defense system. That is where that confusion came about.

I believe it is in our interest to urge negotiation on the part of the President to seek to revise the ABM Treaty in order to allow for deployment of a multiple site system here in this country and in Russia.

I might point out that I disagree with the statement of my friend from Georgia——

The PRESIDING OFFICER. Senator LEVIN's time has expired.

Mr. COHEN. I yield myself 1 minute. That with respect to section 238, I do not believe you can point to that language as preventing the President from negotiating. It simply says that the appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of prescribing, enforcing, or implementing. It does not prevent him from negotiating, but he could not implement any changes that would apply the ABM Treaty to theater missile defenses. The difference, he could not negotiate, he could not implement under the language of section 238.

Mr. LEVIN. I wonder if the Senator will yield, because there is a subsection (B) that says take any other action.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. At the direction of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think after this vote, I talked to the managers and what they would like to do, and I say this to all my colleagues, is to stay here. There are probably 25, 35 amendments that can be accepted, some on each side of the aisle. They are willing to stay here, and that will take a big amount of the amendments that are pending.

We now changed our list and, hopefully, before we go out tonight or tomorrow morning, we will have an agreement these will be the only amendments in order. That will at least give us a finite list. It is pretty long. We have 190-some amendments and everybody wants 2 hours. So I do not think we can make that by tomorrow night, the way I look at it. But you have to be optimistic around here. I

know Senator THURMOND is, he is going to finish it by 6 tomorrow night, or earlier, more or less.

This will be the last vote tonight, but I say to my colleagues on both sides, the managers are here, the staffs are here. A lot of the amendments have great merit and are going to be accepted. This is an opportunity to have your amendment accepted. Then the managers will determine what time we start tomorrow morning and whether we start on the agreement we have or some other amendment. That will be up to the managers.

I thank my colleagues.

The PRESIDING OFFICER. Senator COHEN has 8 minutes, and Senator NUNN has 1 minute.

Mr. COHEN. I yield the remainder of my time.

Mr. NUNN. I yield the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. COHEN].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

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

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—69

Abraham	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Mikulski
Bond	Graham	Murkowski
Breaux	Gramm	Nickles
Brown	Grams	Nunn
Bryan	Grassley	Packwood
Burns	Gregg	Pressler
Campbell	Hatch	Pryor
Chafee	Heflin	Reid
Coats	Hollings	Robb
Cochran	Hutchison	Roth
Cohen	Inhofe	Santorum
Conrad	Jeffords	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kerrey	Specter
DeWine	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lieberman	Thompson
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NAYS—26

Akaka	Daschle	Kerry
Biden	Dorgan	Lautenberg
Bingaman	Feingold	Leahy
Boxer	Glenn	Levin
Bradley	Harkin	Moseley-Braun
Bumpers	Hatfield	Moynihan
Byrd	Kennedy	
Murray	Rockefeller	Simon
Pell	Sarbanes	Wellstone

NOT VOTING—5

Dodd	Inouye	Smith
Helms	Johnston	

So the amendment (No. 2089) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator THURMOND, together with the ranking member, were anxious to accept a number of amendments which have been cleared on both sides. I anticipate we will undertake to do that in just a matter of a minute or two.

Mr. President, if I could draw the attention of my distinguished colleague to an amendment by the Senator from Rhode Island [Mr. CHAFEE] which I believe has been cleared on both sides.

Mr. NUNN. The Senator from Virginia is correct. That amendment has been cleared. If you will give us just one minute, we want to make sure we have the right amendment.

AMENDMENT NO. 2095

(Purpose: To improve the section establishing uniform national discharge standards for the control of water pollution from vessels of the Armed Forces)

Mr. WARNER. On behalf of the Senator from South Carolina, Mr. THURMOND, I send to the desk an amendment which is submitted by the Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, and Mr. WARNER, proposes an amendment numbered 2095.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WARNER. Mr. President, I ask the clerk note that I am acting on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, and all amendments will be sent to the desk in Mr. THURMOND's name.

Mr. CHAFEE. Mr. President, this bill includes an amendment to the Clean Water Act based on a 5-year effort by the Navy to develop environmental standards that would apply to the nonsewage discharges from its ships. The Navy has a goal of building and operating environmentally sound ships and this amendment to the Clean Water Act will help them reach that goal.

The Clean Water Act amendment in his bill was developed by the Navy and sent to the Senate by the administration in early June. In addition to consideration by the Armed Services Committee, this proposal was also reviewed by the Committee on Environment and Public Works which has jurisdiction over the Clean Water Act. As chairman of that committee, I sought comment on this administration proposal from members of the committee, the coastal States, the Coast Guard, EPA and the National Oceanic and Atmospheric Administration and from other organizations with an interest in coastal pollution problems.

There was general support for this approach. It is seen as a net environmental improvement, because it provides for treatment of discharges from vessels that are not controlled today.

Some concerns were expressed by the States. They wanted to be consulted before the rules are issued. They wanted to be sure that treatment systems used to control these discharges are the most effective, consistent with the mission of the Navy. And they wanted assurance that current environmental requirements like section 311 dealing with oil spills would not be overridden.

The Environment and Public Works Committee developed a set of amendments to the administration proposal to address those concerns. The committee then reported an original bill, S. 1033, on July 13. The amendment that Senator WARNER and I are offering to the DOD authorization bill today is the text of the bill reported by the Environment and Public Works Committee. The committee also filed a report on S. 1033 which explains the provisions of our amendment and is to be looked to for legislative history on this amendment.

We have agreed to move this amendment to the Clean Water Act on the DOD authorization bill to facilitate the Navy's efforts to develop environmentally sound ships. The Navy has taken the lead in this area and they should be rewarded for their initiative with speedy enactment of this proposal.

With that said, let me address the substance of this amendment for a moment.

Even though vessels are considered point sources of pollution under the Clean Water Act, EPA regulations have exempted many discharges from the permit requirements of the act. Currently, sewage discharges are regulated under section 312 of the Clean Water Act. It requires that each vessel be equipped with a marine sanitation device to treat sewage before it is discharged.

But many of the other wastewaters like graywater from showers and sinks, bilge water from the hold of the ship, wastewater from the boiler or water from cleaning the deck or equipment are not regulated under the Clean Water Act. Some coastal States have taken an interest in these discharges, but there is no comprehensive Federal program.

The amendment we are offering requires the Secretary of Defense and the Administrator of EPA to act jointly to

identify the non-sewage discharges from ships that need attention.

For each discharge that has a significant adverse impact, EPA and DOD would identify an appropriation pollution control technology or management practice to reduce the pollution.

These standards would only apply to ships of the Armed Forces and the Coast Guard.

Once the Federal regulations are in place, the States would be preempted. A State could not impose its own, inconsistent, regulations. But if a State identified a particularly sensitive coastal or marine area, it could establish a so-called ''no-discharge zone'' where all discharges of a particular type would be banned.

Mr. President, the Navy is to be congratulated for this effort. It will improve water quality in our estuaries and ocean waters. I am pleased that the Senate has moved this legislation quickly to assist the Navy in its efforts.

Mr. NUNN. Mr. President, this amendment has been cleared on this side of the aisle. I urge its adoption.

Mr. WARNER. Mr. President, I think it is appropriate now to call for the vote.

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

The amendment (No. 2095) was agreed to.

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

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2096

(Purpose: To make funds available for the Troops to Teachers program and the Troops to Cops program)

Mr. NUNN. Mr. President, I inquire of my friend from Virginia. We have two amendments I would like to present. I believe they have been cleared, but I want to check with my friend before I send them to the desk, by Senator PRYOR and Senator FEINSTEIN.

The two amendments coupled together are the ''Troops to Teachers'' and the ''Troops to Cops'' program. The amendments provide $42 million for the ''Troops to Teachers'' program, offset from excess military personnel funds, and provides $10 million for the ''Troops to Cops'' program, offset from the same source. Mr. President, ''Troops to Teachers'' was created by the National Defense Authorization Act for fiscal year 1993 as part of the Transition Assistance Program, designed to help service members affected by downsizing.

Troops to Cops was added to the National Defense Authorization Act for fiscal year 1994. Individuals can receive a $5,000 stipend to assist in obtaining the necessary training and certification.

In addition, if a service member is part of an early 15-year retirement, the individual will receive time or credit for up to 5 years if he or she completes 5 years of teaching or law enforcement assignment.

That was an amendment that I proposed that became law, and I think it is working very well.

The school systems or law enforcement agencies that hire a participant receives funds to assist in paying the salary ranging from up to $25,000 for an individual's first year down to $2,500 for an individual's fifth year.

There is a win-win program benefiting separating service members, helping them get employment, and helping our Nation. Frankly, we will never have this reservoir of talented people coming out into the job market from the military in this number of people in any period in the future that I can envision at this point because this is part of the drawdown in our military. We have literally tens of thousands of people in the military that are extremely well qualified in math and science and languages, and encouraging them and facilitating them going into teaching and going into law enforcement at the local level and helping the States and local governments, to me, is not only helping the State and local government but helping the military and strengthening our Nation.

So these amendments provide for prudent steps.

Troops to Teachers receives $65 million in fiscal year 1995. This amendment calls for $42 million, which is a reduced program. The drawdown is being reduced.

These will not be permanent programs. After you get through the drawdown and you level off the military personnel, then you would not, in all likelihood, have these programs.

The Troops to Cops program receives $15 million in fiscal year 1995. This amendment calls for $10 million, which is a substantial reduction.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PRYOR for himself, and Mrs. FEINSTEIN, proposes an amendment numbered 2096.

On page 137, after line 24, add the following:

SEC. 389. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1) $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troop-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term ''Troops-to-Cops program'' means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term ''Troops-to-Teachers program'' means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

TROOPS TO TEACHERS

Mr. PRYOR. Mr. President, I rise today to offer an amendment to continue funding for the Troops to Teachers Program in the Department of Defense.

Troops to Teachers is a Department of Defense Transition Program designed to assist separated military service members and other former DOD employees to become certified and obtain employment as teachers or teacher's aides. Congress established this program in 1992, and it has always enjoyed strong bipartisan support.

Troops to Teachers provides up to $5,000 stipends to selected participants to help them become certified to teach, and grants of up to $50,000, paid over 5 years, to local education agencies for each former military service member they agree to hire.

Troops to Teachers is helping former service members find productive, meaningful employment after leaving the military. By tapping the skills and experience these individuals possess, Troops to Teachers is improving the quality of our public school education nationwide. And by placing special emphasis on schools with a high concentration of students from low income families, this program provides teachers in areas where educators are in short supply.

In the Department of Defense, the response to this program has been outstanding. Over 500 Troops to Teachers have recently been hired by school districts in 39 States. In addition, over 1,000 individuals scattered across 46 States are using this program to become certified to teach. Most importantly, there are over 9,000 applicants currently preparing to enter this program.

These 9,000 former DOD personnel awaiting acceptance to this program are counting on these funds to begin a new life after the military. They are counting on our support.

I mentioned earlier that Troops to Teachers has always enjoyed strong bipartisan support. In 1992, I was asked by former Senate majority leader George Mitchell to chair a task force on defense transition. The centerpiece of our task force report was a recommendation for Congress to help former military personnel get training, certification, and job placement required for employment in critical public service jobs, such as education, law enforcement, and medical services. The legislation that resulted from this recommendation created the Troops to Teachers and Troops to Cops Programs.

That same year, a Republican task force convened and made an identical recommendation supporting the creation of Troops to Teachers. The 1992 report of the Senate Republican task force on adjusting the defense base stated,

The Task Force recommends that Congress adopt legislation to encourage states to adopt alternative teacher certification programs for separated and retiring servicemen. Not only will this enable some former military personnel to put their talents to productive use in public service, it will help address the teacher shortage found in some particularly urban, areas.

This report goes on to say, ''The Task Force supports an expansion of the DOD program to pay for coursework of departing servicemen which meets reasonable state certification requirements.'' Finally, the Republican task force report concludes, ''The cost of programs directly responding to problems resulting from the declining defense budget . . . should be paid for out of the defense budget.''

Mr. President, the Troops to Teachers program was designed by Congress, in a bipartisan fashion, in response to the needs of separating military personnel. But the primary responsibility of Troops to Teachers is taking care of the men and women who are leaving the military after years of dedicated service to our country. These individuals should not be penalized because they desire to work in a classroom instead of in a shipyard building submarines.

Perhaps the best reason for continuing funding for this program is that it is a tremendous success. Just listen to what a few of its participants have said about their experiences.

Take Ed Coet for example. Ed is 45 years old. He recently retired from the Army after last serving as a military intelligence officer in the gulf war. Now Ed teaches a class of 10 emotionally disturbed fourth-grade boys at Brookhaven Intermediate School in Killeen, TX. Ed recently said, ''My work as a teacher is every bit as challenging and important as anything I did in the Army. In the past, it was what I was doing for my country. Now all my kids are an extension of me. If they succeed, I succeed.''

And then there is Arthur Moore, a retired Army staff sergeant from Baltimore, MD. Arthur is currently teaching fifth grade at Samuel Coleridge-Taylor Elementary School. About his experience Arthur said, ''Every day I have to prove to them I really care, not just about teaching but about them.''

And listen to what the school districts across America are saying about Troops to Teachers.

The Jackson County Public School System in North Carolina said, ''Our teachers have exceeded all expectations. We are very pleased.''

Beaufort County School District in South Carolina says, ''An outstanding program—all of our participants are excellent.''

Isaac School District No. 5 in Arizona says, ''we are very fortunate to have an experienced, dedicated Troops to Teachers participant who bilingual.

The military training and experience have assisted this individual in making the transition to teaching.''

Mr. President, that is exactly what this program is all about—helping military personnel make the transition into a productive life in public service. These individuals are the centerpiece of the program.

Eliminating funding for Troops to Teachers would mean turning our backs on the military service members who served their country on the battlefield, and who now want to continue their service in the classroom. This program truly deserves our full support.

TROOPS TO COPS

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by the Senator from Arkansas which provides $10 million for the Troops-to-Cops Program and $42 million for the Troops-to-Teachers Program. I am happy to be an original cosponsor of this important amendment.

Senator PRYOR has discussed the Troops-to-Teachers Program, and I would like to focus on the Troops-to-Cops Program.

The program—administered by the Justice Department in coordination with the Department of Defense—provides $5,000 per officer for training to local police and sheriffs departments to hire former military personnel as law enforcement officers. This funding can be used to support the following: tuition at a police training academy; costs of local ''compliance'' training if the veteran attended an out-of-state police academy; the costs of specialized training in community policing.

Local law enforcement agencies can use Troops to Cops funds to pay for training of eligible recently separated military personnel.

Troops to Cops was initially authorized in the 1994 DOD authorization bill. Last year, the Appropriations Committee provided $15 million for this program. The fiscal year 1995 funding will provide training assistance for 3,000 former military personnel who elect to become law enforcement officers. I am proposing to provide $10 million more in fiscal year 1996 to provide training for 2,000 more.

For an investment of $25 million over 2 years, Congress has an opportunity to help provide good jobs for our former military personnel and make our streets safer. In my view, few Government programs offer such a win-win scenario as this program does. Troops to Cops fills two important needs: It helps our communities recruit quality law enforcement officers; At the same time it utilizes the tremendous wealth of skilled military personnel who are transitioning to new jobs as a result of defense downsizing.

Troops to Cops is a transitional benefit for troops affected by downsizing. In fiscal year 1994 alone, 291,000 troops were separated from the armed forces.

The Department of Justice is in the process of administering this program as a part of the overall COPS Program. Applications for the funds are due on August 15, 1995, and the COPS office anticipates making its awards by the end of September. The delay in implementation of this program is due to the emphasis on actually getting the crime bill's funding for officers to the police and sheriff's departments. Troops to Cops is follow-on funding to help make the program work.

The Department of Justice is expecting applications for htis program to far exceed the ability they have to provide funding. And, the Department of Defense expects the demand among military personnel to far exceed the funding that is currently available for Troops to Cops.

According to the Defense Department's Office of Transition Support and Services, one of the most asked about post-military careers at DOD job fairs is law enforcement. Many veterans want to work in law enforcment, and police and sheriffs departments are often eager to hire them.

The $52 million authorized by this amendment en toto is fully offset. According to the Congressional Budget Office, section 431 of the bill contains $52 million more than is needed to implement the military personnel programs of the Department of Defense. So, this amendment does not increase spending over the original Armed Services Committee proposal.

The Troops-to-Cops Program is supported by a variety of cities, police departments and veterans organizations, including: National Sheriffs' Association; city of Long Beach, CA; Los Angeles County Professional Peace Officers Association; city of Virginia Beach, VA; city of Los Angeles; city and county of Denver, CO; city of Miami, FL; Non-Commissioned Officers Association of the U.S.; Los Angeles Police Protective League; and The American Legion.

Troops to Cops is a win-win program for defense conversion and law enforcement. We can give something back to our military personnel who served their country, as well as to our communities across the country to make their streets safer.

I urge my colleagues to support this amendment which would authorized $10 million to continue the work of the Troops-to-Cops program.

Mr. ROBB. Mr. President, I rise as a cosponsor of this amendment to support authorizing the Troops-to-Teachers Program. This program is a vital transition benefit for service members leaving the military because of downsizing. In 1993, the Congress authorized this innovative program which benefits both departing service members and school systems across our country which are having difficulty attracting quality teachers.

Troops-to-Teachers has two parts. First, it provides financial assistance to service members to help them get the certification necessary to work as a teacher or teacher's aide. Second, it provides funds over a 5-year time frame to school systems that hire program graduates to defray the individual's

salary costs in decreasing increments. This allows the school system the time to find the means of paying for that teacher's salary.

The statistics back up the value of the Troops-to-Teachers Program. Over 8,000 individuals have applied to the program; Over 800 individuals are currently undergoing certification training in 45 states; Over 300 individuals have been hired so far in 35 States; 150 school districts nationwide are employing participants in this program.

Clearly this program is a winner for all involved, both the men and women who have served their country and our children who are going to benefit from not just their teaching abilities, but their service as role models. I strongly support efforts to make sure that this program continues.

Mr. WARNER. Mr. President, we are prepared to accept the amendment. It is acceptable.

Mr. NUNN. I thank the Senator.

Mr. President, Senator PRYOR is the prime author of the ''Troops to Teachers'' amendment, and Senator FEINSTEIN is the prime author of the ''Troops to Cops'' part of this amendment.

They have both worked diligently in this entire area, and in the transition of our military personnel, which has been a very large success.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2096) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2097

(Purpose: To ensure the preservation of the ammunition industrial base of the United States)

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, the Senator from Kansas, Mr. DOLE, I offer an amendment which pertains to ammunition procurement and management. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DOLE, proposes an amendment numbered 2097.

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

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

The amendment is as follows:

On page 314, between lines 11 and 12, insert the following:

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(A) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

MUNITIONS INDUSTRIAL BASE

Mr. DOLE. Mr. President, the amendment I propose today requires the Secretary of Defense to initiate a review of the ammunition procurement and management programs of the Department of Defense.

The munitions industrial base has undergone dramatic reductions in the years following the Vietnam war. Built principally during World War II, the base consisted of a large number of expansive, government-owned manufacturing plants combined with hundreds of private sector major component and end-item manufacturing plants, and thousands of second and third tier subcontractor facilities, all designed to produce large volumes of munitions to fight another worldwide conflict. The end of the cold war triggered a comprehensive reassessment and restructuring of the national security strategy. Concurrently, the ammunition requirements of the Armed Forces were precipitously reduced and the production of ammunition declined to the lowest level since before the Vietnam war. This reduced business for the industrial base has decimated what was once a versatile, robust, and energetic industry. Of the 286 major munitions companies which existed in 1978 only 52 are projected to be in business by the end of 1995, an 82 percent reduction. At the same time the Government production base has shrunk by over 40 percent from 32 to 19 facilities. Only 9 of those remaining 19 plants are being actively workloaded with production.

In light of these enormous changes, it is appropriate to review how the Department of Defense plans, budgets, conducts, and manages ammunition procurement and production. My amendment directs the Secretary to initiate such a review, aimed at restructuring the entire munitions infrastructure with three objectives in mind: Elimination of management/review layering in the planning, budgeting, and execution of ammunition programs; fixing the accountability for decisions; and reduction or elimination of Government ownership of production equipment and facilities, while preserving a robust and responsive ammunition production industrial base.

Summed up, the overall objective of the study is to recommend those changes which will reduce the cost to the U.S. Government of providing munitions to our Armed Forces both in peace and during war while making the industrial base more responsive to our war fighters' needs.

Mr. WARNER. I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared on this side. I urge the Senate to approve the amendment.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2097) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2098

(Purpose: To modify the authority to transfer funds regarding foreign currency fluctuations so that the authority does not apply to appropriations for fiscal years before fiscal year 1996)

Mr. WARNER. Mr. President, on behalf of the distinguished Senator from South Carolina, Mr. THURMOND, I offer an amendment to modify section 1006, which is transfer authority regarding funds available for foreign currency fluctuations and eliminate the direct spending costs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. THURMOND, proposes an amendment numbered 2098.

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

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

The amendment is as follows:

On page 328, line 19, strike out ''1994'' and insert in lieu thereof ''1995''.

On page 329, line 18, strike out ''1993'' and insert in lieu thereof ''1995''.

Mr. THURMOND. Mr. President, this amendment modifies section 1106, transfer authority regarding funds available for foreign currency fluctuations to eliminate the direct spending costs. When the committee adopted this provision during our markup, we

did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $30 million in direct spending in fiscal year 1996.

The amendment modifies the provision to make the authority effective in fiscal year 1996, eliminating the ability to use prior year funds.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I ask my friend from Virginia if he would go to the next amendment and set this one aside very briefly.

We need to do a little more checking on this amendment.

Mr. WARNER. Mr. President, I understand that the minority is willing to return to the Thurmond amendment.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

Mr. WARNER. I urge the Chair to ask the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment 2098.

The amendment (No. 2098) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2099

(Purpose: To provide a substitute for section 543, relating to military intelligence personnel prevented by secrecy from being considered for decorations and award)

Mr. NUNN. Mr. President, I have an amendment by Senator AKAKA. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2099.

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

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

The amendment is as follows:

Beginning on page 204, strike out line 8 and all that follows through page 206, line 4, and insert in lieu thereof the following:

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code.

MILITARY INTELLIGENCE PERSONNEL AWARDS

Mr. AKAKA. Mr. President, I rise to offer an amendment that would improve section 543 of the pending measure, which concerns awards and decorations for military intelligence personnel.

As my colleagues are aware, recommendations for the Medal of Honor, Distinguished Service Cross, and other awards must be submitted and acted upon within a certain time frame. For example, for the Army and Air Force, the Medal of Honor must be recommended within 2 years of an act, and awarded within 3; for the Navy, the applicable dates are 3 years and 5 years, respectively. These limits were imposed by Congress to ensure that an award, and particularly the Medal of Honor, would be based on the most contemporaneous, and thus accurate, documentation.

While these time limits may be appropriate in the vast majority of cases, they are not always appropriate in the case of military intelligence personnel who, because of the secrecy of their missions, could not be considered for the Medal of Honor or other awards within the 3 or 5 year statutory period. The U.S. Army Intelligence Center, which administers the Military Intelligence Hall of Fame, cites a number of individuals who are members of the Hall who are in precisely this situation.

One example is the legendary COL Car Eifler, who performed extraordinary service during World War II, notably as the leader of the famous Detachment 101 of the Office of Strategic Services in Burma. Under his command, the secret commando unit operated behind enemy lines, harassing Japanese troops and organizing and training Burmese natives in espionage and sabotage.

During the course of the war, Detachment 101 cleared the enemy from a 10,000 square mile area, sabotaged the Japanese railway system, and gathered important intelligence about enemy activities and capabilities. COL Eifler displayed extraordinary personal courage on numerous occasions, including one instance in which he commanded a small, unarmed vessel through 450 miles of Japanese controlled waters to rescue 10 crewmembers of a downed B–24 bomber in the Bay of Bengal.

While COL Eifler received several citations, the covert conditions under which he operated prevented his being nominated for the Congressional Medal of Honor or the Distinguished Service Cross, either of which he clearly merits.

Another example is LTC Richard Sakakida, who served as an Army undercover agent in the Philippines during the Second World War. LTC Sakakida was captured by the Japanese shortly after the fall of Corregidor and subjected to excruciating torture; incredibly, he steadfastly refused to divulge his mission as an American intelligence agent. Later, after gaining the confidence of his captors, he established a spy network within Japanese Army headquarters and was able to send important combat intelligence to the Allies through Filipino guerrillas whom he had recruited as couriers. Some of this information may have led to the destruction of a major Japanese naval task force preparing to invade Australia.

During this period, he also engineered the escape of hundreds of Filipino guerrillas from prison, yet he himself remained behind in order to continue his intelligence activities. Today, because his mission was undertaken in complete secrecy, and because his direct superiors died or were killed during the war, he was never considered for an award for valor. Yet, now that his full story has become known, he is ineligible for awards such as the Medal of Honor or DSC because of the statutory deadlines that apply to such awards.

Mr. President, these are but two examples of military intelligence operatives whose courageous deeds have never been fully acknowledged. The U.S. Army Intelligence Center has

identified other deserving individuals who were overlooked because of secrecy. Undoubtedly there are others, less well known, who have never been recognized for their intelligence-related accomplishments.

Earlier this year, Mr. President, I had the pleasure of working with members of the Armed Services Committee on an initiative to assist deserving individuals such as COL Eifler and LTC Sakakida. Due largely to the efforts of my friend and colleague, Senator COATS, the chairman of the Personnel Subcommittee, the committee approved a provision in the pending measure, section 543, that attempts to address this issue.

In brief, section 543 expresses the sense of the Senate that the military services should conduct a 1-year review of the records of military intelligence personnel to determine if they were prevented by the secrecy of their missions from being appropriately considered for the Medal of Honor, Distinguished Service Cross, and other awards. Based on the review, section 543 authorizes the services to approve awards for deserving individuals notwithstanding the statutory time limitations governing such awards.

However, since the provision was reported from committee, a number of technical shortcomings have been pointed out to me by the military services as well as by military intelligence veterans organizations. I have assembled their suggestions for improving section 543 in the pending amendment. My amendment does several things:

First, it would require, rather than urge, the services to undertake the proposed review. Making the review mandatory is important because many of the affected individuals are veterans of World War II or Korea who are in their 60's, 70's, and 80's and not in the best of health. Mandating that the review be undertaken and completed by a date certain rather than leaving it to the military's discretion, would ensure that the cases of these older veterans will be considered before age takes its toll.

Second, rather than requiring the military services to review the records of all military intelligence personnel, which would involve examining potentially millions of documents and files—a monumental, perhaps impossible task—my amendment would simply require the services to review only the records of those individuals for whom recommendations have been received by the services during the 1-year period. That is to say, the onus would be on the individual, or his or her supporters, to apply for consideration during the review period. This would considerably ease the administrative burden, and cost, that section 543 as currently drafted would impose on the military.

Third, my amendment would allow the service Secretaries to reject an application or recommendation if there is a justifiable basis for concluding that the application is specious. Again, the purpose of this particular provision is to make the services' task easier by giving them the authority to reject at the outset any recommendation for an award that is, on its face, without merit.

Fourth, it would require the services to take reasonable steps to publicize the opportunity to apply for awards during the 1-year review period. It would be a sad state of affairs, Mr. President, if certain deserving individuals were not to take advantage of the review opportunity through lack of notification. The services have an obligation to ensure that potential awardees are informed of the opportunity to apply for an award or decoration.

Fifth, my amendment would require the services, upon completion of the review, to make any legislative or administrative recommendations to improve award procedures with respect to military intelligence personnel. These recommendations will be important in helping Congress and the services develop policies that will obviate problems of the kind which makes this legislation necessary.

Finally, I should note that my amendment is almost identical in form and substance to another provision in the committee bill, section 542, which concerns awards for service during the Vietnam era. Thus, I believe there is ample justification and precedent for the amendment I am offering. Certainly if Vietnam veterans deserve a chance to be reviewed for acts of heroism, military intelligence officers from other wars whose heroism has been long-overlooked should be accorded a similar opportunity.

Mr. President, we will soon be commemorating the 50th anniversary of V–J Day and the end of World War II. I can think of no better way to honor the courage and sacrifice of the men and women who served our country as military intelligence officers during that conflict and in subsequent wars than to enact this amendment.

Thank you, Mr. President. I would like to thank the chairman and ranking member of the Personnel Subcommittee, Senator COATS and Senator BYRD, as well as the chairman and ranking member of the full Committee, Senator THURMOND and Senator NUNN, for their understanding and assistance on this matter. I would also like to recognize the efforts of their staff, including Andy Effron, P.T. Henry, and especially Charlie Abell, for the tremendous support they provided my staff.

I ask unanimous consent that copies of letters in support of this initiative from the commander of the U.S. Army Intelligence Command and the presidents of the Veterans of the Office of Strategic Services and the Association of Former Intelligence Officers, be printed in the RECORD.

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

CHIEF, MILITARY INTELLIGENCE CORPS.,
DEPARTMENT OF THE ARMY,
Fort Huachuca, AZ.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I appreciate your continued support concerning the Medal of Honor situation faced by Lieutenant Colonel Richard Sakakida, and several other of our unrecognized members of the Military Intelligence Corps from World War II.

I wholeheartedly concur that Lieutenant Colonel Richard Sakakida should be awarded the Medal of Honor for his valorous actions in covert operations during World War II. Unfortunately, Lieutenant Colonel Sakakida is not alone in his unrecognized heroism. Due to the sensitivity and classified nature of their missions, several other members and nominees of the Military Intelligence Corps Hall of Fame would certainly benefit from your legislation. These individuals include Master Sergeant Lorenzo Alverado, Specialist Harry Akune, Sergeant Peter de Pasqua, and Colonel Carl Eifler. I support your efforts for legislation S. 566 that requires review of all World War II Military Intelligence personnel. Recognition for their accomplishments is long overdue.

If you require further assistance or background information, please contact Jim Chambers or Captain Vivian Santistevan, Office of the Chief of Military Intelligence, (502) 533–1178/1181.

Sincerely,

CHARLES W. THOMAS,
Brigadier General.

VETERANS OF OSS,
New York, NY, June 20, 1995.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: As President of the Veterans of the Office of Strategic Services (VSS), which represents the men and women who carried out the majority of US secret intelligence and special operations activities during WW II that were outside the traditional military structure, I am writing to express our organization's strong support for your efforts to secure appropriate recognition for certain former military intelligence personnel who deserve same.

As you know, there are many deserving individuals who served in intelligence capacities during wartime who, because of the classified nature of their missions, were never appropriately considered for the Congressional Medal of Honor, Distinguished Service Cross, or other awards prior to the statutory deadline for official consideration for these medals.

Among others of our group who were unfairly precluded from receiving appropriate consideration include from Col. Carl Eifler, (who could not be put in for a Medal of Honor) to Camille Lelong, known then as Lt. Jacques P. Pavel, a Jed teammate of William Colby (who he put in for a Legion of Merit, but was never awarded) and nisei Kay Sugahara (who after internment, joined the OSS's Moral Operations Branch and did extraordinary work in the Pacific before and immediately after VJ Day, is now buried in Arlington, but never received any recognition whatsoever).

VSS wholeheartedly supports legislation that would waive the time limits pertaining to the CMH and other medals for those individuals who, because of the secrecy of their operations, could and/or were not otherwise considered for these awards within the prescribed normal military limitation.

With all best wishes,

Yours truly,

GEOFFREY M.T. JONES,
President.

ASSOCIATION OF FORMER INTELLIGENCE OFFICERS,
McLean, VA, July 25, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR AKAKA: As Executive Director of the Association of Former Intelligence Officers (AFIO), I endorse your efforts to secure recognition for military intelligence veterans.

I wholeheartedly encourage proposed legislation that would require the military services to review the records of military intelligence personnel who, because of the secrecy of their work, were never appropriately considered for the Medal of Honor, Distinguished Service Cross, or other award.

The military should be required to review the records only of those individuals who apply to be reviewed or whose applications are submitted on their behalf. These individuals could then be considered on a case-by-case basis. To ensure that the military reviews the applications in a timely manner, a statutory delimiting deadline for making a final determination should be imposed, perhaps one year from the date an application is received.

Thank you again for your work on behalf of military intelligence veterans.

Sincerely,

DAVID D. WHIPPLE,
Executive Director.

Mr. NUNN. Mr. President, this amendment establishes congressional findings concerning the potential for overlooking meritorious acts by those whose activities necessarily require secrecy.

This establishes a 1-year period for review of recommendations and requests for awards for the period from 1940 to 1990. While the bill recognizes that persons deserving of awards may have been overlooked because their intelligence activities were necessarily secretive, it contains no provisions for review of existing procedures which are time consuming and not oriented toward cases which contain a presumption against reviewing cases more than 3 years old.

The provision establishes a limited time of 1 year and limits review to those requesting or recommended for such a review.

I urge adoption of the amendment.

Mr. WARNER. Mr. President, the amendment is satisfactory.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2099) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2100

(Purpose: To require the Secretary of the Army to review the records relating to the award of the Distinguished Service Cross to Asian-Americans and Native American Pacific Islanders for service in the Army during World War II to determine whether the award should be upgraded to the Medal of Honor)

Mr. NUNN. Mr. President, I have another amendment by the Senator from Hawaii, Senator AKAKA. This amendment would require a review of awards to Asian-Americans and native American Pacific Islanders during World War II. It requires the review of awards to African-Americans to determine whether they should be upgraded.

The Army has undertaken a review of World War II awards of the Distinguished Service Cross to determine whether any should be upgraded to the Medal of Honor. The review is requested based on a concern that some awards may have been downgraded due to prejudice.

The amendment requests a similar review of awards to native American Pacific Islanders in view of the possible prejudice at that time against these groups.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2100.

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

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

The amendment is as follows:

On page 206, between lines 4 and 5, insert the following:

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor; or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term ''Native American Pacific Islander'' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.).

(2) The term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

REQUIRING THE REVIEW OF DISTINGUISHED SERVICE CROSS AWARDS TO ASIAN AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS DURING WORLD WAR II

Mr. AKAKA. Mr. President, I rise to offer an amendment to S. 1026, the fiscal year 1996 Department of Defense authorization bill. The amendment directs the Secretary of the Army to review the service records of Asian-Americans and Native American Pacific Islanders who received the Distinguished Service Cross to determine whether the award should be upgraded to the Medal of Honor.

Under the direction of then-Acting Secretary John Shannon, the Army is reviewing all Distinguished Service Cross [DSC] awards given to African-American soldiers during World War II to determine whether any of these cases merited an upgrade to the Congressional Medal of Honor [CMH].

Mr. President, I offer my amendment to ensure that the Army conducts a similar study for Asian-Americans and Pacific Islanders who served during World War II. I am deeply concerned that this group of Americans may have also been discriminated against in the awarding of the CMH. The internment of Japanese-Americans during World War II is a clear indication of the bias that existed at the time. This hostile climate may have impacted the decision to award the military's highest honor to Asians, particularly Japanese-Americans.

The famed 100th Infantry Battalion/442 Regimental Combat Team, which performed extraordinary deeds in Europe, still has the unique distinction of being the most highly decorated unit of its size in American history. In fact, 47 individuals of the 442d Regimental Combat Team received the DSC. However, only one Japanese-American who served during World War II received the CMH; this award was given posthumously after the war only when concerns were raised that not one American of Japanese descent who served in World War II had received the medal.

Mr. President, my amendment only serves to ensure fairness for Asian-Americans and Pacific Islanders who so gallantly served their country during World War II. As we celebrate the fiftieth anniversary of the Allied victory over the Axis powers, I think it is timely and appropriate that we undertake such a initiative. I hope that my colleagues will support this important amendment.

Mr. WARNER. Mr. President, we find the amendment satisfactory and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii, No. 2100

The amendment (No. 2100) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2101

(Purpose: To revise section 723, relating to the applicability of CHAMPUS payment rules to health care provided by CHAMPUS providers to members of the uniformed services enrolled in a health care plan of a Uniformed Services Treatment Facility)

Mr. WARNER. Mr. President, on behalf of Senator COATS, I offer an amendment which modifies section 723 by striking the current section and replacing it with a new section which accomplishes the intended result of protecting Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes amendment numbered 2101.

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

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

The amendment is as follows:

Beginning on page 290, strike out line 12 and all that follows through page 291, line 14, and insert in lieu thereof the following:

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

''(2) In this subsection:

''(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

''(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

''(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).''.

Mr. COATS. Mr. President, this amendment modifies section 723, amount payable by uniformed services for health care services provided outside the catchment areas of the facilities, to perfect the provision.

The amendment strikes the current section and replaces it with a new section which accomplishes the intended result of protecting the Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The Uniformed Services Treatment Facilities and the Department of Defense concur in this change. I understand this amendment is agreed to on both sides.

Thank you, Mr. President.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2101) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2102

(Purpose: To change a date in section 712)

Mr. WARNER. Mr. President, on behalf of the Senator from Indiana [Mr. COATS] I offer an amendment which would change the date after which USTF enrollees are subject to the TRICARE uniform benefits. This change will enable the USTF's to enroll eligible personnel in the August-September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 2102:

On page 285, line 14, strike out ''January 1, 1995'' and insert in lieu thereof ''October 1, 1995''.

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

This amendment modifies section 712, provision of TRICARE uniform benefits by uniformed services treatment facilities, to change the date before which those enrolled in a USTF program would not be required to convert to the uniform benefit.

Section 712 currently would grand father those enrolled in a USTF health care program on or before January 1, 1995. This amendment would change this date to October 1, 1995. This change will enable the USTF's to enroll eligible personnel in the August–September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2102) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2103

Mr. WARNER. Now, Mr. President, on behalf of the Senators from Oklahoma, Mr. NICKLES and Mr. INHOFE, I offer an amendment which will require the General Accounting Office to review the Department of Defense depot maintenance policy required in this bill.

Mr. President, I believe this amendment has been cleared by the other side. I think that is correct.

Mr. NUNN. Mr. President, that is correct. I have a brief statement I would like to make on behalf of the amendment.

Mr. WARNER. Mr. President, I now ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. NICKLES, for himself and Mr. INHOFE, proposes an amendment numbered 2103.

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

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

The amendment is as follows:

On page 76, insert the following after line 4:

''(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a).

Mr. NICKLES. Mr. President, I want to thank the Senate Armed Services Committee members and staff for working closely with me and my staff on this amendment. I also want to thank my friend and colleague Senator INHOFE and his staff who played a key role in getting this amendment adopted.

This amendment adds the requirement that once the Department of Defense submits its report to Congress regarding depot maintenance as required in this bill, the GAO be given 45 days to review the information and the conclusions from the Pentagon's recommended depot policy and submit that analysis to Congress.

In my view this is an appropriate and non-controversial amendment. By providing the Congress with an analysis of the Pentagon's proposal for depot maintenance the Congress will have an independent viewpoint on the recommended changes.

This analysis will be critical as the Congress decides whether to adopt the

recommendations of the Pentagon or stay with the existing depot policy.

Once again, I wish to thank the members and staff of the Senate Armed Services Committee and Senator INHOFE for their cooperation and assistance in having this amendment included in this bill.

Mr. NUNN. Mr. President, I support the Nickles amendment, which will strengthen the bill's provisions on depot maintenance workload.

Section 311 of the bill requires the Secretary of defense to submit to Congress a comprehensive policy on the performance of depot-level maintenance and repair not later than March 31, 1996.

The policy must: First, define purpose of public depots; second, provide for performance of core capabilities at public depots; third, provide sufficient personnel, equipment, and facilities at public depots; fourth, address environmental liability; fifth provide for public private competition when there is sufficient potential for realizing cost savings based on adequate private sector competition and technical capabilities; sixth require merit-based selection when workload of a depot is changed; seventh provide transition provisions for persons in DOD depots; and eighth address related issues on exchange of technical data, efficiency, and effects on the Federal workforce.

The bill makes it clear that no changes may be made in the statutes requiring that at least 60 percent of the workload be preformed in public depots, and the requirements to for public/private competition for any change in workload requirements unless Congress enacts separate legislation approving or modifying the DOD policy.

The Nickles amendment would require a detailed analysis by the General Accounting Office of DOD's proposed depot maintenance policy.

GAO oversight is necessary to assess the validity of DOD data and studies.

The importance of GAO report has been demonstrated in the base closure process, where their data provided important perspective to the BRAC Commission.

While there may well be opportunities for increased contractor participation, these should be developed on the basis of careful analysis, not theoretical beliefs. Depot-level maintenance and repair activities are essential to wartime readiness and sustainability. The current system has proved to be highly effective in meeting national security needs, and should not be subjected to significant changes without a clear understanding of the consequences of a new policy.

At the confirmation hearing for Deputy Secretary of Defense John White, he was closely questioned about the recommendations of the Roles and Missions Commission concerning privatization of depot workload.

He acknowledged that the Commission did not conduct a comprehensive analysis of specific DOD functions to determine which should be privatized; that the recommendation reflected a general philosophical approach; that Commission did not develop a specific definition of the inherently governmental functions that should not be privatized; that the Commission had not developed a specific concept of what core capabilities should be retained; that there had been no analysis of the efficiency and effectiveness of current depots; and that the Commission did not have a specific plan for transitioning from public to private entities.

He also agreed that it was very important to ensure that any workload assigned to the private sector be subject to adequate private sector competition.

GAO review is needed to ensure that any changes in policy are developed on the basis of sound analysis rather than abstract philosophy.

Mr. INHOFE. Mr. President, I wish to express my thanks to Senator THURMOND and the staff of the Armed Services Committee for their diligence in working with Senator NICKLES and me and our staffs on this amendment.

This amendment requires the General Accounting Office to review the DOD report on depot maintenance required in the National Defense Authorization Act of 1995 (S. 1026.), and report their findings to Congress within 45 days of the date of the report.

This is a common sense, noncontroversial amendment. It simply provides a second opinion for members of Congress when the time comes to review the Department of Defense's recommended changes. This additional review will help Members sort through this complicated subject.

Again, I thank the members and staff of the Armed Services Committee for their assistance in having this amendment included in the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2103) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2104

(Purpose: To make various amendments to the provisions relating to the Naval Petroleum Reserves)

Mr. WARNER. Mr. President, on behalf of the Senators MCCAIN and BINGAMAN and CAMPBELL, I send an amendment to the desk. This amendment further strengthens the safeguards established to ensure minimum value—excuse me, that would be maximum value, to ensure maximum value, Mr. President, to the taxpayers as a consequence of the sale of the Naval Petroleum Reserve. It is my understanding this amendment has been cleared on the other side.

Mr. NUNN. Mr. President, it is cleared as long as that word is ''maximum'' value.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The clerk will report.

Mr. NUNN. I urge it be adopted.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, Mr. BROWN, Mr. BINGAMAN, and Mr. CAMPBELL, proposes an amendment numbered 2104.

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

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

The amendment is as follows:

On page 572, line 19, strike out ''three months'' and insert in lieu thereof ''five months''.

On page 573, line 11, strike out ''fair market''.

On page 574, beginning on line 9, strike out ''In setting that price, the Secretary, in consultation with the Director, may consider'' and insert in lieu thereof ''The Secretary may not set the minimum acceptable price below''.

On page 574, at the end of line 19, insert the following: ''Notwithstanding section 7433(b) of this title, costs and fees of retaining the investment banker shall be paid out of the proceeds of the sale of the reserve.''.

On page 574, line 22, insert ''or contracts'' after ''contract''.

On page 575, line 3, insert ''or contracts'' after ''contract''.

On page 575, line 11, insert ''or contracts'' after ''contract''.

On page 575, line 17, insert ''or contracts'' after ''contract''.

On page 576, line 11, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 578, line 17, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 579, line 4, strike out ''a contract'' and insert in lieu thereof ''any contract''.

On page 579, line 12, insert after ''reserve'' the following: ''or any subcomponent thereof''.

On page 579, line 16, insert ''or parcel'' after ''reserve''.

On page 584, strike out line 11, and insert in lieu thereof the following:

the committees.

''(m) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the Committee on Armed Services of the Senate and the Committee on National security of the House of Representatives any findings on such actions that the Comptroller General considers appropriate to report to such committees.

''(n) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

''(o) RECONSIDERATION OF PROCESS OF SALE.—(1) If during the course of the sale of the reserve the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that—

''(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve, or

''(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States,

the Secretary shall submit a notification of the determination to the Committee on Armed Services of the Senate and the Committees on National Security and on Commerce of the House of Representatives.

''(2) After the Secretary submits a notification under paragraph (1), the Secretary may not complete the sale the reserve under this section unless there is enacted a joint resolution—

''(A) that is introduced after the date on which the notification is received by the committees referred to in such paragraph;

''(B) that does not have a preamble;

''(C) the matter after the resolving clause of which reads only as follows: 'That the Secretary of Energy shall proceed with activities to sell Naval Petroleum Reserve Numbered 1 in accordance with section 7421a of title 10, United States Code, notwithstanding the determination set forth in the notification submitted to Congress by the Secretary of Energy on _____.' (the blank space being filled in with the appropriate date); and

''(D) the title of which is as follows: 'Joint resolution approving continuation of actions to sell Naval Petroleum Reserve Numbered 1'.

''(3) Subsection (k), except for paragraph (1) of such subsection, shall apply to the joint resolution described in paragraph (2).''.

On page 584, strike out line 20 and all that follows through page 586, line 12, and insert in lieu thereof the following:

SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY OF FUTURE OF PETROLEUM RESERVES.—(1) The Secretary of Energy shall conduct a study to determine which of the following options, or combination of options, would maximize the value of the naval petroleum reserves to or for the United States:

(A) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(B) Lease of the naval petroleum reserves consistent with the provisions of such Acts.

(C) Sale of the interest of the United States in the naval petroleum reserves.

(2) The Secretary shall retain such independent consultants as the Secretary considers appropriate to conduct the study.

(3) An examination of the value to be derived by the United States from the transfer, lease, or sale of the naval petroleum reserves under paragraph (1) shall include an assessment and estimate, in a manner consistent with customary property valuation practices in the oil industry, of the fair market value of the interest of the United States in the naval petroleum reserves.

(4) Not later than December 31, 1995, the Secretary shall submit to Congress and make available to the public a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to or for the United States,

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not earlier than 31 days after submitting to Congress the report required under subsection (a)(4), and not later than December 31, 1996, the Secretary shall carry out the recommendations contained in the report.

(c) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term ''naval petroleum reserves'' has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

Mr. MCCAIN. Mr. President, I wanted to commend the Senator from New Mexico for his diligent work regarding this amendment. It takes another important step toward ensuring that the taxpayer receives a fair value for the reserve.

The debate regarding the sale of the Naval Petroleum Reserve is not a new one. As my colleagues know, the sale of the reserve was proposed by the Reagan, Bush, and now Clinton administration. President Clinton's budget reads ''Producing and selling this oil and natural gas is a commercial, not a governmental activity, which is more appropriately performed by the private sector.'' The sale of the reserve is advocated by groups like the National Taxpayers Union, the CATO institute and the Heritage Foundation. Furthermore, this year's Budget Act directs the sale of the reserve in fiscal year 1996.

I want to make it clear that my goal, Senator BINGAMAN's goal and the goal of the committee has always been to sell this asset in a manner that protects the taxpayer and disposes the asset in a completely fair and open process that gives advantage to no one. To achieve this, the bill includes several provisions to ensure the Federal Government receives the maximum value for the field.

Specifically, the bill directs the Secretary of Energy to hire five independent assessors to establish a value for the reserve. The Secretary, in consultation with the Office of Management and Budget, must use these assessments when establishing a minimum bid. The Secretary is not permitted to accept an offer below the minimum bid price.

The independent assessors are required to include in the value of the field factors such as the equipment and facilities to be included in the sale, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive from the reserve if it were not sold, as well as all other considerations affecting the value of the reserve.

The legislation also requires consultation with several other agencies with expertise in these matters. It directs the Secretary to consult with the General Services Administration to ensure that the bidding process is open. In identifying the highest offer, the Secretary is required to consult with the Secretary of the Treasury and the Director of the Office of Management and Budget.

The Senate bill also includes a provision to address compliance with deadlines. In the event the Secretary is unable to comply with the timeliness identified in the bill, the Secretary in consultation with the Office of Management and Budget [OMB] is required to notify both the House National Security and Senate Armed Services Committees and submit a revised plan to complete the sale.

It has been suggested that the sale of reserves in pieces may yield a better return to the Federal Government. The committee language allows for the Secretary to sell the reserve in pieces or as one unit, whichever returns the best value to the taxpayers.

Finally, the legislation requires a 31-day delay before the Secretary can finalize an agreement to accept the highest responsible offer. This delay allows the Congress to stop the sale if it is deemed not to be in the best interest of the taxpayer and the Federal Government. In the event there is only a single bidder, a joint resolution of Congress would be required before approval of the sale.

It has always been the committee's intention to do everything possible to ensure that the legislation results in the highest return for the Federal Government and dispenses of this property in the fairest manner possible. The committee reported legislation, contains many safeguards to help ensure that the interests of the taxpayer and the Nation are protected in the disposition of this asset.

The amendment which I have crafted with Senator BINGAMAN goes even further. The amendment provides increased oversight of the sale by directing the General Accounting Office to monitor all aspects of the sale and report to the Armed Services Committee and the House National Security Committee.

We have also clarified the process for establishing the minimum bid. The value established by the five independent assessors is based on the net present value of the reserve adjusted for any anticipated increases in tax revenues that would result if the reserve were sold. The Secretary is restricted from selecting a minimum bid price less than that value. This will ensure that the value received for the Elk Hills site is fair to the Federal Government.

It also directs the Secretary of Energy in conjunction with the Director of the Office of Management and Budget to notify the House National Security Committee and the Senate Armed Services Committee if the sale is not proceeding in manner that will yield the maximum value for the Federal Government or if they determine that another course of action will receive a better value for the Federal Government.

Once that notification has been made, the sale could not be completed unless the Congress approves a joint resolution in support of the bill. This would allow the administration the opportunity throughout this process to suggest an alternative way to deal with the reserve.

Mr. President, the overriding concern of the committee was to ensure that

the taxpayers receive the maximum value for the reserve. We have taken several steps to accomplish this goal. The sale of this asset involves five Federal agencies in the sale of the reserve. It allows Congress to review the sale of the reserve for a month before it is finalized. In the event of a single bidder it requires our approval. Finally, it directs the Secretary and the Director of OMB to notify us if the sale is proceeding properly or if they have a better way of dealing with the reserve.

As I said earlier, the debate regarding the Naval Petroleum Reserve has been going on for a long time. The passage of the Defense Authorization Act will not end this debate. We still have to work this bill out in conference with the House. In addition, we will have to address this issue during the budget reconciliation debate because this provision still falls short of the budget instructions. During the course of debate I look forward to the suggestions of my colleagues on how to further improve this bill. I hope my colleagues will join Senator BINGAMAN and me in supporting this amendment.

Mr. BINGAMAN. Mr. President, I want to thank the senior Senator from Arizona for his willingness to work with me on this amendment. This amendment basically puts every safeguard the Armed Services Committee staff or Senator McCain's staff or Senator Campbell's staff or my staff has come up with on the Elk Hills sale into the bill while remaining responsive to the mandate in the fiscal year 1996 concurrent budget resolution to sell the Elk Hills oil reserve in fiscal year 1996.

As many of our colleagues know, the sale of the Nation's naval petroleum reserves was not initiated by the Armed Services Committee. The sale was initially recommended by the administration to take place over the next 2 years. The budget committees noted this and nevertheless decided to score the administration's proposal in such a way that the sale will have to take place during the coming fiscal year instead of over the next 2 years.

Many of us on the Armed Services Committee have serious reservations about the pace of this sale. The National Academy of Public Administration has testified to serious concerns about selling the reserve in 1 year and about whether the taxpayers will get their money's worth if this sale is rushed. R. Scott Fosler, president of the National Academy of Public Administration, wrote Senator THURMOND on July 20 with his comments on the provision in the current bill. Let me cite the key paragraph in that letter:

> Every study of the management or privatization of Elk Hills has documented the complexity of the process of divestment. There are stubborn issues involving equity finalization, California claims, and the establishment of true values which are not likely to be disposed of in time to effect an advantageous sale in one year. We, therefore, believe that the most prudent and efficacious course would be (1) establish the corporation as a management structure, (2) direct the corporation to develop a plan to sell Elk Hills (and possibly other reserves) within two or three years after the activation of the operation. This approach would permit an orderly, well-managed divestment process and would help assure that the government received full value for the assets sold.

Mr. President, this option or any other option which would not result in the sale of Elk Hills and other reserves in fiscal year 1996 is not available to the Armed Services Committee under the budget resolution. I regret that. We only can sell these assets once. We should do it the right way. The Budget Committee should not be making the choices as to both the policy on selling the asset and the timing of that sale.

So I support this amendment. It is the best we can do under current reconciliation instructions. Indeed it probably goes to the limit of those instructions and I commend the Senator from Arizona and the Senator from Colorado for doing that. But I will continue to question those instructions and urge that the Armed Services Committee seek the flexibility from the Budget Committee that would allow the Secretary of Energy to dispose of these fields in the way that will bring maximum benefit to the taxpayers, the current owners of these assets. When the Armed Services Committee discusses reconciliation next month, perhaps we can offer two options to the Budget Committee, the provision we are adopting today which meets their mandate to sell the reserve in 1 year and a second provision that would allow the Secretary to sell it over a more extended time period.

Mr. President, this sale involves the 10th largest oil field in the Nation. Each year this oil field provides approximately $400 million into the public treasury. This is a very significant sale.

Mr. President, I have been told that there are many uncertainties about this sale that would make a potential bidder very cautious. The exact share of the field which the Government owns and which Chevron owns is in question. The amount of oil in the field is in question. The State of California has a suit in the courts regarding that State's interest in the field.

For all of these reasons, Mr. President, Senator MCCAIN and I and others placed a number of safeguards into this legislation that protect the interests of the taxpayers when it was before the Armed Services Committee. This amendment, which is sponsored by Senators MCCAIN, CAMPBELL, and myself adds even further safeguards to ensure that we get a fair price in any sales that may take place of Elk Hills or its components if the Secretary chooses to sell the field in parcels.

This amendment gives the Secretary of Energy the authority to stop the sale and report to the Congress if the sale is turning out to be a bad deal. It gives the Secretary the authority to recommend alternatives to the sale if the sale is turning out to be a giveaway. The amendment also sets up similar procedures for the sale of the oil shale reserves. Finally, Mr. President, this amendment contains several provisions to streamline the sale which have been requested by the Department of Energy to allow the sale to proceed as closely as possible to the schedule mandated by the Budget Committee.

Mr. President, in conclusion, I wish to commend Senator MCCAIN again for his effort to make the best of this situation. Decisions were made for his Readiness Subcommittee by the Budget Committee. He now has to implement those decisions and the provision in our bill as reported and the improvements being made today by this amendment represent his and the committee as a whole's best effort to do that given the information we had available in late June and now in early August.

The Armed Services Committee does not normally deal with selling Government assets and certainly we are not experts in oil field transactions. We have produced a provision that I believe is a significant improvement on the provision in the House version of this bill. And perhaps with the help of the budget committees, we will be able to improve it further in conference on this bill or in the reconciliation bill where this matter will also be dealt with.

Mr. President, I urge the adoption of the amendment.

Mr. CAMPBELL. Mr. President, I want to thank the committee chairman, Senator THURMOND, and the ranking member, Senator NUNN, for working with me and with the senior Senator from Colorado to craft an amendment to the bill concerning the Naval Oil Shale Reserves.

Section 3302 of the bill before us today would direct the Secretary of Energy to study the Naval Oil Shale Reserves and the Naval Petroleum Reserves, with the exception of the NPR 1 at Elk Hills, for the purpose of determining how the Federal Government, and the U.S. taxpayer, would best be served in the management and disposition of these reserves.

I support that goal. Last year the Energy Committee, of which I am a member, passed my bill which would have directly transferred jurisdiction over the Naval Oil Shale Reserves from the Department of Energy to the Department of the Interior. Since that time the Armed Services Committee has raised a concern that we may not have the appropriate scale of information to determine how we best maximize the Federal interest in these resources. These are federally owned resources; in these days of tough, difficult decisions on how we reduce the federal deficit, it is critical to me that the Federal interest be protected.

I commend the committee for addressing this issue. However I believe that this bill should take the next step. The amendment that I have worked out with the chairman and ranking

member of the Armed Services Committee simply provides the Secretary of Energy with the authority to take that next step and implement whatever course of action is recommended by the study. Indeed, the Department of Energy asked, and I strongly agreed, that the time for endless study of the oil shale reserves must end and we should move expeditiously to develop these resources.

I have worked very carefully with the Department of Energy, whose staff requested nearly a dozen changes in the amendment, virtually all of which I made.

Under my amendment, three options for disposition of these resources could be considered. The reserves could be competitively leased by the Department of the Interior just the same as the other millions of acres of federally owned, energy resource lands in America. They could be leased by the Department of Energy. And they could be sold by the Department of Energy.

Some background may be appropriate. Two executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three Naval Oil Shale Reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of strategic oil supplies during a war.

Naval Oil Shale Reserve 1 (40,760 acres) and 3 (14,130 acres) are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve 2 (90,400 acres) is in eastern Utah. Ironically, the critical resource within these properties is not oil shale, but natural gas. Profitable development of shale oil currently is considered to be decades away.

Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of Reserve 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within one mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for fiscal year 1992, natural gas production between fiscal years 1977 and 1992 totalled 5.4 billion cubic feet. Revenues from the reserves totalled $5 million between fiscal years 1977 and 1992; expenditures for the same period totalled $24.8 million.

Clearly, this is a giant money loser under Department of Energy stewardship. These reserves should be revenue raisers, not simply a black hole for Energy Department spending and bureaucracy.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain or test the reserves. Production for other purposes may take place only with the approval of the President and Congress. That production—for commercial purposes—is the business we are doing today.

Mr. President, I have worked closely with the Department of Energy these past months. The DOE leadership wants very badly to be able to end the study phase and get on with the development phase.

Again, I want to thank the chairman of the Armed Services Committee for working with me on an amendment which will move us forward toward the actual development of these important natural resources in my State.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2104) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2105

(Purpose: To extend the fiscal year 1993 project authorization for the JP–8 fuel facility at the Los Alamitos Reserve Center, California)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 2105.

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

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

The amendment is as follows:

On page 433, in the table relating to the extension of 1993 project authorizations for the Army National Guard, insert after the item relating to the project at Union Springs, Alabama, the following:

California.	Los Alamitos Armed Forces Reserve Center.	Fuel Facility.	$1,553,000

Mr. NUNN. Mr. President, I believe this amendment has been cleared by both sides.

This amendment by the Senator from California extends for 1 year, fiscal year 1993 project authorization for a $1.553 million fuel facility project at Los Alamitos Reserve Center in California.

Mr. WARNER. Mr. President, the amendment is acceptable. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 2105) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2106

(Purpose: To make the authority under section 648 subject to the availability of appropriations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2106.

Mr. WARNER. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 275, strike out line 19 and all that follows through page 277, line 18, and insert in lieu thereof the following:

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

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

This amendment modifies section 648, annuities for certain military surviving spouses to eliminate the direct spending costs. When the committee adopted this provision during our markup, we did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $40 million in direct spending in fiscal year 1996.

The Budget Committee is forcing us to take this action under threat of placing a point of order against our bill. I have looked at every solution available to me to find a way to keep these annuities. I am disappointed that I am unable to retain the provision this year.

The amendment modifies the provision to require the Secretary of Defense to conduct a study to determine how many forgotten widows would qualify for an annuity and to recommend the amount of such an annuity. The required study is to be delivered to the Armed Services Committee not later than March 1, 1996. This will give us time to consider the information in the report and develop legislation next year which will finally authorize providing this group of surviving military spouses the compensation they deserve. Once the committee has this study, we will be able to provide the Budget Committee and the Congressional Budget Office the data necessary to preclude the technical budgetese we faced this year from deterring us next year.

I understand this amendment is agreed to on both sides.

Mr. WARNER. Mr. President, I believe this amendment is acceptable on the other side.

Mr. NUNN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2106) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2107

(Purpose: To require a review and report on United States policy on the security of the national information infrastructure)

Mr. WARNER. Mr. President, on behalf of Senators KYL and ROBB, I offer an amendment which requires the President to submit an assessment of the policy and plans for protecting the national information infrastructure and assessment of the national communications system.

Mr. President, I believe this amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, for himself, Mr. ROBB, and Mr. BINGAMAN, proposes an amendment numbered 2107.

Mr. NUNN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

Mr. KYL. Mr. President, I rise to propose an amendment to S. 1026, the Defense Authorization Act. I am pleased to introduce this amendment which will require the President to analyze all issues in developing a progressive, cohesive national policy toward protecting our ability to communicate, our defense structure, and our information.

There is currently no defense against attacks on our Nation's information systems, which include our defense, telephone, public utility, and banking systems. Military officials have no ability to protect our country from cyberspace attacks, and no legal or political authority to protect our information systems against another country's offensive. Current CIA Director John Deutch said, at his Senate confirmation hearing, ''this is a very important subject * * * which we really don't have a crisp answer to.''

We need to start looking for that answer now, since the problem is looming. A June 14 Wall Street Journal article reported that security experts were used to ''hack'' into 12,000 Defense Department computer systems connected to the Internet. The experts ''hacked'' their way into 88 percent of the systems, and 96 percent of the attacks were undetected. According to a June 1995 Federal Computer Week article, computer hackers are breaking into Defense systems by using highly automated tools. The article reported that the DOD's Center for Information Systems Security is receiving two computer attacks a day—twice the rate of last year's intrusions. In 1994, the DOD recorded 255 successful attacks.

The threat is imminent. According to a 1994 report prepared by the National Communications System [NCS], no fewer than 30 countries are working on information warfare techniques. The administration must develop a comprehensive national policy that coordinates national security defense for both U.S. Government and private sector users of our National Information Infrastructure [NII]. My amendment seeks to analyze all critical issues involved in protecting our Nation's information infrastructure. These answers will provide a framework, I believe, toward developing our Nation's policy for defending against strategic attacks against the NII.

As technology changes, we cannot allow ourselves to become vulnerable to attack on the nerve centers of our society and defense structure. We need to modernize our laws to protect against this very real threat. Vice Adm. Arthur Cebrowski, director of C4 systems at the Pentagon, states that, ''a critical policy implication of the revolution in security affairs is the need to treat information and access to information as a vital national interest,'' and ''information warfare must become an important instrument of national security policy.''

Now is the time for Congress to be active. This amendment is intended to place an emphasis on an issue that must be addressed before our country's communications system is attacked. We must begin now to elevate our efforts to protect the national security interest of this country. I urge my colleagues to support my amendment.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 2107) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2108

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself and Mr. LIEBERMAN, proposes an amendment numbered 2108.

Mr. WARNER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;''.

Mr. MCCAIN. Mr. President, today I am offering an amendment to the Defense Authorization bill to assist the President in his efforts to deal with the growing threat to American interests from Iran. President Clinton clearly sought to address this threat with his May 6 Executive order establishing a full United States embargo of Iran. It is my hope that short of successfully encouraging other nations from trading with Iran, an extremely challenging task, the President will be able to use the authority in this amendment to encourage other countries to at least refrain from contributing to Iranian weapons capability.

The 1992 Iran-Iraq Arms Non-Proliferation Act, which I cosponsored with then-Senator GORE, established sanctions against third parties which assist Iran and Iraq in their efforts to rebuild their weapons capabilities. It was a start, but it did not go far enough. Efforts by Senator LIEBERMAN and me last year to expand the legislation were unsuccessful.

The 1992 bill was intended to target not only the acquisition of conventional weapons, but weapons of mass destruction as well. In the process of amending the bill to the 1993 Defense Act, however, the explicit references to weapons of mass destruction were dropped.

The amendment I am offering today attempts to make these applications absolutely clear. It also removes from the proposed sanctions exceptions for assistance under the Freedom Support Act, thereby removing the benefit of the doubt Congress gave Russia in 1992. I am afraid Russia has used this exception to the detriment of United States policy in the Persian Gulf.

The threat from Iraq is not an immediate concern. The most important aspect of our policy with regard to Iraq must be to remain firm on the U.N. embargo. But given the history of the Iraqi military build-up before the Gulf war, the sanctions included in the Iran-Iraq Act may at a later date be as important with regard to Iraq as they are currently in the case of Iran.

The threat from Iran is more immediate. The Iranian build-up in the Persian Gulf is common knowledge. Its importation of hundreds of North Korean SCUD–C missiles, its intention to acquire the Nodong North Korean missiles currently under development, and its efforts to develop nuclear weapons are well-established—as is its conventional weapons build-up.

Successive CIA directors, and Secretaries Perry and Christopher have all testified to the effect that Iran is engaged in an extensive effort to acquire nuclear weapons. In February, Russia signed an agreement to provide Iran with a 1000 megawatt light water nuclear reactor. The Russians indicate that they may soon agree to build as many as three more reactors—another 1000 megawatt reactor, and two 440 megawatt reactors.

I have raised my concerns regarding this sale with the administration on a number of occasions. Under the amendment I am offering today, the President will be required to either invoke sanctions against Russia as a result of its nuclear deal with Iran or formally waive the requirement out of concern for the national interest. Let me be clear. My intention is not to gut United States assistance to Russia. It is to prevent Russia from providing Iran dangerous technology. If the President determines that invoking sanctions against Russia is a greater potential danger to the national interest than the potential danger of a nuclear armed Iran, then he has the authority under this amendment to waive the sanctions.

We sent our Armed Forces to war in the Persian Gulf once in this decade. They endured hardship to themselves and their families. Some will live with the injuries they suffered in service to our Nation for the rest of their lives. And, as is the case with every war, some never returned. With the cooperation of our friends in Europe, whose own sacrifices to the effort to free Kuwait should not be forgotten, we must see that the service of these brave men and women was not in vain.

Stability and security in the Persian Gulf is vital to the world economy and to our own national interests. Aggressors in the region should know that if we must, we will return to the Persian Gulf with the full force of Operation Desert Storm. At the same time, our friends and adversaries elsewhere in the world should understand that the United States will do everything in its power to preclude that necessity. It is my sincere hope that his legislation will serve as an indication of just how serious we are.

Mr. WARNER. I believe this is acceptable on the other side.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 2108) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2109

(Purpose: To provide funding for the activities of the Defense Base Closure and Realignment Commission for the remainder of 1995)

Mr. WARNER. Mr. President, on behalf of Senator THURMOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2109.

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

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

The amendment is as follows:

On page 468, after line 24, add the following:

SEC. 2825. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following;

''(3)(A) The Secretary may transfer from the account referred to in subparagraph (B)

such unobligated funds in that account as may be necessary for the Commission to carry out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

''(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

Mr. THURMOND. Mr. President, I am pleased to sponsor an amendment that would authorize the Department of Defense to fund the Base Closure and Realignment Commission for the remainder of calendar year 1995.

The law establishing the Base Closure Commission authorized the Department of Defense to fund the operations of the Commission using fiscal year 1991 authorization. Unfortunately, the Department's 1990 estimate of the Commission's operating expenses fell short of actual requirement. This shortfall is due to the extensive travel required of the Commission to visit each base on the Secretary of Defense's closure list and attend the numerous hearings required to make the process as fair and open as possible. Additionally, the Commission had to purchase a new computer system to support its operation.

Mr. President, in my judgment the Base Closure Commission has provided a valuable service to the Nation. The funding, which is estimated to be less than $300,000 is necessary for the Commission to archive at files and prepare the appropriate closeout reports. I am advised that the Department of Defense is prepared to provide the necessary funds from existing authority, but needs this legislation authority.

Mr. President, this is an appropriate use of the Defense Department funds and I urge adoption of the amendment.

Mr. WARNER. Mr. President, this relates to the Base Closure Commission for the remainder of the calendar year for 1995. It is my understanding it has been accepted on the other side.

Mr. NUNN. Mr. President, we have cleared this amendment. I urge its adoption.

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

The amendment (No. 2109) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as far as I know, this concludes the matters relating to the pending measure. On behalf of the distinguished majority leader, I am prepared to address some wrapup items for the evening.

Mr. NUNN. I thank my friend from Virginia and look forward to further debate on the bill tomorrow morning.

MORNING BUSINESS

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

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

TRIBUTE TO U.S.S. ''SOUTH DAKOTA'' VETERANS

Mr. PRESSLER. Mr. President, with a sense of pride and honor I rise today to pay special tribute to Floyd Gulbrandson, Al Rickel, Charles Skorpik, Willie Wieland, and the rest of the crew of the U.S.S. *South Dakota*, one of the most decorated battleships during World War II. Commissioned on March 20, 1942, the U.S.S. *South Dakota* quickly became the flagship of Admiral Nimitz's 3rd Fleet, and originally was intended to host the Japanese surrender which ultimately was held on the U.S.S. *Missouri*.

Stretching more than 600 feet and displacing more than 43,000 tons of water, the U.S.S. *South Dakota* defended our Nation in World War II by traveling across 276,000 miles of ocean with massive firepower which included nine 16-inch guns, sixteen 5-inch guns, sixty-eight 40-millimeter guns, and seventy-six 20-millimeter guns. During her years of active service, more than 7,000 brave individuals would serve aboard the *South Dakota*. Collectively, the crew of the U.S.S. *South Dakota* endured her many battles and earned several distinguished awards, including the Navy Unit Commendation, the Asiatic-Pacific Campaign Medal with 13 battles stars, the World War II Victory Medal, and the Navy Occupation Service Medal.

Mr. President, I want to highlight some of many moments of naval combat from the many successful battles experienced by the crew of the U.S.S. *South Dakota*. On October 26, 1942, the U.S.S. *South Dakota* entered its first battle with a freshman crew on deck and was attacked by 180 enemy bombers in what is now know as the Battle of Santa Cruz Island. Defending both the *Enterprise* and *Hornet* aircraft carriers, the U.S.S. *South Dakota* offered a bold retaliation of gunfire that shot down an unprecedented 30 enemy aircraft and helped render two enemy aircraft carriers inoperative. For their valiant action during the repeated attacks and heavy fire, Captain Gatch was decorated with the Navy Cross, the crew was presented with the Navy Unit Commendation and the U.S.S. *South Dakota* received its first of 13 battle stars. That was an extraordinary beginning to an extraordinary vessel that symbolized gallantry, honor, and service at sea.

Mr. President, on October 25, 1962, the first and only U.S.S. *South Dakota*, one of the greatest battleships ever to sail during World War II, was sold for scrap metal. Although gone, the U.S.S. *South Dakota* continues in the memory of those who served on her decks. I am proud of the heritage of the U.S.S. *South Dakota*. She was instrumental during World War II in fighting successfully for the freedoms we now enjoy. I commend the brave crew of the U.S.S. *South Dakota* for their courage and commitment to duty. In honor of the crew, their dedicated service, and the memory of this great battleship, I have asked the Secretary of the Navy to name one of the new attack submarines the U.S.S. *South Dakota*. That would be a fitting tribute—to have one of the next generation's great submarines carry the same name of one of America's truly great battleships.

REPUBLICAN MEDICARE CUTS AND THE SO-CALLED COALITION TO SAVE MEDICARE

Mr. KENNEDY. Mr. President, today, the Republican disinformation campaign on Medicare went into high gear. The leaders of the Republican Party have entered into an unholy alliance with the insurance industry to raid Medicare by raising costs for senior citizens and turning Medicare over to private insurance companies.

The overall Republican goal is to cut Medicare by $270 billion in order to pay for their $245 billion dollar tax cut for the wealthy. To achieve those harsh cuts in Medicare, senior citizens will be forced to pay more—far more—for the Medicare benefits they now receive. To line up the insurance industry on their side, the Republicans are offering the industry the chance to get its hands on Medicare and earn vast additional profits at the expense of senior citizens.

The phony Republican coalition to save Medicare is now clear for all to see. It includes representatives of wealthy individuals and businesses who care about tax cuts, not senior citizens. It includes private insurance companies who want the elderly to be forced to give up Medicare and buy their policies.

Republicans pretend they want to save Medicare. What they really want to save is their tax cut for the wealthy.

Republicans pretend they want to restore the solvency of Medicare and save the trust fund. But I say, you cannot trust Republicans who talk about the trust fund. The Republican cuts in Medicare are deeper—far deeper—than any cuts needed to keep Medicare solvent.

The fundamental issue is not keeping Medicare solvent—it is keeping Republicans away from Medicare.

Democrats know how to keep Medicare solvent, and we will do it. We will do it without raising costs for senior citizens, without forcing senior citizens into HMO's without forcing them to give up their own doctors and without turning Medicare over to the tender loving hands of the private insurance industry.

The real question is trust. Do the American people trust Democrats to save Medicare—or do they trust Republicans? I believe the answer is clear. Democrats have earned the trust of America on Medicare, and we intend to honor that trust.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about ''another go'', as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? (While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.)

To be exact, as of the close of business yesterday, August 2, the total federal debt—down to the penny—stood at $4,956,664,786,501.42, of which, on a per capita basis, every man, woman and child in America owes $18,815.58.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''EMPOWERMENT: A NEW COVENANT WITH AMERICA'S COMMUNITIES''—MESSAGE FROM THE PRESIDENT—PM 72

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I transmit herewith my Administration's National Urban Policy Report, ''Empowerment: A New Covenant With America's Communities,'' as required by 42 U.S.C. 4503(a). The Report provides a framework for empowering America's disadvantaged citizens and poor communities to build a brighter future for themselves, for their families and neighbors, and for America. The Report is organized around four principles:

First, it links families to work. It brings tax, education and training, housing, welfare, public safety, transportation, and capital access policies together to help families make the transition to self-sufficiency and independence. This linkage is critical to the transformation of our communities.

Second, it leverages private investment in our urban communities. It works with the market and the private sector to build upon the natural assets and competitive advantages of urban communities.

Third, it is locally driven. The days of made in Washington solutions, dictated by a distant Government, are gone. Instead, solutions must be locally crafted, and implemented by entrepreneurial public entities, private sectors, and a growing network of community-based firms and organizations.

Fourth, it relies on traditional values—hard work, family, responsibility. The problems of so many inner-city neighborhoods—family break-up, teen pregnancy, abandonment, crime, drug use—will be solved only if individuals, families, and communities determine to help themselves.

These principles reflect an emerging consensus in the decades-long debate over urban policy. These principles are neither Democratic nor Republican: they are American. They will enable local communities, individuals and families, businesses, churches, community-based organizations, and civic groups to join together to seize the opportunities and to solve the problems in their own lives. They will put the private sector back to work for all families in all communities. I therefore invite the Congress to work with us on a bipartisan basis to implement an empowerment agenda for America's communities and families.

In a sense, poor communities represent an untapped economic opportunity for our whole country. While we work together to open foreign markets abroad to American-made goods and services, we also need to work together to open the economic frontiers of poor communities here at home. By enabling people and communities in genuine need to take greater responsibility for working harder and smarter together, we can unleash the greatest underused source of growth and renewal in each of the local regions that make up our national economy and civic life. This will be good for cities and suburbs, towns and villages, and rural and urban America. This will be good for families. This will be good for the country.

We have undertaken initiatives that seek to achieve these goals. Some seek to empower local communities to help themselves, including Empowerment Zones, Community Development banks, the Community Opportunity Fund, community policing, and enabling local schools and communities to best meet world-class standards. And some seek to empower individuals and families to help themselves, including our expansion of the earned-income tax cut for low- and moderate-income working families, and our proposals for injecting choice and competition into public and assisted housing and for a new G.I. Bill for America's Workers.

I am determined to end Federal budget deficits, and my balanced budget proposal shows that we can balance the budget without abandoning the investments that are vital to the security and prosperity of the country, now and in the future. I am confident that, working together, we can build common ground on an empowerment agenda while putting our fiscal house in order. I will do everything in my power to make sure this happens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

MESSAGES FROM THE HOUSE

At noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1225. An act to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2161. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes.

PETITIONS AND MEMORIALS

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

POM–270. A resolution adopted by the Greater Ketchikan Chamber of Commerce of the City of Ketchikan, Alaska relative to the Tongass National Forest; to the Committee on Energy and Natural Resources.

POM–271. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

''SENATE JOINT RESOLUTION NO. 6

''Whereas, the exploration and development of mineral resources in the United States has provided a significant benefit to the residents of the United States; and

''Whereas, the mining industry of the United States provides steady, high-paying jobs for thousands of Americans, and through its operations pays millions of dollars in taxes; and

''Whereas, the mining industry in the State of Nevada makes significant contributions to the strength of the economy of this state; and

''Whereas, the basic tenets of the General Mining Law of 1872, 30 U.S.C. §§22 et seq., continue to be of critical importance in encouraging the development of hard rock minerals; and

''Whereas, under existing laws and regulations, the various regulatory agencies of the Federal Government and of the several states have substantial authority to control and monitor effectively the impact of mining and mining exploration; and

''Whereas, states located in the western United States have enacted comprehensive regulatory programs, enforced in conjunction with federal agencies for land management, which set forth the criteria for issuing permits to, and the exploration, development and reclamation of, mining operations and which contain provisions for the protection of surface and ground water, the designation of uses of land after mining operations are completed, the availability of financial resources and public notice and review of decisions made concerning mining operations; and

''Whereas, a bill has been introduced in the Senate of the United States, S. 506, which proposes to reform extensively the laws governing mining in the United States in a manner that would protect the valuable mining industry; and

''Whereas, S. 506 is a bipartisan bill which is supported by the entire Nevada Congressional Delegation; and

''Whereas, if enacted, S. 506 would raise millions of dollars for the treasury of the United States, require mining operations to comply with all applicable federal and state environmental laws and standards for reclamation, establish a program for abandoned mines, abolish the moratorium currently imposed on the issuance of patents and require the Secretary of the Interior to resume the processing of pending applications for patents: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature hereby expresses its support for the activities and operations of all mining industries in Nevada; and be it further

Resolved, That the Nevada Legislature hereby expresses its support for the provisions of S. 506 which reasonably and progressively reforms the existing federal laws governing mining; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.''

POM–272. A resolution adopted by the Council of the City of Gig Harbor, Washington relative to spent nuclear fuel; to the Committee on Environment and Public Works.

POM–273. A resolution adopted by the Assembly of the Fairbanks North Star Borough of the City of Fairbanks, Alaska relative to the Clean Water Act; to the Committee on Environment and Public Works.

POM–274. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

''SENATE JOINT RESOLUTION NO. 26

''Whereas, recent studies performed by the Nevada Department of Transportation indicate that approximately 8,000 vehicles pass over Hoover Dam daily and that approximately 70 percent of those vehicles are commercial and other vehicles using U.S. Highway No. 93 as a conduit to Las Vegas, rather than to bring tourists and visitors to Hoover Dam; and

''Whereas, the heavy traffic flow over Hoover Dam and through Boulder City has resulted in significant increases in the level of air pollution and the number of traffic accidents in the area; and

''Whereas, a study cited by the *Las Vegas Sun* on November 11, 1991, indicated that an average of 1,434 tons of hazardous materials, including gasoline, diesel fuel, hydrochloric acid, cyanide and chlorine, are transported daily over Hoover Dam and through Boulder City; and

''Whereas, such a heavy flow of large trucks transporting highly flammable or hazardous materials, or both, significantly increases the chances that a major accident could occur near Hoover Dam or in Boulder City; Now, therefore, be it

''*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby urges Congress to take all necessary actions to alleviate the problems caused by the heavy commercial traffic over Hoover Dam and through Boulder City, including, without limitation, the construction of a highway bypass around Hoover Dam and Boulder City which would connect U.S. Highway No. 93 in Nevada to Interstate Highway No. 40 in California as a means of:

1. Diverting the heavy flow of trucks transporting highly flammable or hazardous materials, or both, and the heavy flow of regular traffic from traveling over Hoover Dam and through Boulder City;
2. Preventing further air pollution in the area;
3. Reducing the number of traffic accidents in the area;
4. Reserving the portion of U.S. Highway No. 93 over Hoover Dam to accommodate the traffic of tourists and visitors to the dam; and
5. Preventing the pollution of the Colorado River from spill into the river related to the heavy flow of such traffic;

and be it further

''*Resolved*, That the Legislature hereby directs the Nevada Department of Transportation to cooperate with the appropriate public agencies to accomplish the construction of the highway bypass between U.S. Highway No. 93 in Nevada and Interstate Highway No. 40 in California, or the improvement of U.S. Highway No. 95 in Nevada and California, if those projects are approved by Congress; and be it further

''*Resolved*, That the Secretary of the Senate of the State of Nevada prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Director of the Nevada Department of Transportation; and be it further

''*Resolved*, That this resolution becomes effective upon passage and approval.''

POM–275. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

''JOINT RESOLUTION

''Whereas, section 211(k)(1) of the federal Clean Air Act required the United States Environmental Protection Agency to promulgate regulations establishing requirements for reformulated gasoline that reduce emissions of volatile organic compounds and toxics to the greatest extent achievable ''taking into consideration the cost of achieving such emission reductions, any non-air quality and other air quality related health and environmental impacts and energy requirements''; and

''Whereas, the Clean Air Act requires that such gasoline contain a minimum oxygen content of 2.0% by weight; and

''Whereas, one of the ingredients commonly used to meet the 2.0% oxygen content standard, namely methyl tertiary butyl ether, or MTBE, is suspected of increasing health risks due to contamination of water and air; and

''Whereas, the increased oxygen content decreases vehicle performance; and

''Whereas, the Administrator of the United States Environmental Protection Agency has the authority and a duty to control the contents of gasoline; Now, therefore, be it

''*Resolved*, That We, your Memorialists, respectfully urge and request that the Administrator of the United States Environmental Protection Agency revise the regulations for certification of reformulated gasoline to minimize or prohibit use of oxygenates and to achieve the statutory goals of reducing emissions of volatile organic compounds and toxics by means other than increasing the oxygen content of gasoline; and be it further

''*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Carol Browner, Administrator of the United States Environmental Protection Agency, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Maine Congressional Delegation. The Secretary of State shall send a copy of this Memorial to the governor and the legislative leaders of each state that is a member of the ozone transport region, created in Section 184 of the federal Clean Air Act.''

POM–276. A resolution adopted by the Board of Commissioners of Pamlico County, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. THURMOND (for himself, Mr. HEFLIN, Mr. HATCH, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1115. A bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

By Mr. EXON:

S. 1116. A bill entitled ''The Broadcast and Cable Voluntary Standards and Practice Act''; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERREY, Mr. FORD, Mr. DORGAN, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. CONRAD, Mr. BINGAMAN, Mr. BRYAN, Mr. INOUYE, and Mr. ROBB):

S. 1117. A bill to repeal AFDC and establish the Work First Plan, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. GLENN):

S. 1118. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1119. A bill to define the circumstances under which earthquake insurance requirements may be imposed by the Federal Home Loan Mortgage Corporation on a specifically targeted State or area; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. LOTT, Mr. NICKLES, Mr.

COCHRAN, Mr. MACK, Mr. D'AMATO, Mr. THURMOND, Mr. ABRAHAM, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. WARNER):

S. 1120. A bill to enhance support and work opportunities for families with children, reduce welfare dependence, and control welfare spending; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. HEFLIN, Mr. HATCH, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1115. A bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

THE JUDICIAL IMMUNITY RESTORATION ACT

Mr. THURMOND. Mr. President, I rise today, along with Senators HEFLIN, HATCH, GRASSLEY, and D'AMATO, to introduce the Judicial Immunity Restoration Act of 1995 to protect judges from lawsuits filed against them for acts taken in their judicial capacity. This bill is nearly identical to legislation considered in the 100th Congress, the 101st Congress, and most recently in the 102d Congress.

This legislation is needed to restore the doctrine of judicial immunity by correcting the decision of the United States Supreme Court in *Pulliam* v. *Allen*, 456 U.S. 522 (1984). In a 5 to 4 decision, the Supreme Court held that judicial immunity does not bar injunctive relief or an award of attorneys' fees against State court judges acting in their judicial capacity. The Court recognized the possible chilling effects its decision might have on a judge's ability to exercise independent judgment. But the Supreme Court held that the Congress should determine the extent of judicial immunity.

It is important for the Congress to clarify the extent of judicial immunity to ensure that judges are free to make appropriate decisions in their judicial capacity without fear of reprisal. This legislation prohibits the award of costs or attorneys' fees against judges, both State and Federal, for performing the judicial functions for which they were elected or appointed. In addition, this legislation removes the threat of injunctions against judges for acts performed in their judicial capacities, except in rare circumstances when a judge refuses to respect a declaratory judgment.

Few doctrines are more important or more firmly rooted in our jurisprudence than the notion of an independent judiciary. Judicial immunity has been a fundamental tenet of our common law since distinguished jurist Lord Coke held in the case of *Floyd and Barker*, 77 Eng. Rep. 1305 (1607), that a judge who presided over a murder trial was immune from subsequent conspiracy charges brought against him by the murder defendant. Judicial independence is no less critical today, and remains essential to ensure justice.

It is time to restore the judicial immunity protections that were weakened by the Court's decision in Pulliam. In the 10 years since Pulliam, thousands of Federal cases have been filed against judges and magistrates. The overwhelming majority of these cases are without merit and are ultimately dismissed. The record from our previous hearings on this issue is replete with examples of judges having to defend themselves against cases that should never have been brought. The very process of defending against those actions constitutes harassment, and subjects judges to undue expense. More importantly, the very real risk to our judges of burdensome litigation creates a chilling effect that may impair the judiciary's day-to-day decisions in close and controversial cases.

Mr. President, an independent judiciary is a vital component in any democracy, and cannot be compromised. This bill will restore the independence of all justices, judges, and judicial officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction''.

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable''.

By Mr. EXON:

S. 1116. A bill entitled ''The Broadcast and Cable Voluntary Standards and Practice Act''; to the Committee on Commerce, Science, and Transportation.

THE BROADCAST AND CABLE VOLUNTARY STANDARDS AND PRACTICE ACT

Mr. EXON. Mr. President, a license to use the public airwaves to broadcast or use the public rights-of-way to provide cable service is a tremendous privilege. To many, it is almost a license to print money. The recent purchases of television networks reveal the extraordinary value of this privilege.

With a broadcast or cable license a company gains a key to every household its signal can reach and access to the most intimate and memorable moments of people's lives.

Broadcast television and radio as well as cable programming are key elements of our Nation's culture.

With this privilege should come responsibility. Some of that responsibility is statutory or regulatory, for example, the requirements that broadcasters and cable operators refrain from transmitting obscenity; that broadcasters restrict indecency to hours when children are unlikely to be awake; and that broadcasters serve the public interest.

Some of that responsibility comes from the marketplace, broadcasters and cable companies which offend American families lose their audience. Grassroots efforts have both saved programs from cancellation and quickened the demise of others.

Some of that responsibility comes from the ethics of broadcasters and cable companies as leading corporate citizens of this country. Some of these corporate entities have been more responsible than others. Long before Presidential candidates have tried to shame the media, the Senate Commerce Committee on which I serve has attempted to focus attention on the destructiveness of certain trends in the popular culture.

Some of those who have not been responsible about what they put into American homes blame the marketplace. They claim that in spite of their desires to be more family friendly, the competitive environment forces them to test the limits of taste and decency in the quest for viewers and listeners.

To be effective, the law, the market, and individual ethics must work together. There are some examples of success such as Senator SIMON's legislation which encouraged and allowed joint efforts to reduce the amount of violent programming. But more remains to be done on all fronts.

Few can deny that there is a crisis in America. Parents, churches, schools are having more and more difficulty conveying values to their children. The electronic emperors of the modern age are increasingly replacing parents and families as the primary source of values.

This is a crisis which goes deeper than violence on television it is also about sex and family values in popular culture.

Today, sex sells everything from soft drinks to blue jeans. Daytime commercial television talk shows have become

a virtual freak show of abuse, addiction, and alternative lifestyles. And prime time television regularly tests the limits of taste and propriety.

Year after year the situation seems to get worse. Parents try to teach the values of ''Mayberry'' and are overruled by the values of ''Beverly Hills 90210.''

The entire premise of commercial television is that a 30- or 60-second advertisement will affect a substantial portion of an audience to do things which they would not otherwise do—that is, to buy a particular product or service. It should be no mystery that 30- and 60-minute programs on television or radio have a profound effect on the views and values of audiences, especially young audiences.

The three areas of entertainment industry responsibility—legal, market, and ethical—are ripe for careful review and discussion.

The legislation I introduce today attempts to empower the industry to bolster its ethical commitments and to take responsible self-initiated steps to improve the contemporary entertainment industry. It picks up where Senator SIMON'S TV violence initiative left off.

During the so-called golden age of television, broadcasters had a voluntary, but well followed, code of ''standards and practices'' known as the Television Code. Many of America's most memorable television series from the black and white era of the fifties and sixties proudly displayed the Television Code Seal at the conclusion of each show. It is ironic that those moments recognized as some of television's finest are devoid of the coarseness, vulgarity and unpleasantness of today's programming.

Antitrust prosecutions in the late 1970's related to the advertising provisions of the television code led to its eventual total demise in the early 1980s.

The legislation I introduce today would allow the television and cable industry to revise a voluntary code of standards and practices. Such private sector empowerment may be useful in reducing the crudity and coarseness in the modern entertainment industry.

While the Congress reviews ways to strengthen the legal responsibility of television and cable industry through legislation to limit violent programming and to strengthen the market forces through the public disclosure of violence report cards, I ask my colleagues to give serious consideration to the legislation I introduce today. The Broadcast and Cable Voluntary Standards and Practices Act will at least empower the entertainment industry to strengthen its ethical commitment to the American family.

I urge my colleagues to review and support this important legislation.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERREY, Mr. FORD, Mr. DORGAN, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. CONRAD, Mr. BINGAMAN, Mr. BRYAN, Mr. INOUYE, and Mr. ROBB):

S. 1117. A bill to repeal AFDC and establish the Work First plan, and for other purposes; to the Committee on Finance.

THE WORK FIRST WELFARE REFORM PLAN

Mr. DASCHLE. Mr. President, I am pleased to introduce, with my colleagues Senator BREAUX and Senator MIKULSKI, the Work First plan. We are joined today by Senators ROCKEFELLER, REID, BOB KERREY, FORD, DORGAN, DODD, and JOHN KERRY, our entire Democratic leadership, as well as Senators LIEBERMAN, CONRAD, BINGAMAN, and BRYAN.

We are gratified to have the broad bipartisan support of State and local leaders across the country. The bipartisan U.S. Conference of Mayors unanimously endorsed the Work First plan last month. The bill also has the support of the National Council of Elected County Executives, the Democratic Governors' Association, and many State legislators. The President has also endorsed our plan.

Our bill has four fundamental goals. First, we emphasize work. Our bill is designed to move welfare recipients from welfare to work. To put work first in priority. Second, our bill protects children. We do not punish children to pay for the mistakes or circumstances of their parents. Third, we do all we can to break the cycle of dependency. Fourth, we want to give States maximum flexibility.

The welfare system cannot be fundamentally changed without fundamentally changing the welfare culture.

Under the Work First plan, welfare offices are turned into employment offices. Welfare staff are retrained to focus on employment first. Gone are the micromanaging rules of today. We encourage states to consolidate and streamline their efforts to simplify administration and to restore common sense to a system that has become too bureaucratic.

Under the Work First plan, Aid to Families with Dependent Children, [AFDC] is eliminated. We do not modify it or revamp it. We do not ship it off to the States. We terminate it outright.

In its place, we create a conditional entitlement of limited duration. Referred to as ''Temporary Employment Assistance,'' this new program is a dramatic change from AFDC.

There must be no more unconditional assistance. Everyone must contribute to the effort to change the welfare culture.

Toward that end, all recipients of Temporary Employment Assistance must sign a contract. This contract, called a Parent Empowerment Contract, is based on the Iowa model. Essentially it is a blueprint for employment. It spells out what each welfare recipient is expected to do to become employed and to be a responsible parent.

To obtain assistance, applicants must sign the contract. Those who do not sign, who are unwilling to accept personal responsibility for improving their situation—will not get assistance. The contract is a commitment, and those who do not abide by the contract will have their benefits reduced and ultimately terminated.

All able-bodied recipients are required to work. Even those who are not able-bodied, those who might be disabled or caring for a disabled child, must do something in return for assistance. States will decide what they will be required to do. It could be volunteering at their child's school, or ensuring that their children are properly immunized, or some other task or responsibility the State determines is fair and reasonable.

Again, there must be no more unconditional assistance.

Temporary Employment Assistance is temporary. There is a 5 year lifetime limit for Temporary Employment Assistance that may be waived only to protect children, disabled individuals, or other special cases. Applicants will know from day one that help will be available for a finite period.

Temporary Employment Assistance is flexible. States set their own rules for eligibility. States set their own maximum benefit levels. States set their own resource limits, asset limits, and income disregard policies.

All we require is that if a family meets those eligibility criteria set by the State, that family must receive assistance. That is one of the basic differences between our plan and the Republican plans. We all provide flexibility. We all let States set their own benefits. But, we say that families of similar income, or lack of income, ought to receive assistance based on their degree of poverty, not their place in line, or the time of year they applied.

A block grant, like the one approved by the Senate Finance Committee, is a first-come, first-served policy. What matters most is your place in line—not your level of need. We believe that is wrong.

As part of the effort to change the welfare culture and put welfare recipients to work, the Work First plan terminates the current JOBS program. Gone are the micromanaging rules under JOBS. We recognize that some welfare recipients made modest gains under JOBS. But, we believe that States ought to have far more flexibility to put welfare recipients to work.

Therefore, we replace the current JOBS program with a Work First Employment Block Grant. Under Work First, the focus is on job creation and employment in the private sector.

Once an individual receives Temporary Employment Assistance, she would spend up to two months in intensive job search activities to be designed by the States. At that point, we hope

that the most job-ready of welfare recipients will have found a job and begun the transition out of welfare.

For those who have not found a job after 2 months, States can offer a variety of options under the Work First Employment Block Grant: placement services or vouchers; microenterprise or self-employment activities; work supplementation; grant diversion; workfare; community service; something like the GAIN program in Riverside County, CA; something like the JOBS Plus program in Oregon that provides clients with on-the-job training by cashing out AFDC and Food Stamps in return for wages; something like the Family Investment program in Iowa that moves families off welfare and into self-sufficient employment; or any other work-related option to employ welfare recipients.

For States that exceed the work performance rates under the Work First plan, we will provide bonuses on a per-person basis to the State. The bonuses are based on job retention. After the first 3 months, a State will receive one-third of the bonus. After 6 months, a State will receive another third. And, after 9 months of work, States will receive the final third.

As I said before, the objective of our plan is work first. That is the name of our bill, and that is our absolute goal. We not only want to move welfare recipients into the workforce. We want to keep them there.

As we consider welfare reform, there will undoubtedly be vigorous debate about various facts and statistics. But there is no denying one fact. And, that is that the overwhelming majority of welfare recipients are women, mothers raising children alone.

That is why it is no surprise that the greatest barrier for moving welfare recipients from welfare to work is the lack of child care, the inability to afford child care, and the anxiety about leaving one's child in the care of another.

We believe that the linchpin between welfare and work is child care. We believe that if we help mothers afford child care and help communities expand child care opportunities, we will tear down that barrier.

An investment in child care today pays off in two ways tomorrow. First, it enables welfare recipients to go to work. And second, quality child care provides a positive environment for children to better prepare for school and a life free of welfare.

If we are serious about putting welfare recipients to work, then we need to be equally serious about providing child care assistance.

To date, the focus of welfare reform has been on work. An essential part of that debate ought to be about child care assistance.

To leave her house, to get a job, to keep that job, a mother first must be able to find and afford child care. If we are going to retain women, particularly single women, in the workforce, then we need to invest in child care.

Another barrier to employment is the lack of health coverage. For many child care if has not become an insurmountable problem, then health care coverage has.

It is well know that many low wage jobs, often the only jobs available to welfare recipients, do not come with health care coverage. And we all know of stories of women who left welfare for work only to face a health care crisis and realize that welfare with Medicaid coverage is their only viable option. The incentives under the current system are all wrong. We have to make work pay.

That is why under Work First, we provide for 2 years of Medicaid coverage for those transitioning from welfare to work.

I know that, ideally, this problem should be considered within the context of overall healthcare reform. But, until that happens, through transitional Medicaid coverage, we have provided an incentive to keep women in the workforce.

Another critical issue in the welfare debate is teen pregnancy. I have talked to many experts throughout the country and in South Dakota about teen pregnancy. No one has come up with the perfect solution.

Under the Work First plan, mothers are required to live at home or in an adult-supervised environment. They are required to stay in school. States are free to reduce benefits to those who do not and provide bonuses to those who do.

Because there is no one-size-fits-all answer to reducing teen pregnancy, the Work First plan offers grants to States to work with communities to develop their own innovative approaches to reduce teen pregnancy.

With regard to absent parents and child support enforcement, our message is clear. The Work First plan includes the Bradley–Snowe provisions to improve child support enforcement and bring about uniformity to interstate cases so that they will no longer be impossible to enforce.

The Work First plan also goes one step further. Noncustodial parents with overdue support orders are required to pay up, enter into a repayment plan, or choose between community service and jail.

No longer will deadbeat parents be able to escape their financial responsibility. It is a crime that the default rate on used cars is about 3 percent, while the default rate on child support orders hovers around 50 percent. No longer. Not under the Work First plan.

The Work First plan is really about priorities. It is a priority for us to fundamentally change the welfare system to put welfare recipients to work—not to put them on someone else's doorstep.

We cut existing welfare and welfare-related programs and invest those savings in efforts to promote work and child care. Beyond the investments we make, we have savings of about $15 billion so that we not only put welfare recipients to work, but we reduce the deficit at the same time.

The time has come for fundamental change. The Work First plan is a pragmatic approach that focuses on work—private sector work.

We are told that the Senate will begin debating welfare reform on Saturday. I look forward to reviewing the revised Republican plan and comparing it to our plan. And I continue to urge my colleagues, on both sides of the aisle, to review the Work First plan.

Welfare reform should not be a partisan issue. It is time to put politics aside and get down to the business we were sent here to do. If we do that, there is no doubt in my mind that we can develop a welfare reform package that garners a large consensus in the Senate.

Ms. MIKULSKI. Mr. President, I am proud today to join with the Democratic leader in introducing the work first bill. It is the Democratic leadership's welfare reform bill.

We Democrats believe that welfare should not be a way of life but a way to a better life. The people on welfare agree that it is a mess. The taxpayers who pay for welfare agree that it is a mess. All agree that the current system does not work, and all agree that it needs to be replaced. It discourages work and economic self-sufficiency.

Therefore, the Democratic work first bill addresses these concerns. That is why we are absolutely firm on work. That is why the Democratic bill that we introduce today not only moves people off of welfare but helps them stay off.

The Republican welfare bill simply pushes people off welfare and pushes them into poverty. The Democrats have a work first plan. It focuses on ending the cycle of poverty and the culture of poverty. How do we do it? Our bill ends AFDC and creates a temporary employment assistance program. We require job readiness assessments of each adult job placement, job search, and on-the-job work activity. We require them to sign a parent empowerment contract that requires them to take the steps they need to go to work and be responsible parents. Then we expect the individuals to go to work.

But while being firm on work, we provide these individuals with the tools they need to get a job and keep a job. We also provide a safety net for children. That means quality day care for 2 years as parents go to work, the extension of health care protection, and making sure that a child has health care while their mothers are moving to work and self-sufficiency. This also means we look out for the food and nutrition programs.

The Democratic bill also brings men back into the family. Sure, we are very tough on child support. We strengthen the child support rules. But we do not look at men only as a child support check. We want men back into the family. We want to remove the barriers to

family, the barriers to marriage, because we believe the way the family is going to move out of poverty is the way people move to the middle class, with two-parent wage earners. That is why we will eliminate the man-in-the-house rule and other barriers to men being in the family.

The Democratic plan also tackles the growing problem of teenage pregnancy. Under our bill, teen mothers must stay in school and stay at home as a condition of receiving benefits. If they stay in a home that is not desirable, where they are a victim of abuse, or where there is alcoholism or drug abuse, we create a network of second-chance homes. The work first plan also gives broad flexibility to States, administrative simplification and helps with those issues that Governors have complained about.

Finally the Democratic welfare bill saves money and lowers the deficit. Through a series of reforms in the current system and the elimination of fraud and waste, our bill will have a net savings of $21 billion over a 7-year period.

This work first bill is an act of tough love. Sure it is tough, but we have a lot of love in it. As we approach welfare reform, we ask people to take charge of their lives and go to work. In exchange for that, we give them the tools to stay at work, the opportunity for a better life, enable them to marry. And I believe that our bill brings about real reform because we do not have requirements, we have results and resources.

I hope that this bill will attract bipartisan support and we can truly end welfare as we know it.

Mr. President, I will yield the floor to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I congratulate the Senator from Maryland for the excellent job she has done. As a former professional social worker, when BARBARA MIKULSKI speaks about welfare reform, she does not speak from having read a book about it; she speaks from having led a life of trying to improve the conditions of lives of people who have had the great misfortune of being on welfare.

Mr. President, I will be very brief. Today is an important day because today the Democratic leadership, with a number of cosponsors, a majority of all Democrats, have introduced our Work First welfare reform bill. It is a major document. It is a major document because it makes major changes in the current welfare system that we, as Democrats, and I think most Republicans would agree welfare as we know it today simply does not work.

I know of only a few people who may stand up anywhere and say the system we have is a good system. It does not work well for the people who are on it and it does not work well for the people who are paying for it.

I think there is a general consensus that we have to make major changes. How we make those changes is the subject, I think, of legitimate debate. There are a lot of different suggestions about what should be done to make it work better than it has worked in the past. I suggest that any program that is tough on work, any program that is good for children, is a movement in the right direction as to what we as a Congress should be doing.

It was an issue at the last Presidential campaign. I hope it will not be an issue in the next Presidential campaign, because I hope by that time we will have adopted a real bipartisan program that is good for all Americans.

We, as Democrats, could not do this by ourselves. I suggest that our Republican colleagues, by themselves, cannot do it either.

Therefore, this is a subject that will have to have bipartisan agreement. We are going to bring a real welfare reform bill to the President's desk, one that he can sign in this Congress. That should be the goal of all of us, Republicans or Democrats.

Let me just suggest that the bill that we are introducing today, the Democratic Work First Program, is an excellent vehicle. I wish all of our colleagues would join and we could pass it unanimously. I know that that is not likely.

I do think that it presents a document in a package of principles that we can all agree on and then tinker around the edges to make it a politically acceptable document to all of our colleagues.

Our bill starts off by recognizing that the current system does not work. We abolished the Aid to Families with Dependent Children, the AFDC program, which has been around for so long. We are saying that in the 1990's it does not work. Not only does it have to be changed a little bit, it has to be changed a lot. Not only does it have to be changed, it should be abolished, and start off with a new program.

That is what we have in our document. We replace Aid to Families with Dependent Children with a temporary employment system that requires people, when they walk into the welfare office, to sign a contract. That contract is going to get them starting to look for a job from the first day. If they do not follow the terms of the contract, their benefits can be reduced.

I think that is something that is incredibly important. They start from the first day they walk in the office looking for a job. The best social program that this Congress can pass is a good job, not another Federal program, but a good job for someone who currently is under welfare assistance in their particular State.

The program that we are offering abolishes the current system, starts over with a temporary employment program from the very first day. There are penalties and there are time limits. We are saying that people cannot be on welfare assistance forever. There is a 2-year time limit, and a total of 5 years in a person's life that they would be eligible for welfare assistance.

We also, I think, protect children. We also say to States that we are not going to give you an unfunded mandate to do things without helping you pay for those programs.

One of my concerns about the bill that came out of the Finance Committee was that we froze the amount of money going to the States at 1994 levels, yet we are telling States they have to do a lot more with a lot less. That is not real reform.

I suggest that plan is like putting all the welfare problems in a box and then mailing that box to the States and say, ''Here, it is yours. We are washing our hands of the problem. You take it. We will give you less money to fix it.''

That is not reform. That is passing the buck. That is not what we should be doing in this Congress.

Our program is real reform. We should not be arguing, I suggest, as to whether the Federal Government should do it or the State should do it. The fact is we both should do it. The Federal Government should work with the States and give them more flexibility, and the Federal Government should be there as a partner—not as a supervisor, not as a big heavy hand from Washington, but as a partner—with the States to work on what is best for a particular State.

Our bill does that. It gives great flexibility to the States to devise the proper system that works in their State, to design what is best for the State of Mississippi, the State of Louisiana, Maryland or California, or whatever State is involved. Let the States design the program.

We, as Federal officials who raise the money to pay for those programs, should not be unconcerned with how those funds are spent. There should be some national standards. There should be some national parameters.

We, for instance, feel that States should not be able to tell children who are innocent victims, who did not ask to be born, that they somehow will lose any benefits that they have to live because of the mistakes of their parents. We think that is hard. We think that is cruel. We think that should not be the policy of this country.

We think, however, parents should be penalized when they make mistakes. We think parents who refuse to work should be penalized for not wanting to work. Our bill does that by reducing the benefits to adults who refuse to live by the terms of their contract. I think that is good.

We do not say in our bill to an innocent baby who did not ask to be born that because your parent is a teenager, we are going to penalize your life and make it more difficult for you to be a functioning citizen in this society.

Mr. President, our bill may not be perfect. We are not saying it is. We are not saying that perhaps it cannot be improved by amendments, because perhaps it can be. What we are saying is that our Work First Program is a solid package that is going to arrive out

with a lot of debate, a lot of discussion, where liberals and moderates and conservatives within our party have been able to come together and join hands and introduce this as a work first welfare package, which I think makes a great deal of sense.

We encourage our Republican colleagues, we challenge our Republican colleagues, to introduce your bill, to start the debate —not in an adversarial relationship, because this is something that truly should not be Republican or Democrat. We should be looking for an American solution to a uniquely American problem.

We all agree it does not work today. We all agree it needs to be fixed. We should come together and work together and get the type of program that this President is willing to sign and that we all can be proud of the ultimate results. I yield the floor.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues today to introduce our Work First welfare reform legislation. This Congress has an historic opportunity to address the welfare crisis. The primary welfare program—Aid to Families With Dependent Children [AFDC]—is viewed by those participating in it and those paying for it as a failure. It is failing at its most important task—moving people into the work force. Worse yet, it is contributing to the cycle of poverty. By rewarding single parents who don't work, don't marry, and have children out of wedlock, the current system demeans our most cherished values and deepens society's most serious problems.

The Work First plan repeals the failed AFDC Program and replaces it with a temporary employment assistance program focused on putting people to work. It gives States the flexibility and incentives they need to successfully move people into private sector jobs. And it addresses two key causes of welfare dependency through tough new child support enforcement laws and provisions to reduce out-of-wedlock births to teenagers.

The Work First Program ends unconditional benefits that foster dependency. Each person receiving assistance will sign an individualized contract for achieving self-sufficiency. If recipients do not comply with the plan, then they will lose some or all of their benefits. While the plan may include some training or education, the emphasis will be squarely on work experience; all recipients will be required to search for a job from day one.

Eligibility for benefits will be limited to 5 years, although children whose parents reach this time limit will still be eligible for assistance. We must continue to meet our responsibility to our Nation's poorest children.

States must focus their program directly on placing people in private sector jobs. The bill requires States to have at least 50 percent of their caseload working by the year 2001. It moves away from telling States how to succeed and instead rewards results—States that have high private sector job placement rates will receive a financial bonus.

Our work requirements are tough and funded. We understand that child care assistance is the critical link between welfare and work and, unlike Republican welfare proposals, our bill gives States the child care funding they need to put people in jobs and move them off of welfare. In contrast, the Congressional Budget Office estimates that, under the Republican proposal, only 6 States could afford to put 50 percent of people on welfare to work.

The legislation also tackles the critical problem of teen pregnancy. Unmarried teen parents are particularly likely to fall into long-term welfare dependency. More than one-half of welfare spending goes to women who first gave birth as teens. This legislation, among other things, requires teen mothers to live at home and helps communities establish supervised group homes for single teen mothers.

Finally, the bill incorporates strong child support enforcement legislation Senator BRADLEY introduced, and I cosponsored, earlier this year. The legislation will make it easier for States to locate absent noncustodial parents; establish paternity; establish a court order; and enforce payment of court orders. A tough child support enforcement system will help keep millions of children out of poverty and off of welfare. And tougher laws will send a message of responsibility to would-be deadbeat parents. In an era of skyrocketing out-of-wedlock births and rising teen pregnancy rates, child support enforcement payments must become a well-known and unavoidable fact of life for absent fathers and mothers.

The work first plan is true welfare reform. It demands responsibility from parents while providing continued protection for children. It addresses two of the key causes of welfare dependency—teen pregnancy and unpaid child support. It gives States the incentives and funding they need to put people back to work—and it holds States accountable for results.

By Ms. SNOWE (for herself and Mr. GLENN):

S. 1118. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

THE BONE MASS MEASUREMENT STANDARDIZATION ACT OF 1995

• Ms. SNOWE. Mr. President, today I am introducing the Bone Mass Measurement Standardization Act of 1995. A companion bill is being introduced in the U.S. House of Representatives by Representative CONNIE MORELLA.

Millions of women in their post-menopausal years face a silent killer * * * a stalker disease we know as osteoporosis. This unforgiving bone disease afflicts 25 million Americans; causes 50,000 deaths each year; 1.5 million bone fractures annually; and the direct medical costs of osteoporosis fracture patients are $10 billion each year, or $27 million every single day. This cost is projected to reach $60 billion by the year 2020 and $240 billion by the year 2040 if medical research has not discovered an effective treatment.

The facts also show that one out of every two women have a lifetime risk of bone fractures due to osteoporosis, and that it affects half of all women over the age of 50 and an astounding 90 percent of all women over 75. Perhaps the most tragic consequences of osteoporosis occur with the 250,000 individuals annually who suffer a hip fracture. Twelve to 13 percent of these persons will die within 6 months following a hip fracture, and of those who survive, a 20 percent will never walk again, and 20 percent will require nursing home care—often for the rest of their lives.

We all know that osteoporosis cannot be cured, although with a continued commitment to research in this area I remain hopeful that we will find one. We also know that once bone mass is lost, it cannot be replaced. Therefore, early detection is our best weapon because it is through early detection, that we can thwart the progress of the disease and initiate preventative efforts to stop further loss of bone mass.

Bone mass measurement can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate and quick. Our expanding technology is adding new methods to determine bone mass and we need to keep up with this technology. The most commonly used test currently is DXA dual energy x ray absorptiometry.

In order to ensure that we detect bone loss early, we need to ensure that older women have coverage for bone mass tests. According to the National Osteoporosis Foundation, only about one half of private insurance policies cover these tests for diagnostic purposes, and the Federal Medicare coverage is inconsistent in its coverage depending on where an individual resides. For example, Medicare currently covers the DXA test in 42 States—including my home State of Maine. But it is not covered in 4 States and the District of Columbia, and it is covered only in parts of 4 additional States, some of which are our most populous, including New York.

This patchwork coverage means that on older women who lives in Florida will be covered, but if she moves to Pennsylvania, she will not be. And a Medicare beneficiary living in Baltimore will be covered, but if she moves to Rockville, Medicare will not cover the test.

Mr. President, a woman shouldn't have to change zip codes to obtain coverage for a preventive test, especially when early intervention is the only action we can take right now to slow the

loss of bone mass. Once it is lost, it cannot be replaced.

The Medicare Bone Mass Measurement Standardization Act will clarify the Medicare coverage policy for DXA testing to make it uniform in all States. It also will provide an expanded definition of the types of tests covered for bone mass measurement in order to keep up with the expanding technology in this area.

We all know that ''an ounce of prevention is worth a pound of cure''. This bill will ensure that older women, regardless of where they live, will have access to bone mass measurement technology that will help detect bone loss and allow preventive steps to be taken. It is our only weapon right now in the fight against osteoporosis.

I hope my colleagues will join me in supporting this bill.●

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1119. A bill to define the circumstances under which earthquake insurance requirements may be imposed by the Federal Home Loan Mortage Corporation on a specifically targeted State or area; to the Committee on Banking, Housing, and Urban Affairs.

THE EARTHQUAKE INSURANCE AVAILABILITY ACT OF 1995

● Mrs. FEINSTEIN. Mr. President, I introduce the Earthquake Insurance Availability Act of 1995.

The purpose of this legislation is to ensure that all 50 States in our Nation are treated equally by the Federal Home Loan Mortgage Corporation with respect to special insurance requirements, specifically earthquake insurance.

The legislation I am introducing today specifies that earthquake insurance requirements targeted to a specific state, by the Federal Home Loan Mortage Corporation, may be imposed only after the State insurance commissioner for the affected State certifies in writing that: First, reasonable insurance capacity exists in the State; and, second, compliance would not cause undue hardship for citizens of the State.

Mr. President, nobody in this Chamber is more aware of the threat of earthquakes than I am. I have seen the devastation they can cause, and I know of the terrible hardships, loss of life, and loss of property they leave behind.

Let me begin by saying that I believe everyone should have adequate insurance on their home to protect against hazards—including natural disasters.

The problem is, however, that adequate insurance is not always available. This is especially true, in California, with respect to earthquake insurance.

The truth is no region of our country is immune to natural disasters. In the last decade, different parts of our Nation have been hit by hurricanes, tornadoes, floods, cyclones, earthquakes, volcanic eruptions, and firestorms, and I believe that it is essential that Congress enact natural disaster legislation as quickly as possible.

That is why I am a cosponsor of the Natural Disaster Protection and Insurance Act recently introduced by the distinguished Senator from Alaska, Senator STEVENS, and the distinguished Senator from Hawaii, Senator INOUYE.

In the interim, however, my State of California which has experienced significant earthquakes in recent years—the Loma Prieta earthquake in 1989; and the Northridge earthquake in 1994—has experienced a sharp drop in the availability of earthquake insurance.

Simply stated, since the Northridge earthquake, many major insurers have pulled out of the California market. Many others have increased their premiums to such a point that they are beyond the reach of many homeowners, and even then there are very steep deductibles.

Recently the situation became much worse, for owners of California condominiums, when the Federal Home Loan Mortgage Company—commonly known as Freddie Mac—issued a policy requiring earthquake insurance, only for California condominiums, as a condition of purchase of mortgages.

I believe this policy, which targets only one State, is inappropriate for a federally chartered corporation which was created by Congress in 1970 to ensure a stable flow of mortgage funds for the entire Nation.

This policy which, in a way, redlines my State, is designed to minimize Freddie Mac's loss in the event of a future earthquake in California.

I can understand why the corporation feels the need to protect its shareholders from potentially lower dividends. But Freddie Mac, while a stockholder-owned corporation, enjoys considerable tax benefits by virtue of its Federal charter.

I believe that those benefits are provided by the American taxpaying public—which includes, I might add, many Californians—to assist Freddie Mac in accomplishing its mission of helping more Americans become homeowners.

California still lags the Nation in its recovery, and the economy there is very fragile. In implementing its new policy, Freddie Mac, in effect, is reducing the number of options for California homeowners, and this will have a direct impact on the value of their homes. I believe this sets a dangerous precedent for other parts of the country which are prone to natural disaster.

I am not unsympathetic to Freddie Mac's position, and I have indicated a willingness to sit down with them and work out a solution. But that solution must take into consideration the underlying problem—which is the lack of earthquake insurance availability.

In addition, the solution must take into consideration not only the protection of Freddie Mac's investors. It must also include the protection of the homeowners of my State, for it is they whom I was elected to represent.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 760

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 760, a bill to establish the National Commission on the Long-Term Solvency of the Medicare Program.

S. 833

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 959

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain

or claim to contain bear viscera, and for other purposes.

S. 971

At the request of Mr. COATS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 971, a bill to amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions, and for other purposes.

S. 986

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide that the Federal income tax shall not apply to U.S. citizens who are killed in terroristic actions directed at the United States or to parents of children who are killed in those terroristic actions.

S. 1000

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Idaho [Mr. CRAIG], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1000, a bill to amend the Internal Revenue Code of 1986 to provide that the depreciation rules which apply for regular tax purposes shall also apply for alternative minimum tax purposes, to allow a portion of the tentative minimum tax to be offset by the minimum tax credit, and for other purposes.

S. 1004

At the request of Mr. STEVENS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Ohio [Mr. GLENN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1045

At the request of Mr. ABRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1045, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act to privatize the National Foundation on the Arts and the Humanities and to transfer certain related functions, and for other purposes.

S. 1097

At the request of Mr. HATFIELD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1097, a bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the ''David J. Wheeler Federal Building,'' and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Indiana [Mr. COATS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Mississippi [Mr. LOTT], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

DORGAN (AND OTHERS) AMENDMENT NO. 2087

Mr. DORGAN (for himself, Mr. BRADLEY, Mr. LEAHY, Mr. BINGAMAN, Mr. FEINGOLD, Mr. BUMPERS, Mr. WELLSTONE, Mr. EXON, Mr. HARKIN, Mr. GLENN, Mrs. BOXER, Mr. JOHNSTON, and Mr. CONRAD) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 32, strike out line 14 and insert in lieu thereof the following: ''$9,233,148,000, of which—

''(A) not more than $357,900,000 is authorized to implement the national missile defense policy established in Section 233(2);''.

LEVIN (AND OTHERS) AMENDMENT NO. 2088

Mr. LEVIN (for himself, Mr. EXON, Mr. BINGAMAN, Mr. GLENN, Mr. BRADLEY, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. WELLSTONE, Mr. BIDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. JEFFORDS, Mr. KERREY, Mr. NUNN, Mr. DASCHLE, Mr. KERRY, Mr. LAUTENBERG, and Mr. PELL) proposed an amendment to the bill S. 1026, supra; as follows:

On page 52, strike out lines 20 through 25.

On page 62, strike out lines 8 through 11.

Beginning on page 63, strike out line 11 and all that follows through page 65, line 24.

COHEN AMENDMENT NO. 2089

Mr. COHEN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles of all ranges is a global problem that is becoming increasingly threatening to the United States, its troops and citizens abroad, and its allies.

(2) Articles XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this Treaty''.

(3) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(4) Article X V of the ABM Treaty establishes means for a party to withdraw from the Treaty, upon 6 months notice, ''if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.''.

(b) SENSE OF CONGRESS.—Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treasury;

(4) the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense systems specified in section 235 to protect the United States from limited ballistic missile attack; and

(5) if these negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of the Treaty.

MCCAIN (AND OTHERS) AMENDMENT NO. 2090

Mr. MCCAIN (for himself, Mr. ROTH, Mr. FEINGOLD, and Mr. GRAMS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SSN–23 SEAWOLF CLASS ATTACK SUBMARINE.

(a) DELETION OF FUNDING.—Notwithstanding any other provision of this Act, the total amount of the funds authorized under section 120(a)(3) for the Navy for fiscal year 1996 for shipbuilding and conversion is reduced by $1,507,477,000.

(b) PROHIBITION.—(1) Notwithstanding any other provision of this Act, funds available for the Department of Defense for fiscal year 1996 and, except as provided in paragraph

(2)(B), funds available for the Department of Defense for any preceding fiscal year may not be obligated or expended for procurement of a third SSN–21 Seawolf class attack submarine or for advance procurement for such submarines.

(2)(A) Funds available for the Department of Defense for fiscal year 1996 may not be used for paying costs incurred for termination of any contract for procurement of a third SSN–21 Seawolf class attack submarine, including any contract for advance procurement for such submarine.

(B) Only the funds available for the Department of Defense for fiscal years before fiscal year 1996 for procurement of an SSN–23 Seawolf attack submarine may, to the extent provided in appropriations Acts, be used for paying costs described in subparagraph (A).

McCAIN AMENDMENT NO. 2091

Mr. McCAIN proposed an amendment to the bill S. 1026, supra; as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,187,800,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and postdelivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

DODD AMENDMENT NO. 2092

Mr. DODD proposed an amendment to amendment No. 2091 proposed by Mr. McCAIN to the bill S. 1026, supra; as follows:

On page 1, line 7, strike out ''$7,187,800,000'' and insert in lieu thereof ''$7,223,659,000''.

FAIRCLOTH AMENDMENT NO. 2093

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill S. 1026, supra; as follows:

Beginning on page 110 strike line 20 and all that follows through page 114, line 6.

BUMPERS (AND OTHERS) AMENDMENT NO. 2094

Mr. BUMPERS (for himself, Mr. FEINGOLD, Mr. SIMON, Mrs. BOXER, Mr. HATFIELD, and Mr. DORGAN) proposed an amendment to the bill S. 1026, supra; as follows:

Strike line 1 on page 353 through line 16 on page 357.

CHAFEE (AND WARNER) AMENDMENT NO. 2095

Mr. WARNER (for Mr. CHAFEE, for himself and Mr. WARNER) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 78, strike line 21 and all that follows through page 87, line 20, and insert the following:

SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

''(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

''(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with the section.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using the marine pollution control device;

''(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

''(v) applicable United States law;

''(vi) applicable international standards; and

''(vii) the economic costs of the installation and use of the marine pollution control device.

''(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with the section.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

''(5) DEADLINES; EFFECTIVE DATE.—

''(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

''(i) make the initial determinations under paragraph (2) not later than 2 years after the date of enactment of this subsection; and

''(ii) every 5 years—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on significant new information.

''(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

''(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

''(ii) every 5 years—

''(I) review the standards; and

''(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

''(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

''(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

''(6) EFFECT ON OTHER LAWS.—

''(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

''(i) a determination under paragraph (2) that it is not reasonable and practicable to

require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control the discharge.

''(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

''(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

''(A) STATE PROHIBITION.—

''(i) IN GENERAL.—After the effective date of—

''(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

''(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

''(B) PROHIBITION BY THE ADMINISTRATOR.—

''(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

''(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

''(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

''(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

''(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

''(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

''(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

''(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

''(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

''(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

''(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

''(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking ''or''; and

(ii) by inserting ''or agency of the United States'' after ''association,'';

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(12) 'discharge incidental to the normal operation of a vessel'—

''(A) means a discharge, including—

''(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

''(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

''(B) does not include—

''(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

''(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

''(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of enactment of subsection (n));

''(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

''(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

''(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

''(14) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).''.

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking ''of this section or'' and inserting a comma; and

(B) by striking ''of this section shall'' and inserting '', or subsection (n)(8) shall''.

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking '' 'sewage from vessels' '' and inserting ''sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces''.

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources to—

(1) determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) establish performance standards for marine pollution control devices on vessels of the Armed Forces.

PRYOR (AND OTHERS) AMENDMENT NO. 2096

Mr. NUNN (for Mr. PRYOR for himself, Mrs. FEINSTEIN, and Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, add the following:

SEC. 389. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1), $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troops-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term ''Troops-to-Cops program'' means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term ''Troops-to-Teachers program'' means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

DOLE AMENDMENT NO. 2097

Mr. WARNER (for Mr. DOLE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 314, between lines 11 and 12, insert the following:

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

THURMOND AMENDMENT NO. 2098

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 328, line 19, strike out ''1994'' and insert in lieu thereof ''1995''.

On page 329, line 18, strike out ''1993'' and insert in lieu thereof ''1995''.

AKAKA AMENDMENT NO. 2099

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 204, strike out line 8 and all that follows through page 206, line 4, and insert in lieu thereof the following:

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code.

AKAKA AMENDMENT NO. 2100

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1026, supra; as follows:

On page 206, between lines 4 and 5, insert the following:

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor: or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term ''Native American Pacific Islander'' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(2) The term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

COATS AMENDMENT NO. 2101

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 290, strike out line 12 and all that follows through page 291, line 14, and insert in lieu thereof the following:

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

''(2) In this subsection:

''(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

''(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

''(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).''.

COATS AMENDMENT NO. 2102

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 285, line 14, strike out ''January 1, 1995'' and insert in lieu thereof ''October 1, 1995''.

NICKLES (AND INHOFE) AMENDMENT NO. 2103

Mr. WARNER (for Mr. NICKLES, for himself and Mr. INHOFE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 76, insert the following after line 4:

''(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

''(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a).''

McCAIN (AND OTHERS) AMENDMENT NO. 2104

Mr. WARNER (for Mr. McCAIN, for himself, Mr. CAMPBELL, Mr. BROWN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 572, line 19, strike out ''three months'' and insert in lieu thereof ''five months''.

On page 573, line 11, strike out ''fair market''.

On page 574, beginning on line 9, strike out ''In setting that price, the Secretary, in consultation with the Director, may consider'' and insert in lieu thereof ''The Secretary may not set the minimum acceptable price below''.

On page 574, at the end of line 19, insert the following: ''Notwithstanding section 7433(b) of this title, costs and fees of retaining the investment banker shall be paid out of the proceeds of the sale of the reserve.''.

On page 574, line 22, insert ''or contracts'' after ''contract''.

On page 575, line 3, insert ''or contracts'' after ''contract''.

On page 575, line 11, insert ''or contracts'' after ''contract''.

On page 575, line 17, insert ''or contracts'' after ''contract''.

On page 576, line 11, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 578, line 17, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 579, line 4, strike out ''a contract'' and insert in lieu thereof ''any contract''.

On page 579, line 12, insert after ''reserve'' the following: ''or any subcomponent thereof''.

On page 579, line 16, insert ''or parcel'' after ''reserve''.

On page 584, strike out line 11, and insert in lieu thereof the following:

the committees.

''(m) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the Committee on Armed Services of the Senate and the Committee on National security of the House of Representatives any findings on such actions that the Comptroller General considers appropriate to report to such committees.

''(n) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

''(o) RECONSIDERATION OF PROCESS OF SALE.—(1) If during the course of the sale of the reserve the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that—

''(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve, or

''(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States,

the Secretary shall submit a notification of the determination to the Committee on Armed Services of the Senate and the Committees on National Security and on Commerce of the House of Representatives.

''(2) After the Secretary submits a notification under paragraph (1), the Secretary may not complete the sale the reserve under this section unless there is enacted a joint resolution—

''(A) that is introduced after the date on which the notification is received by the committees referred to in such paragraph;

''(B) that does not have a preamble;

''(C) the matter after the resolving clause of which reads only as follows: 'That the Secretary of Energy shall proceed with activities to sell Naval Petroleum Reserve Numbered 1 in accordance with section 7421a of title 10, United States Code, notwithstanding the determination set forth in the notification submitted to Congress by the Secretary of Energy on _____.' (the blank space being filled in with the appropriate date); and

''(D) the title of which is as follows: 'Joint resolution approving continuation of actions to sell Naval Petroleum Reserve Numbered 1'.

''(3) Subsection (k), except for paragraph (1) of such subsection, shall apply to the joint resolution described in paragraph (2).''.

On page 584, strike out line 20 and all that follows through page 586, line 12, and insert in lieu thereof the following:

SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY OF FUTURE OF PETROLEUM RESERVES.—(1) The Secretary of Energy shall conduct a study to determine which of the following options, or combination of options, would maximize the value of the naval petroleum reserves to or for the United States:

(A) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(B) Lease of the naval petroleum reserves consistent with the provisions of such Acts.

(C) Sale of the interest of the United States in the naval petroleum reserves.

(2) The Secretary shall retain such independent consultants as the Secretary considers appropriate to conduct the study.

(3) An examination of the value to be derived by the United States from the transfer, lease, or sale of the naval petroleum reserves under paragraph (1) shall include an assessment and estimate, in a manner consistent with customary property valuation practices in the oil industry, of the fair market value of the interest of the United States in the naval petroleum reserves.

(4) Not later than December 31, 1995, the Secretary shall submit to Congress and make available to the public a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to or for the United States,

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not earlier than 31 days after submitting to Congress the report required under subsection (a)(4), and not later than December 31, 1996, the Secretary shall carry out the recommendations contained in the report.

(c) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term ''naval petroleum reserves'' has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

FEINSTEIN AMENDMENT NO. 2105

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 433, in the table relating to the extension of 1993 project authorizations for the Army National Guard, insert after the item relating to the project at Union Springs, Alabama, the following:

California.	Los Alamitos Armed Forces Reserve Center.	Fuel Facility.	$1,553,000

THURMOND AMENDMENT NO. 2106

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 275, strike out line 19 and all that follows through page 277, line 18, and insert in lieu thereof the following:

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death: or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

KYL (AND OTHERS) AMENDMENT NO. 2107

Mr. WARNER (for Mr. KYL, for himself, Mr. ROBB, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

MCCAIN (AND LIEBERMAN) AMENDMENT NO. 2108

Mr. WARNER (for Mr. MCCAIN, for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 1026, supra; as follows:

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

SEC. —. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;''.

THURMOND AMENDMENT NO. 2109

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 468, after line 24, add the following:

SEC. 2825. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

''(3)(A) The Secretary may transfer from the account referred to in subparagraph (B) such unobligated funds in that account as may be necessary for the Commission to carry out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

''(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT ACT OF 1995

STEVENS (AND AKAKA) AMENDMENT NO. 2110

Mr. WARNER (for Mr. STEVENS, for himself, and Mr. AKAKA) proposed an amendment to the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes; as follows:

At the end of Title I of H.R. 402, add the following new section 110:

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606(i)), is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the term ''revenues'' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.''.

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, *et seq.*).

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Forests and Public Land Management to review the implementation of Section 2001 of the fiscal year 1995 Emergency Appropriations and Funding Rescissions bill. This is the section that deals with emergency salvage of diseased dead timber on Federal forest lands.

The hearing will take place on Thursday, August 10, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, August 3, at 9 a.m., in SR–332, to consider the nomination of Ms. Jill Long to be Undersecretary for Rural Economic and Community Development and to be a member of the Board of Directors for the Commodity Credit Corporation.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, August 3, at 10 a.m. in SD–226.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 2 p.m., in SD–226, to hold a hearing on judicial nominees.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, August 3, at 9:30 a.m. to hold a hearing to discuss Federal oversight of Medicare HMO's.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES AND WILDLIFE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries and Wildlife be granted permission to conduct a hearing Thursday, August 3, at 9:30 a.m. on reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 10:00 a.m.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee

of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 2:00 p.m.

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

ADDITIONAL STATEMENTS

RELEASE OF GAO REPORT ON SUPERFUND

• Mr. BOND. Mr. President, I rise today to draw my colleagues attention to a report just released by the General Accounting Office that I requested on May 24, 1995. The report is entitled ''Superfund: Information on Current Health Risks,'' and it examines the actual, current health risks at Superfund sites. I believe the results of this study are very surprising, and may have very important implications for the Superfund budget and possibly for Superfund reauthorization.

At the recent White House Conference on Small Business, Superfund reform was voted the No. 5 issue out of literally hundreds of topics of concern to small business. As these small businesses representatives know all too well Superfund liability is literally killing many small businesses. As chairman of the Small Business Committee in addition to being a member of the Environment and Public Works Committee and chairman of the Appropriations Subcommittee for the EPA, I asked GAO to prepare this report because I wanted to get a better understanding of the reduction in health risks and other benefits of the money spent on Superfund.

The GAO report looked at EPA's own data from 225 recent records of decision signed between 1991 and mid-1993. These are the sites that will soon be moving into the expensive construction phase and will be driving a big portion of the Superfund budget in the next few years.

The report found that less than one third of the sites posed health risks serious enough to warrant a cleanup under current land uses. Some of the sites in this category have no current exposure and hence no current risk. However, under current land uses, there could be a risk in the future if, for example, a ground water plume migrated to a currently used drinking water source. So this category is over-inclusive if anything. In addition, about one-half of the other sites in this category used to pose a health risk but a removal action has already been completed to address any immediate risks.

Over one-half of the 225 sites do not pose any risk warranting a cleanup under existing conditions, although they might pose a risk in the future if current land use patterns change. The remaining 15 percent of the sites do not pose risks serious enough to warrant cleanup under existing conditions or under foreseeable future conditions. They are already in EPA's target risk range for completed cleanups.

The implications of these findings are profound. Superfund sites clearly do not threaten the health of millions of Americans. As is often stated in fact, if we stopped conducting Superfund remedial actions altogether there are only a few sites that would have any impact on human health today. However, I do not think we can conclude from this report that Superfund should be abolished entirely, this report shows that some sites do indeed pose a risk to health, and other sites may pose environmental risks sufficient to warrant cleanup, but dramatic reform is clearly needed.

I believe this report can help us to use our increasingly scarce Federal dollars more wisely, without putting anyone's health at risk. In fact, I think we can use this report to protect people's health by better prioritizing EPA's efforts on sites posing current health risks. This doesn't mean we should ignore environmental risks or future risks, but current health risks should be our first priority.

The decline in overall discretionary spending in forcing us to make significant changes in the EPA's budget. As chairman of the VA, HUD, and Independent Agencies Subcommittee, I must make reductions totaling more than $9 billion in budget authority from the fiscal year 1995 VA–HUD bill. This is a reduction of about 12 percent, and will impact virtually all of the agencies under my subcommittee's jurisdiction, including the Department of Veterans Affairs, HUD, NASA, EPA, and the National Science Foundation, to name a few. This reduction in discretionary spending will mean that increases for any program will be nearly impossible.

Clearly, in coming years, the Agency will simply have to get used to doing more with less. The Superfund Program will not be exempt from these changes. With decreasing resources available to EPA, Superfund can be expected to take its share of cuts. In this tight budgetary climate, it is only prudent to plan for smaller budgets by focusing on prioritizing among Superfund NPL sites.

The taxes funding the Superfund trust fund are set to expire on December 31, 1995.

Legislation to reauthorize Superfund is currently moving through Congress that will bring much needed reform to the program. Fiscal year 1996 will likely be a transition year for the Superfund Program. I want to ensure that the transition is an orderly one and the Agency can avoid the problems encountered by the program during the last transition in 1985 and 1986.

In my opinion, the highest priority of the Superfund Program should be to protect current risks to human health and to ensure that sites on the national priorities list are not currently causing illness. It is inappropriate to expend significant resources on remedial action at sites that will only pose a risk in the future, and only under changed circumstances, while sites that pose a health risk today—that are making people sick today—go unaddressed.

Currently, the Agency is not doing a sufficient job or prioritizing its resources to address the worst sites first, in part because it does not distinguish between current risks, future risks under current land uses and future risks that will only exist under changed circumstances. In response to a question by the Appropriations Subcommittee on how the Agency prioritizes its Superfund resources, EPA responded, ''Once sites are listed on the NPL, Ban effort is made to maintain a stable pipeline of projects in the remedial process through resource allocation decisions.'' I am very concerned that by its own admission, EPA is placing a greater emphasis on bureaucratic convenience than on ongoing impacts to human health.

Our first obligation must be to protect the health of people who live around Superfund sites to stop people from getting sick due to real, ongoing exposures. It seems wrong to divert funds from these sites to sites that might only pose a risk warranting cleanup under changed circumstances simply ''to maintain a stable pipeline of projects.''

This GAO Report shows that Superfund is even more broken than we realized. I urge all my colleagues to read this report and consider its findings as we move forward to fund the program in fiscal year 1996 and to reauthorize the Superfund Program. I ask that the GAO Report be printed in the RECORD.

The report follows:

SUPERFUND—INFORMATION ON CURRENT HEALTH RISKS

U.S. GENERAL ACCOUNTING OFFICE, RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC, July 19, 1995.

Hon. CHRISTOPHER S. BOND,
Chairman, Committee on Small Business, U.S. Senate.

DEAR MR. CHAIRMAN: Superfund cost estimates are growing at a substantial rate. The Superfund program was authorized through 1994 at $15.2 billion, covering over 1,100 nonfederal sites on the National Priorities List (NPL).[1] These figures could grow to $75 billion (in 1994 dollars) and 4,500 nonfederal sites, according to the Congressional Budget Office (CBO).[2] Because of these escalating costs, congressional decision makers want to know more about the human health risks addressed by the program. Although the Administrator of the Environmental Protection Agency (EPA) recently testified to the Congress that approximately 73 million people live fewer than 4 miles from at least one Superfund site, much debate has occurred about the extent to which these sites pose health risks for cancer or other conditions, such as birth defects or nerve or liver damage.

To help measure the health risks from Superfund sites, you asked us to provide the best available information on (1) the extent to which sites may pose health risks under

Footnotes at end of article.

current land uses, as opposed to the risks that may develop if land uses change in the future; the nature of the current risks; and the types of environmental media (e.g., groundwater, soil, or air) that pose these risks and (2) whether EPA's short-term response actions to mitigate the health risks from Superfund sites have reduced the risks under current land uses. This report presents our findings on these issues as they relate to the 225 nonfederal NPL sites contained in EPA's data base on health risks from Superfund sites—the most comprehensive automated information available as of early 1995. These sites constitute most of the sites where EPA made cleanup decisions between 1991 and mid-1993. As agreed with your office, in our ongoing work for you we will examine other related issues, such as the nature of health risks from the Superfund sites under future changes in land use.

RESULTS IN BRIEF

About one-third (or 71) of the 225 sites contained in EPA's data base posed health risks serious enough to warrant cleanup, given current land uses.[3] About another one-half (or 119) of the 225 sites did not pose serious health risks under current land uses but posed such health risks under EPA's projections about future changes in land use. The remainder of the sites did not pose health risks serious enough to warrant cleanup action under either current or future land uses. However, EPA may decide to clean up these remaining sites to comply with other federal or state regulations or because of a threat to the environment, such as contamination endangering a wetland. The current health risks at the 71 sites usually occurred through a single environmental medium, most commonly groundwater or soil. Of these 71 sites, 28 percent posed cancer risks; 30 percent posed risks for noncancer conditions, such as birth defects or nerve or liver damage; and the remainder posed risks for both cancer and other, noncancer conditions.

According to officials from EPA's Office of Emergency and Remedial Response, EPA's short-term response actions have temporarily mitigated the health risks that could immediately endanger the population surrounding the 71 sites that posed serious health risks under current land uses. Under EPA's policy, whenever a Superfund site poses such a health risk, a short-term response, known as a ''removal action,'' will be undertaken. EPA's data indicate that various removal actions have occurred at 31 of the 71 sites. EPA officials caution that while removal actions clearly reduce health risks, information is not readily available to determine the extent to which the removal actions taken at these 31 sites affected the risks reported in the data base. The remaining 40 sites did not pose immediate risks substantial enough to warrant removal actions, according to the officials, although the sites still pose longer-term health risks under current land uses. For example, at some sites contaminated groundwater that does not immediately endanger surrounding populations may eventually reach the drinking water supplies used by current residents, thereby posing an eventual health risk.

BACKGROUND

With the enactment of CERCLA in 1980, the Congress created the Superfund program authorizing EPA, among other things, to clean up contamination at hazardous waste sites. CERCLA also created a trust fund available for various cleanup activities and authorized EPA to compel the parties responsible for these sites to help conduct or pay for the cleanup. The Superfund program was extended in 1986 and in 1990 and is now being considered for reauthorization. Under CERCLA, EPA assesses contaminated areas and then places the sites it considers to be the most highly contaminated on the NPL for further investigation and cleanup.

EPA responds to hazardous substances at Superfund sites through ''removal'' and ''remedial'' actions. Removal actions are generally short-term (less than 1 year), low-cost (under $2 million) measures intended to address actual or potential releases of hazardous substances that pose a threat to human health or the environment. Although many removal actions are temporary measures to prevent exposure by stabilizing conditions at a site or limiting access to the site, some removal actions may permanently clean up contamination.[4] Typical removal actions include installing security measures at a site, removing tanks or drums of hazardous substances from a site, or excavating contaminated soil. By contrast, remedial actions are long-term measures intended to permanently mitigate the risks from a site. Typical remedial actions include treating or containing contaminated soil, constructing underground walls to control the movement of groundwater, and incinerating hazardous wastes.

Once a site is on the NPL, EPA conducts a ''remedial investigation'' to determine whether the nature and extent of the contamination at the site warrant remedial action. One component of this investigation is a baseline risk assessment to evaluate the health risks the site would pose if no cleanup occurred.[5] For the baseline risk assessment, EPA evaluates health risks under both ''current land-use conditions'' and ''alternate future land-use conditions.'' As an example, a site would pose health risks under current land-use conditions if local residents used groundwater containing a hazardous level of contaminants from the site as drinking water or if contaminated groundwater could eventually reach the wells of distant residents. By contrast, a site would pose health risks under alternate future land-use conditions if future land development would expose people to health risks from the site's contaminants, even if the site may not pose risks under current land uses.

At each site, EPA assesses the cancer risk, as well as the risk for other ill health conditions (noncancer risk), posed by the contaminants in groundwater, soil, surface water, sediment, air, and other environmental media to determine if these risks warrant cleanup. In the case of cancer, EPA considers the risk serious enough to warrant cleanup if the risk assessment indicates more than a 1 in 10,000 probability that exposure to the site's contaminants may cause an individual to develop cancer. In the case of noncancer health effects, such as birth defects or nerve or liver damage, EPA considers the risk serious enough to warrant cleanup if the risk assessment indicates that exposure to the site's contaminants might exceed the level that the human body can tolerate without developing ill health effects.

EPA's Responsive Electronic Link and Access Interface (RELAI) data base, from which we drew information for this report, is the most comprehensive and current automated source of EPA's data on the health risks of Superfund sites. Created in 1993, this data base contains information about health risks from EPA's risk assessments and other documents related to 225 nonfederal sites, which constitute most of the sites where EPA made cleanup decisions between 1991 and mid-1993.

ONE-THIRD OF SITES POSED RISKS UNDER CURRENT LAND USES

About 32 percent (71) of the 225 sites in EPA's data base posed serious health risks under the land uses current at the time of the risk assessment. About 53 percent (119) of the 225 sites did not pose risks warranting cleanup under current land uses, but posed such risks under EPA's projections about future changes in land use.[6] The remaining 15 percent (35) of the sites did not pose health risks serious enough to warrant cleanup action under either current or future land uses. As we noted earlier, EPA may still decide to clean up these remaining sites because of federal or state regulations or because of a threat to the environment, such as contamination endangering a wetland.

Our analysis of EPA's data on the 71 sites posing health risks under current land uses indicates the following: At 77 percent (55) of the sites, a single environmental medium, usually groundwater or contaminated soil, posed the health risks, and at the remaining 23 percent (16) of the sites, multiple environmental media posed the health risks.

EPA's data for the 71 sites also indicate that 28 percent posed cancer risks, 30 percent posed noncancer risks, and 42 percent posed both cancer and noncancer risks. EPA's noncancer risk category includes such conditions as birth defects or nerve or liver damage.

REMOVAL ACTIONS HAVE REDUCED IMMEDIATE HEALTH RISKS

According to officials from the Office of Emergency and Remedial Response (OERR), EPA's removal program has mitigated the immediate health risks from Superfund sites, at least temporarily. EPA's policy requires a short-term response whenever a Superfund site poses a health risk that immediately endangers the surrounding populations. According to the OERR officials, under the removal program EPA has periodically evaluated the NPL sites and has taken intervening steps at those sites determined to pose immediate threats to health. EPA's data indicate that removal actions have occurred at 31 of the 71 sites that posed risk under current land uses.

OERR officials caution that while removal actions have mitigated the immediate health risks at these sites, information is not readily available to determine the extent to which removal actions have affected the health risks reported in the data base. According to these officials, the available information does not indicate whether the removal actions removed or treated only enough contaminants to mitigate the risks that immediately endangered a site's surrounding population. For example, a small pile of highly contaminated soil might have been removed, mitigating the immediate risks to children playing nearby but having little effect on the site's more extensive soil contamination.

OERR officials also caution that the available information does not indicate the extent to which the health risks reported in the data base may already reflect the effect of the removal actions. In some cases, a removal action may have taken place before the risk assessment. OERR officials are uncertain about whether, in such cases, risk assessors might have considered the effect of the removal in reporting the site's health risks.

Of the 71 sites posing risks under current land uses, 40 sites did not pose immediate threats substantial enough to warrant removal actions, according to OERR officials. These officials explained that although these sites did not pose risks that immediately endanger nearby populations, they still pose risks under current land-use conditions. For example, according to these officials, at some sites contaminated groundwater has not yet reached drinking water. However, under current land uses, the groundwater could eventually reach a drinking water supply, thereby posing a health risk. Table 1 categorizes these 40 sites by the environmental media posing the current health risk.

Table 1—Forty sites posing health risks under current land uses that have not warranted removal action

Environmental medium that posed health risks	Number
Groundwater	18
Soil	13
Sediment	2
Air	1
Surface water	0
Multiple media	6
Total	40

Source: GAO's analysis of data from EPA's RELAI data base.

AGENCY COMMENTS

We requested that EPA provide comments on a draft of this report. On June 19, 1995, we met with officials from EPA's OERR, including the Chief, Response Operations Branch, to obtain the agency's comments on the draft report. The officials told us that they were generally satisfied that the information presented in the report is accurate. The officials provided additional perspectives on several issues discussed in the report and also suggested technical corrections on a few matters. We revised the draft report to incorporate these comments.

SCOPE AND METHODOLOGY

To provide information on the extent to which Superfund sites may pose serious health risks under current land uses and on the nature of those risks, we analyzed pertinent information from EPA's most comprehensive data base on the health risks from Superfund sites. While we did not independently verify the accuracy of EPA's data, we reviewed the agency's data collection and verification guidelines and internal quality assurance procedures, and determined these internal controls to be adequate. We worked closely with EPA officials to ensure a proper interpretation and analysis of the data. Although the Agency for Toxic Substances and Disease Registry—the Public Health Service agency responsible for identifying health problems in the communities around Superfund sites—also assesses sites' health risks, we did not analyze the agency's evaluation data on Superfund sites for this report because of time constraints.

To provide information on whether EPA's short-term response actions have reduced the health risks from Superfund sites, we obtained EPA's data on the removal actions that have occurred at the 71 sites where current health risks existed. Although we did not verify this information, we discussed the information and EPA's removal policy and actions with officials from OERR's Response Standards and Criteria and Response Operations branches.

We performed our work between April and June 1995 in accordance with generally accepted government auditing standards.

As arranged with your office, unless you publicly announce this report's contents earlier, we plan no further distribution until 10 days after the date of this letter. At that time, we will send copies to the Administrator, EPA; the Director, Office of Management and Budget; and other interested parties. We will also make copies available to others on request.

The major contributors to this report are listed in appendix I. If you or your staff have any questions about this report, please call me at (202) 512–6111.

Sincerely yours,

PETER F. GUERRERO,
Director, Environmental Protection Issues.

APPENDIX I—MAJOR CONTRIBUTORS TO THIS REPORT

Resources, Community, and Economic Development Division, Washington, D.C.: Eileen R. Larence, Assistant Director, Patricia J. Manthe, Evaluator-in-Charge, Karen A. Simpson, Evaluator, Barbara A. Johnson, Program Analyst, Jeanine M. Brady, Reports Analyst.

Chicago Regional Office: Sharon E. Butler, Senior Evaluator.

FOOTNOTES

[1] The Congress created the Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which authorized the Environmental Protection Agency (EPA), among other things, to clean up contamination at the nation's hazardous waste sites. EPA places the sites it considers to be the most severely contaminated on the NPL for cleanup.

[2] The Total Costs of Cleaning Up Nonfederal Superfund Sites, CBO (Washington, D.C.: Jan. 1994).

[3] EPA considers the risk serious enough to warrant cleanup if (1) an individual has more than a 1 in 10,000 chance of developing cancer from exposure to the site's contaminants or (2) if exposure to the site's contaminants might exceed the level humans can tolerate without developing other ill health effects, such as birth defects or nerve or liver damage.

[4] According to officials in EPA's Office of Emergency and Remedial Response, while permanent removal actions are preferred over temporary measures, EPA must consider several factors, including competing needs at other sites, in determining the appropriate removal action for a site.

[5] At some sites, EPA may take removal actions before the risk assessment occurs, which could reduce somewhat the risk estimated in the baseline assessment of the site.

[6] According to EPA officials, the Superfund program is supposed to address significant health risks under both current and future land uses. About 85 percent of sites in the RELAI data base meet EPA's criteria for serious health risk under either current or future land uses.●

FIRE, READY, AIM

Mr. SIMON. Mr. President, the Bosnian policy of the United States is lacking in backbone and commitment.

I confess, it discourages me.

I am not the only one who is discouraged.

A column by Tom Friedman appeared in the Sunday July 30, 1995, New York Times that is, unfortunately, on target. And I ask that it be printed in the RECORD.

The article follows:

[From the New York Times, July 30, 1995]

FIRE, READY, AIM

(By Thomas L. Friedman)

Washington: Lost in the commotion about the Senate vote to lift the arms embargo on Bosnia, and President Clinton's threat to veto such a move, is a small fact of some importance: Both the President's policy and the Congress's policy duck the real issue in Bosnia and are formulas for continued war.

What are our real interests in Bosnia? They are four: halt the killing, prevent the conflict from spreading, prevent the conflict from turning into a Christian-Muslim holy war and insure that it does not end in a way that permanently damages America's ties with its European allies, NATO and Russia.

The only way to realize those objectives is for the U.S. and its allies to draw up a map that divides Bosnia roughly along the lines of the NATO-Russia Contact Group proposal—50 percent Serb, 50 percent Muslim-Croat—and then use all necessary force, including bombing Belgrade it necessary, to impose those cease-fire lines on all the parties.

But, you might say, that would drag the U.S. into the war. Hey, we're already in the war. The U.S. and NATO last week committed to using their air power to defend a Muslim safe haven from further murderous Serbian attacks. Well, if we are ready to use what Defense Secretary William Perry called ''massive'' air bombardments to defend an isolated Muslim safe haven, why not use them to defend a cease-fire and a settlement map that could stop the killing altogether? Why not use them to defend a peace plan that would establish a Bosnian Muslim state centered around Sarajevo, next to a Bosnian Serb entity that would be federated with Serbia and a Bosnia Croat entity that would be federated with Croatia?

Moreover, since we want the British, French and U.N. to keep their peacekeeping troops in Bosnia, and they are willing, why not have them use their power to oversee a partition plan and cease-fire lines, instead of to just oversee further carnage?

Usually countries decide their war aims first and commit their military power second. The Clinton Administration has done just the reverse. It has decided to get involved militarily in Bosnia, but with no clearly defined plan for achieving America's basic interests. If we are going to enter this war, it should only be to end this war—and the only way to do that is through some form of partition.

Of course it would be preferable to have a pluralistic, multi-ethnic Bosnian society and state, where everyone lives together. But the parties had that once. It was called Yugoslavia, and the Serbs, Muslims and Croats all helped to rip that state apart. That is why the only way to stabilize things now is to divide Bosnia among them.

But instead, the Administration and Congress are posturing. The Administration doesn't want to lift the arms embargo, but it also doesn't want to impose any settlement, because it fears that would involve America too deeply and because it knows it would mean accepting the very partition plans it advised the Muslims for years to reject. The Clinton Administration wants more of the status quo because its only clear goal is to get through November 1996 without U.S. troops in Bosnia.

The Congress, by contrast, just wants to get through the evening news. It wants to feel good about lifting the embargo, but does not want to recognize that this will only trigger a heavier Serbian onslaught against the Muslims, which they will only be able to resist in the short term with the help of direct Western military intervention, which is precisely the sort of deep involvement Congress is actually trying to avoid.

With the Administration plan the Muslims lose slowly. With the Congress plan the Muslims lose quickly.

Neither the Administration nor the Congress wants to recognize what the Europeans already have—that the ideal multi-ethnic, democratic Bosnia, if it were ever possible, cannot be achieved now. The only way to achieve it would be to force the Serbs, Muslims and Croats to live together under one roof, which they demonstrably do not want to do. None of the parties right now are fighting to live together. They are each fighting for ethnic survival or independence.

We can lament the idea of a multiethnic, pluralistic Bosnia but we cannot build it from the raw material at hand. The only sane thing left is to stop the killing and build the least bad peace around the Bosnia we have, which is one in which Serbs, Croats and Muslims live apart until they can learn again to live together.●

THE 75TH ANNIVERSARY OF THE 19TH AMENDMENT

● Mr. DOMENICI. Mr. President. It is my pleasure to submit for the RECORD, Executive Order 95–32, issued by the

Governor of New Mexico, Gary E. Johnson, in recognition of the 75th Anniversary of women's suffrage.

Whereas, since the founding of our nation women have played a vital role in the formation of the United States of America; and

Whereas, women have fought battles, built homes, set up governments and donated many hours to help make this nation the great nation that it is today; and

Whereas, despite all of their support and hard work, women were denied the right to vote; and

Whereas, it is proper and fitting to recognize the 75th anniversary of the struggle for women's suffrage;

Therefore, I, Gary E. Johnson, Governor of New Mexico, do hereby order that on August 26, 1995, at twelve noon Mountain Standard Time, bells shall be rung in recognition and celebration of the adoption of the 19th amendment to the United States Constitution.

Through the efforts of a committed group of New Mexican citizens, organized by Elizabeth Iolene McKinney-Brown, an organization was established to pay special tribute to the 75th anniversary of the 19th amendment, Celebrate Partners United. As the group said about August 26, ''This is a special day and we need to recognize it as such so that all can participate in the celebration.'' As a result of this group's efforts, New Mexico issued its executive order to set aside 12 noon on August 26, 1995 for the ringing of bells in celebration of the adoption of this important amendment. I understand that New Mexico is the first State to set aside a certain time of day as a special tribute to the amendment.

The members of Celebrate Partners United and the Governor of New Mexico are to be commended for their dedicated efforts to recognize this special day. As Lieutenant Governor Bradley stated in the letter of transmittal of the executive order:

The people of this nation are indebted to those who fought bravely in the face of adversity for the right of women to vote. This all important right is at the heart of our democracy. As we continuously strive for equality in this great nation, we must never forget the struggles of the past. We can only learn from the historic efforts of women fighting for suffrage and will continue to tell their story and celebrate their victory.

Elizabeth Iolene McKinney-Brown brought the Celebrate Partners United activities to my attention. It is her and the group's hope that all the States' Governors will consider the New Mexico example and issue similar proclamations. She pointed out that the ringing of bells ''is reminiscent of the simple act, first done by our forefathers when they rang the Liberty Bell.'' She suggests that if there are no bells in the little towns and communities, that horns or sirens are just as good because ''anyone, anywhere, can make a sound in remembrance of the 75th anniversary of the 19th amendment.''

I am pleased that New Mexico has taken the initiative to honor August 26 in this unique way. I am also equally proud that many men and women of New Mexico, at the grassroots level, have led this statewide effort to make a sound for this very important amendment to our U.S. Constitution. I urge my colleagues to share a similar challenge within their own States—it is a unique way for all Americans to acknowledge their appreciation for the special significance of this date in history.●

TRIBUTE TO JOHN M. CURRAN

● Mr. BUMPERS. Mr. President, I rise today to pay tribute to John M. ''Mike'' Curran, an outstanding public servant from my State, who will soon retire from Government service after a distinguished 32-year career with the U.S. Forest Service.

Mike began his career with the U.S. Forest Service in 1965 as a landscape architect in the Intermountain Regional Office in Ogden, UT, and was later reassigned to the Ashley National Forest. In 1968, he moved to the Rocky Mountain Regional Office in Denver, CO. From there he went to the San Juan National Forest in Colorado where he served as forest landscape architect for 5 years. Mike held District Ranger positions from 1975 to 1981 in Wyoming, Buffalo Ranger District, and Colorado, Taylor River Ranger District. In 1981, he was selected as a Loeb Fellow at Harvard University. He then spent 4 years in the Forest Service's Washington office in programs and legislation where, during 1984, I was privileged to have Mike assigned to my staff as a Legislative Fellow to the U.S. Senate. In working with Mike on a daily basis, I developed a great respect and appreciation for his intelligence, his integrity, his judgment, and his sensitivity to the many complexities of environmental issues. Imagine my delight when, in 1986, Mike became the Forest Supervisor of the Ouachita National Forest, headquartered in Hot Springs, AR.

During his tenure in the Ouachitas, Mike has worked hard to forge a unique partnership between research and the forest which fosters the advancement of ecosystem management. His vision, initiative, and tireless efforts have earned the Ouachita National Forest national and international recognition for leadership in the evolving concept of sustainable forestry. He also made involvement of the public in the decisionmaking process a priority, always striving for new and innovative ways to improve this relationship. Significant recognition of his efforts include the Chevron Conservation Award, the Oklahoma and Arkansas Wildlife Federation Forest Conservationist of the Year Awards, the United Nations Environment Programme Award, the Chief's Ecosystem Management Award, and the Charles L. Steele Award by the Arkansas Nature Conservancy.

On a personal note, it was a unique set of circumstances which combined to forge the decade-long relationship Mike and I have enjoyed. From a valued staff member to an agency head in my home State, Mike has also become a personal friend. We have argued over issues and worked together to preserve and protect the beautiful land surrounding Lake Ouachita, and we have celebrated together those accomplishments which have added to Arkansas' deserved reputation as the Natural State. After he retires, Mike and his wife, Leslee, will be dividing their time between Arkansas and Colorado. I am pleased that although my State and our Nation are losing an exemplary public servant, I will be keeping a valued friend and constituent.●

TRIBUTE TO JOHN FRAZER

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to John Frazer, a resident of Frankfort, KY, who is being recognized as a man who has contributed more than two decades of his life to the lobbying and leadership of Kentucky's coalition of private colleges.

At 66 years of age, this man retired in July after serving 21 years as the president of what is now referred to as the Association of Independent Kentucky Colleges and Universities. Mr. Frazer served as lobbyist and leader of the coalition which comprises 20 Kentucky schools, including Alice Lloyd, Bellarmine, Centre, Thomas More, Transylvania, and Union. Together, these colleges represent about 20,000 students, which is about 12 percent of Kentucky's college students and about 20 percent of its annual graduates.

Mr. President, this man's dedication to the liberal arts education and the institution of the private college is admirable. Mr. Frazer used funds from the Kentucky General Assembly to provide a private school education to students who were unable to afford otherwise. In addition, he coordinated libraries and created a central information system for the 20 colleges. A future problem solver, he started a joint insurance program that saves the colleges more than $300,000 each year.

In an age where educational reform has become one of the leading concerns among Kentuckians, Mr. Frazer's dedication to ensuring the tradition of excellence of the liberal arts education and the accessibility of such an education lives on. This lobbyist, leader, and good friend is being recognized today not only for this earnest dedication, but for the admirable way he represented these colleges.

Gary Cox, executive director of the Kentucky Council on Higher Education, recently described Mr. Frazer's honorable character this way in a recent Louisville Courier-Journal article: ''He's a gentleman, a fella above reproach. That has added to his credibility, and to the stature of the schools he represents.''

It is my honor to pay tribute today to this representative of Kentucky—this fine example for the future educators of our Nation.●

MARTHA PAYNE: A TRUE FRIEND AND PUBLIC SERVANT

Mr. HOLLINGS. Mr. President, I rise today with a heavy heart to inform the Senate that I am losing one of my most dedicated and trusted staffers to retirement—Martha Payne of Columbia, SC. At the same time, I am happy for Martha and her family because she is going to have a whale of a time in what will be her best years ever.

Since 1960 when she started working with me in the Governor's office, Martha has stood with me through thick and thin. Within months, her competence and commitment made her indispensable. At the end of my service as Governor when Senator Olin Johnston gave me a classic lesson in politics, I returned to Charleston to practice law and Martha assumed a position as manager of our State municipal association.

Martha and I never lost contact. I relied upon her to keep me advised on happenings in State and municipal government, and as a conduit to old, and more importantly, new friendships. In 1965 when I decided to again seek election to this august body, the first person I asked to join my campaign was Martha Payne.

Martha was the glue that held a fragile and inexperienced campaign together. She brilliantly bridged the gap between past Hollings supporters and thousands of new ones who rallied to our undermanned but committed cause. The victory we achieved in 1966 and all the victories in the 29 years since have, in no small measure, been Martha's victories.

Since that victorious 1966 Senate campaign, Martha served as my office organizer. She has been an office manager and staff assistant in Columbia. Day after day, she has helped thousands of people throughout South Carolina. Her energy and dedication to serving our people, our State, and our country has made my job easier and our successes easier to accomplish.

Through the many long and difficult days which saw some seek a safer haven elsewhere, Martha never waivered. She has always been there, has been supportive, and has been a true friend.

Martha and her husband Rob first moved to Columbia from Monroe, NC, in 1950. They are the proud parents of three children—Rob Jr., a psychiatrist in Charleston Michael, a lawyer in Washington, DC; and Nancy, a teacher in Charleston—and grandparents of four. She and Rob will celebrate their 50th anniversary next May.

Mr. President, I often think of Martha as South Carolina's living Rolodex. She is a library of knowledge and information. Perhaps the only thing more impressive than the number of South Carolinians she knows is the information she knows about them—their parents, grandparents, and children. In fact, Martha Payne, more than anyone I can think of, understands the relationships that make South Carolina a big, big family.

Mr. President, we in South Carolina owe Martha Payne a huge debt of gratitude. It is a debt that I never will be able to repay. But what I can do is offer heartfelt appreciation for a job well done and my sincerest thanks for the 35 years of love, friendship, loyalty, and support. I wish her and Rob well in their years to come.

FREDDIE MAC'S 25TH ANNIVERSARY

● Mr. BOND. Mr. President, I rise to acknowledge the 25th anniversary of the Federal Home Loan Mortgage Corporation [Freddie Mac] and recognize Freddie Mac for its outstanding contribution in making financial credit available for home ownership.

In 1970, Congress created Freddie Mac to help ensure the nationwide availability of low-cost mortgage funds to home buyers everywhere. Freddie Mac has risen to this challenge by dedicating its resources and ingenuity to making the American dream of home ownership a reality. Since 1970, Freddie Mac has purchased some $1.2 trillion in mortgage loans, including $16 billion in Missouri, enabling some 16 million American families to own their own home. By purchasing mortgage loans from lenders, packaging loans into securities, and selling the securities to investors, Freddie Mac has been a primary participant in developing a secondary mortgage market that provides a continuous flow of funds to finance home ownership.

I emphasize that Freddie Mac has made a real commitment and continuing contribution to the mortgage finance system. Part of this commitment is Freddie Mac's effort to encourage fair lending and eliminate barriers to home ownership. Freddie Mac also has made a commitment to revitalizing neighborhoods by emphasizing community development mortgage lending for owner-occupied or rental housing which is affordable to low-, moderate-, and middle-income families. The shared commitment of Freddie Mac and its nonprofit partners have produced programs that are helping to revitalize neighborhoods throughout America.

The contribution of Freddie Mac to home ownership in America cannot be minimized. Congratulations to Freddie Mac on its 25th anniversary.●

RELIGIOUS FREEDOM RESTORATION ACT

● Mr. BRYAN. Mr. President, on July 28, Senator HARRY REID and I introduced the Religious Freedom Restoration Act of 1993 Amendment Act of 1995.

In 1993, during consideration of the Religious Freedom Restoration Act, Senator REID and I introduced our amendment to establish a different legal standard for judicial review of religious freedom cases brought by prison inmates. This bill proposes again to establish an exception for prisoner-generated free-exercise lawsuits challenging prison regulations.

I supported and voted for the Religious Freedom Restoration Act of 1993. However, I continue to be very concerned about the act's impact on increasing prisoner lawsuits.

This bill will retain the current U.S. Supreme Court standard for the evaluation of prison actions affecting religious activities. That standard focuses on whether or not prison officials, in light of security, discipline, and safety concerns, have acted reasonably in the measures they have taken which may impact religious activities.

In the past, the U.S. Supreme Court has required courts to give great difference to decisions made by prison officials regarding how their prisons are administered. Without such a prison exception provision in the Religious Freedom Restoration Act, it is not clear such deference will continue. Many attorneys general, including Nevada's attorney general, Frankie Sue Del Papa, support this prison exception.

Without this provision, the Religious Freedom Restoration Act has overturned judicial review standards for prison settings that have existed for approximately 45 years. The result is not only increased numbers of prisoner-generated lawsuits. Courts now are also able to second-guess prison administrators' decisionmaking by looking beyond concerns for security and conditions of confinement in the prisons. For example, the Santeria religion case upholding religious ritual animal sacrifices could create immense problems should such sacrifices be upheld in a prison setting.

The Religious Freedom Restoration Act, as enacted, would require prison officials to justify any actions involving prisoners' exercise of their religious belief by showing there was a compelling governmental interest for the action, and that any action taken was the least restrictive alternative in burdening the prisoner's exercise of religion.

Nevada's attorney general, Frankie Sue Del Papa, recently cited her top-10 frivolous prison lawsuits. Among the top 10 are two religious freedom claims. One inmate claimed the prison chaplain wrongly denied a marriage ceremony between the male inmate and his male friend. Another inmate claimed the prison rule prohibiting inmates from receiving stamps in the mail violated his right as an indigent to engage in the Universal Life Church practice of writing letters to others.

As a former attorney general, I am well aware of the amount of prisoner-generated litigation that engulfs attorney general offices across this Nation. Oftentimes amounting to purely frivolous claims, these prisoner lawsuits tie up our already stretched State and Federal legal resources.

As a former Governor, I am also well aware of the difficult decisions facing our prison administrators day in and day out as they strive to maintain the security of their facilities, for both staff and inmates.

Also as a member of the Nevada State Prisons Board during my tenures as Governor and attorney general, I experienced first hand the burdens placed on State governments as a result of Federal court actions. This burden continues to impact State governments' monetarily and administratively through increased costs, time, and effort expended to comply with required legal holdings.

The National Governors' Association during its annual meeting this past weekend addressed the impact the Religious Freedom Restoration Act has had on State prison inmate claims. By voice vote, the NGA accepted a policy position resolution that provides:

The Governors strongly support First Amendment rights that protect an individuals freedom to worship. Governors also recognize the importance of balancing the interests of prison administrators responsible for running safe and secure facilities with the legitimate claim of prisoners to exercise their right to worship and practice according to their individual religious faiths. Recently enacted federal legislation disrupts this delicate balance and threatens the ability of prison officials to effectively manage state and local correctional institutions.

Under current Federal law, prison regulations governing religious practices are subjected to strict legal scrutiny. This effectively interferes with prison management on a day-to-day basis. For example, correctional institutions can be prohibited from regulating certain types of garments claimed to be religious clothing, which may conceal weapons, narcotics, and other contraband.

In addition to the concerns for safety within our prison facilities, extensive litigation and an explosion of frivolous petitions by prisoners demanding accommodations for specific religious activities has a detrimental impact on the costs of operating correctional institutions. Additional guards, new physical structures, legal expenses, and other additional costs are being incurred at a time when states can least afford expenditures of this nature.

The Governors strongly believe that prison officials require necessary flexibility to enact regulations that allow religious worship, but that also preserve institutional order and safety. For these reasons, the Governors believe Congress should enact legislation without delay that would:

Exclude prison and jail inmates or any person held or incarcerated as a pretrial detainee from provisions of the Religious Freedom Restoration Act; and

Eliminate any liability that may have accrued to State and local governments as a result of the misapplication of the Religious Freedom Restoration Act to individuals who are incarcerated in a State or local correctional detention, or penal facility.

I ask my colleagues to join with the Governors across this country in supporting this bill to ensure our prisons and their administrators are allowed to exercise their judgment to maintain the security and of their facilities, and to have that judgment given due deference by our court system.●

A TRIBUTE TO RED BARTLETT

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Red Bartlett, a resident of Newport, KY, a man who has dedicated 50 years of his life to the people in his community, especially the children. Mr. Bartlett is marking his 50th year of service to knothole baseball in Campbell County. In addition to this commitment, Red has carried the children of Campbell County through many other programs.

It seems strange to refer to him as Mr. Bartlett. For thousands of northern Kentuckians know him—friend and stranger alike—simply as Red.

Red served as knothole supervisor for all of Campbell County beginning in 1949. Currently supervisor of knothole District 22, he will work with his replacement right up to the end of next year. Although he will soon retire, his memory will live on in the hearts of the countless number of children to whom he was coach, role model, and friend.

Red grew up in an orphanage and has spent his life enriching his community by providing a fun, safe, and accessible recreational outlet for children. He was honored by the Northern Kentucky Sports Hall of Fame and recently by the Greater Cincinnati Knothole Hall of Fame for his extensive commitment to athletic supervision. He has worked as the Newport city recreation director and as the Newport Central Catholic High School tennis coach.

Red organized Youth, Inc. Boys Club. That organization ran the junior olympics program in northern Kentucky, a youth basketball league, and was instrumental in establishing the Pee-Wee football league in Campbell County.

Mr. President, a little more than 4 years ago, Red reorganized the all-stars games to recognize knothole players of northern Kentucky. The proceeds benefit the family nurturing center child abuse prevention programs and local food pantries. He organized the games and made sure each young star received an engraved trophy.

Red believed each child should have a chance to build character and confidence on the athletic field. He provided a channel, gave positive recognition, and taught self-esteem.

Mr. President, I would like to close now with a thought expressed in a recent editorial by the Kentucky Post. The Post wrote, ''No one hands out hero's medals to men who serve 50 years in knothole. Maybe they should. Red Bartlett just may have done more for youth sports and for the young people of Campbell County over the last half-century than anyone.''

To sum it up, Red gave children a chance to learn some of life's most lasting lessons through athletics. His commitment to his community made Red the real star.

RELEASE OF NEW OTA REPORT ON COMPUTER SECURITY

● Mr. ROTH. Mr. President, in the new hit movie, The Net, private information is hacked into via the Internet, turning a young woman's life upside-down. While The Net is a work of fiction, it is based on a factual premise: that information held in computer networks is susceptible to intrusion.

Unknown crackers routinely scan government and private sector databases for military research, confidential personal information and other sensitive data. This jeopardizes our Nation's security and our individual privacy. A report issued today by the Office of Technology Assessment clearly states the problems facing the Federal Government in ensuring the integrity and usefulness of America's information infrastructure. Its title is Issue Update on Information Security and Privacy in Network Environments.

Securing public and private databases from the mischievous and criminal elements of the computer community is not a simple task. The sheer number of break-ins and the electronic nature of this crime makes prosecution, and often even detection, almost impossible. It is neither affordable nor effective to prosecute each cracker. Defending the data and computer systems from infiltration has emerged as the most cost-effective and smartest way to deal with this problem.

The most recent issue of Defense News underscores the need for secure databases, as opposed to stronger enforcement. In it, Paul Strassmann, a distinguished visiting professor for information warfare at the National Defense University is quoted as saying: ''new laws are not likely to stop online criminals because the professionals are undetectable.'' Against this kind of threat, prevention in the form of securing the data is more effective than prosecution.

Fortunately, we have already laid the groundwork to meet the challenge of securing sensitive Federal data. The Computer Security Act of 1987 established an approach for protecting the Federal Government's unclassified but sensitive data, and developed guidelines and standards to promote Federal data protection. However, the Computer Security Act needs to be updated and enforced for it to prevent thousands of computer break-ins currently occurring annually.

The costs of not facing these challenges are enormous. As Chairman of the Senate Governmental Affairs Committee, my primary goal is the restructuring of the Federal Government to be smaller, more effective and less expensive. Accomplishing this goal depends on automation, and will require enhanced protection of computer databases and networked information. OTA's report highlights why the Governmental Affairs Committee must update the Computer Security Act for today's networked society.●

REMOVAL OF INJUNCTION OF SECRECY—EXCHANGE OF NOTES RELATING TO TAX CONVENTION WITH KAZAKHSTAN (TREATY DOCUMENT NO. 104–15)

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Exchange of Notes Relating to the Tax Convention with Kazakhstan, Treaty Document No. 104–15, transmitted to the Senate by the President on August 3, 1995; that the treaty be considered as having been read the first time, referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith an exchange of notes dated at Washington July 10, 1995, for Senate advice and consent to ratification in connection with the Senate's consideration of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a related Protocol, signed at Almaty on October 24, 1993, and exchanges of notes (the ''Taxation Convention''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the exchange of notes.

This exchange of notes addresses the interaction between the Taxation Convention and other treaties that have tax provisions, including in particular the General Agreement on Trade in Services (''GATS''), annexed to the Agreement Establishing the World Trade Organization, done at Marrakesh April 15, 1994.

I recommend that the Senate give favorable consideration to this exchange of notes and give its advice and consent to ratification in connection with the Taxation Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 154, H.R. 402.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT

SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

''(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed.''.

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

''SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

''(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

''(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

''(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

''(3) identification of existing remedies;

''(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

''(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

''There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.''.

SEC. 105. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

''(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.''.

SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and

appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 107. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—In order to effect a recision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon (''property'') known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property has been offered for transfer to the City of Wrangell, property bidding credits in an amount of $475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94–204, 43 U.S.C. 1611 note), as amended, referred to in such section as the ''Cook Inlet Region, Incorporated, property account''. Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) HOLD HARMLESS.—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

SEC. 108. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon revesting of title, notwithstanding any other provision of law, the United States shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act (''ANCSA''). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

TITLE II—HAWAIIAN HOME LANDS

SEC. 201. SHORT TITLE

This title may cited as the ''Hawaiian Home Lands Recovery Act''.

SEC. 202. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term ''agency'' includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term ''beneficiary'' has the same meaning as is given the term ''native Hawaiian'' under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term ''Commission'' means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term ''Hawaiian Homes Commission Act'' means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term ''Hawaii State Admission Act'' means the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term ''lost use'' means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) SELECTION.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) APPRAISAL.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appriase the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) REQUEST FOR CONVEYANCE.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) CONVEYANCE.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) REAL PROPERTY NOT SUBJECT TO RECOUPMENT.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) VALUATION.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) DETERMINATION BY SECRETARY.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 205. LAND EXCHANGES.

(a) NOTICE TO THE SECRETARY.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) NOTIFICATION.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) EXCHANGES INITIATED BY SECRETARY.—

(1) IN GENERAL.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) APPROVAL BY CHAIRMAN.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) EXCHANGE.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) SELECTION AND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) TRANSFER.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) SURVEYS AND APPRAISALS.—

(1) REQUIREMENT.—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled ''Survey Needs for the Hawaiian Home Lands'', issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) OTHER SURVEYS.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) DEFAULT.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) RESPONSIBILITIES.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. 207. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: '': Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.''.

SEC. 208. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

SEC. 209. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2110

(Purpose: To amend section 7(i) of the Alaska Native Claims Settlement Act to exclude net operating losses from the definition of ''revenues'')

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS and Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself and Mr. AKAKA, proposes an amendment numbered 2110.

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

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

The amendment is as follows:

At the end of Title I of H.R. 402, add the following new section 110:

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606 (i)), is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the term ''revenues'' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.''.

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, et seq.).

Mr. STEVENS. Mr. President, the amendment that my colleague from Hawaii, Senator AKAKA, and I are offering today makes clear that net operating losses under the 1984 and 1986 Tax Reform Acts are not subject to sharing under section 7(i) of the Alaska Native Claims Settlement Act.

Section 60(b)(5) of the Tax Reform Act of 1984, as amended by section 1804(e)(4) of the Tax Reform Act of 1986, allowed Alaska Natives—both regional and village corporations—to sell losses generated by the Federal Government's failure to transfer lands to Native people promised to them 15 years earlier. Other multi-billion dollar corporations had been permitted to sell their tax losses prior to 1984, and my amendment to the 1984 tax bill simply extended the program to Alaska Native corporations who had not been able to participate.

Section 7(i) of ANCSA requires the 12 Alaska Native regional corporations to distribute 70 percent of the natural resource revenues derived from their lands, after deducting expenses, to the other 11 regions. The provision was designed as a mechanism to share the revenues of regional Native corporations in Alaska naturally blessed with timber, minerals, and oil and gas—after the deduction of expenses—with regions which lacked such resources.

Although revenues after expenses from disposition of natural resources must be redistributed, the tax consequences of these natural resource transactions, such as credits or deductions for depletion and losses, remain with the producing region. For more than 20 years, this has been the position of the Internal Revenue Service on which the Native corporations have relied.

When I offered amendments in 1984 and in 1986 to extend the NOL provision to Alaska Native corporations, it was not my intention, nor the intention of Congress, that the revenue generated by the sale of NOL's be subject to sharing under section 7(i). On average, for every $100 in net operating losses, Native corporations received only $30 in NOL recovery and in no case more than $34. A recovery of $30 by a corporation because it has sold the right to offset its losses against income is not subject to sharing. Revenue recovered from the sale of natural resources NOL's is not revenue from natural resource production.

Congressional intent has been well-understood by most Alaska Native corporations. The provisions in the 1984 and 1986 Tax Reform Acts enabled eleven of the twelve regional corporations subject to ANCSA section 7(i) sharing requirements to partially recoup their losses from natural resource development and kept several Native corporations out of bankruptcy. It also benefited virtually every Native Alaskan. Without exception, the NOL proceeds have been retained by the receiving corporation, as was intended. In fact 10 of the regions signed an agreement to clarify their understanding that NOL proceeds were not subject to sharing under section 7(i). My amendment simply confirms and codifies that understanding. The phrase ''losses incurred or credits earned'' in the amendment precisely parallels the language in section 1804 of the Tax Reform Act of 1986 and is intended to have the same meaning.

Several of these corporations have already distributed NOL proceeds to their shareholders in reliance on the provisions of the tax reform legislation. To change the rules now would be unfair to both the corporations and the shareholders who received dividends.

A lawsuit was filed on the issue, but it was dismissed for lack of standing. However, to avoid future costly litigation, congressional action is required. My amendment simply clarifies that net operating losses are not revenues

required to be redistributed under section 7(i) of ANCSA.

Mr. AKAKA. Mr. President, the bill before us today contains amendments to the Alaska Native Claims Settlement Act. However, I want to address my remarks to title II of the bill which contains the text of the Hawaiian Home Lands Recovery Act.

As a member of the Senate Energy and Natural Resources Committee, and as the author of the Hawaiian Home Lands Recovery Act during the 103d and 104th Congresses, I would like to speak for a few moments about the process and mechanisms that this legislation would institute. My purpose in doing so is to establish legislative history which will better enable Federal agencies to implement the legislation.

First, let me offer some historical background. More than 70 years ago, Prince Jonah Kuhio Kalanianaole issued an urgent plea to the Federal Government expressing concern about the plight of native Hawaiians. During the late 19th century and the early part of this century, the number of native Hawaiians declined dramatically and there was a significant disintegration of Hawaiian culture and society.

The Secretary of the Interior, Franklin Lane, responded to Prince Kuhio by recommending that the Federal Government establish a homesteading program for native Hawaiians. In his testimony before Congress on the Hawaiian homes legislation, Secretary Lane stated that the United States has a ''moral obligation to care'' for the native Hawaiian people. Secretary Lane went on to say that ''the natives on the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.''

In response to this appeal, legislation was drafted to help rejuvenate the Hawaiian people by establishing a home lands to promote housing and agricultural opportunities. The resulting legislation, known as the Hawaiian Homes Commission Act of 1920, set aside 203,000 acres for this purpose. Homesteading opportunities would allow native Hawaiians to, once again, enjoy their traditional lifestyle.

Regrettably, the enlightened program that Secretary Lane envisioned fell far short of expectations. One of the more significant provisions of the Hawaiian Homes Commission Act set aside land for native Hawaiians in perpetuity. The act permitted the transfer of home lands only in exchange for lands of equal value. Unfortunately, the prohibition against alienation of land was overlooked or ignored by the Federal Government. During Hawaii's territorial period, the Federal Government acquired Hawaiian home land in violation of the statutory prohibition against alienation. The Federal Government still retains 1,400 acres of these lands.

During hearings conducted by the Energy Committee on this issue, the committee received a report prepared by the General Accounting Office on the Hawaiian Home Lands Program. The most significant finding of the GAO report is that land was withdrawn from the home lands by executive action on 37 occasions during Hawaii's territorial period. These withdrawals were in clear violation of the provision of the Hawaiian Homes Commission Act which prohibits the transfer of land unless the home lands receives land of equal value in exchange. Native Hawaiians have always contended that territorial withdrawals violated the 1920 act, and the GAO report confirms this fact.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term ''exchange'' is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chair of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or nonappraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed and the state appraisals and found the appraisal methodology used by the state was appropriate and that proper accounting principles were employed. The state appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the Chairman of the Department of Hawaiian Home Lands shall have opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the Chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance

would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

So the amendment (No. 2110) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendment be agreed to, as amended; that the bill be deemed read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 402) was deemed read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a subsequent issue of the RECORD.]

ORDERS FOR FRIDAY, AUGUST 4, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Friday, August 4, 1995, that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator THURMOND to be recognized to offer an amendment regarding title XXXI, under the provisions of the previous order.

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

ORDER OF PROCEDURE

Mr. WARNER. For the information of all Senators, the Senate will resume the DOD authorization bill at 9 a.m. Under the unanimous consent agreement, Senator THURMOND will offer a title XXXI amendment, with three amendments to be offered to the Thurmond amendment.

There are approximately 3 hours and 20 minutes of debate time in order to the amendments. Senators can, therefore, expect 4 consecutive rollcall votes at the expiration or yielding back of that time. Additional rollcall votes will occur during Friday's session of the Senate.

ORDER FOR 10-MINUTE VOTES

Mr. WARNER. Mr. President, I ask unanimous consent that the first rollcall vote in the sequence tomorrow be 15 minutes in length and the remaining votes in sequence be limited to 10 minutes.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. WARNER. Mr. President, seeing no Senators desiring to be recognized for the purpose of morning business, and since there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:28 p.m., recessed until Friday, August 4, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 3, 1995:

DEPARTMENT OF AGRICULTURE

JOHN DAVID CARLIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE FREDERICK GILBERT SLABACH.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

BONNIE O'DAY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

KATE PEW WOLTERS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

MAJ. GEN. JEFFERSON D. HOWELL, JR., 000–00–0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

To be colonel

GERHARD BRAUN, 000–00–0000
PAUL M. SHINTAKU, 000–00–0000

To be lieutenant colonel

RONALD T. AKEMOTO, 000–00–0000
DAVID I. DAWLEY, 000–00–0000
THOMAS D. FARRELL, 000–00–0000
PAUL C. FRANCIK, 000–00–0000
LEE M. HAYASHI, 000–00–0000
RAYMOND RIPPEL, 000–00–0000
ROBERT M. SUNDBERG, 000–00–0000

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

To be colonel

JOHN A. BELZER, 000–00–0000
ALLEN R. BOZEMAN, 000–00–0000
LAUGHLIN H. HOLLIDAY, 000–00–0000
LARRY W. JESSUP, 000–00–0000
DONALD O. KOONCE, 000–00–0000
DAVID J. REHKAMP, 000–00–0000
CHESTER M. WAGGONER, 000–00–0000

To be lieutenant colonel

ANDREW J. ADAMS III, 000–00–0000
FRANK A. APPELFELLER, 000–00–0000
DEBORAH A. ASHENHURST, 000–00–0000
ROOSEVELT BARFIELD, 000–00–0000
JEFFERSON T. BENNETT, 000–00–0000
ROBERT C. BLIX, 000–00–0000
EDWARD A. CANRIGHT, 000–00–0000
LAWRENCE D. COOPER, 000–00–0000
ROGER F. HALL, JR., 000–00–0000
TERRY G. HAMMETT, 000–00–0000
CHARLES T. HARDEE, 000–00–0000
DAVID R. HAYS, 000–00–0000
DANIEL J. HOTOVY, 000–00–0000
THOMAS E. JOHNSON, 000–00–0000
MICHAEL E. JOSE, 000–00–0000
DENNIS R. KINER, 000–00–0000
TIM G. KRUEGER, 000–00–0000
DAVID C. MACKEY, 000–00–0000
TERRY S. MITCHELL, 000–00–0000
STUART C. PIKE, 000–00–0000
MARGARET J. SKELTON, 000–00–0000
ARNOLD H. SOEDER, 000–00–0000
PEDRO G. VILLARREAL, 000–00–0000
JOHN F. YEARWOOD, 000–00–0000

ARMY NURSE CORPS

To be lieutenant colonel

MONA J. HANLIN, 000–00–0000

CHAPLAIN CORPS

To be lieutenant colonel

TIMOTHY W. THOMPSON, 000–00–0000

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

JAMES M. ROBINSON, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

ROBERT G. MONTGOMERY, 000–00–0000

MEDICAL SERVICE CORPS

To be lieutenant colonel

CHAUNCEY L. VEATCH III, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

To be colonel

ROBERT BELLHOUSE, 000–00–0000
JAMES G. CUSHMAN, 000–00–0000
RONALD W. DRITLEIN, 000–00–0000
CHARLES T. HEISLER, 000–00–0000
JOSEPH F. KOPECKY, 000–00–0000
DAVID E. KRATZER, 000–00–0000
ANTONIO M. LOPEZ, JR., 000–00–0000
CARLOS LORAN, 000–00–0000
STANLEY F. MESSINGER, 000–00–0000
PATRICK MURPHY, 000–00–0000
WILLIAM R. SCHIPUL, 000–00–0000
JOHN O. STONE, 000–00–0000
VANCE TIEDE, 000–00–0000
HOWARD M. WHITTINGTON, 000–00–0000

CHAPLAIN CORPS

To be colonel

JAMES T. SPIVEY, JR., 000–00–0000

MEDICAL SERVICE CORPS

To be colonel

DAVID P. MADDOCK, 000–00–0000

To be lieutenant colonel

JONATHAN A. ASWEGAN, 000–00–0000
JOHN N. GLOVER, 000–00–0000
TIMOTHY J. HIGBEE, 000–00–0000
BRENDA G. SMITH, 000–00–0000
WILLIAM R. TETRO, 000–00–0000

MELODY C. THOMAS, 000–00–0000

ARMY NURSE CORPS

To be lieutenant colonel

CHERYL B. PERSON, 000–00–0000

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

To be colonel

TERRY C. AMOS, 000–00–0000
JOHN C. GRIGGS, 000–00–0000
GARY L. JOENS, 000–00–0000
ROBERT M. KELLER, 000–00–0000
MICHAEL A. MARVIN, 000–00–0000
STEPHEN A. MAYHEU, 000–00–0000
PHILIP W. NUSS, 000–00–0000
WILLIAM H. POLAND, 000–00–0000
DONALD F. PORTANOVA, 000–00–0000
RAYMOND K. READ, 000–00–0000

ARMY NURSE CORPS

To be colonel

TERRY L. DAVIDSON, 000–00–0000
CAROLYN L. MC CARTNEY, 000–00–0000

MEDICAL SERVICE CORPS

To be colonel

CYNTHIA TRUJILLO, 000–00–0000

To be lieutenant colonel

ROBERT A. AVERY, 000–00–0000
DANIEL E. BARNETT, 000–00–0000
MICHAEL J. COLEMAN, 000–00–0000
ALAN B. GALLOWAY, 000–00–0000
GERALD M. HEINLE, 000–00–0000
ROBERT E. MEIER, 000–00–0000
MICHAEL E. MERGENS, 000–00–0000
CLARENCE H. OVERBAY III, 000–00–0000
NICKEY W. PHILPOT, 000–00–0000
RICHARD L. SWEENEY, 000–00–0000
RUSSELL R. TIMMRECK, 000–00–0000
RICHARD A. VARTIGIAN, 000–00–0000
ROBERT M. WENGER, JR., 000–00–0000
STANLEY O. WILLIAMS, 000–00–0000
GREG M. WILZ, 000–00–0000
WILLIAM W. YENISCAVICH, 000–00–0000

ARMY NURSE CORPS

To be lieutenant colonel

JOANNE E. HIX-WIGGINS, 000–00–0000

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GARY D. PAYNE, 000–00–0000
CHARLES L. POURCIAU, JR., 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

JOSEPH D. SARNICKI, 000–00–0000
STEPHEN C. ULRICH, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be major

*JEFFREY S. ALMONY, 000–00–0000
*MARVIN P. ANDERSON,, 000–00–0000
*HOWARD H. CARRICO, 000–00–0000
*MARC C. CLAYTON, 000–00–0000
*JAMES J. CLOSMANN, 000–00–0000
*CAMERON W. COLE, 000–00–0000
*WALTER, COLLAZO, 000–00–0000
*DEAN D. DOLES, 000–00–0000
*KATHLEEN M. EISIN, 000–00–0000
*ROGER W. ENGLAND, 000–00–0000
*CHRIS EVANOV, 000–00–0000
*DAVID B. FERGUSON, 000–00–0000
*SCOTT C. FISHER, 000–00–0000
*DAN C. FONG, 000–00–0000
*TINA L. FOSS, 000–00–0000
*ROBERT R. GALVAN, 000–00–0000
*BRUCE A. GASTON, 000–00–0000
*TAMER GOKSEL, 000–00–0000
*EDWYNNA HALE, 000–00–0000
*DAVID B. HEMBREE, 000–00–0000
*JEFFREY A. HODD, 000–00–0000
*GEORGE J. HOLZER, 000–00–0000
*HEIDI C. HORN, 000–00–0000
*DAVID M. JEFFALONE, 000–00–0000
*KELLY B. JONES, 000–00–0000
*KENNETH E. JONES, 000–00–0000
*SHAUN L. KANION, 000–00–0000
*STEPHEN M. KEESEE, 000–00–0000
*SANGKYU S. KIM, 000–00–0000
*TAMARA A. LEARY, 000–00–0000
*JAMES C. LYONS, 000–00–0000
*JAMES R. MACHOLL, 000–00–0000
*TROY MARBURGER, 000–00–0000
*JOHN T. MARLEY, 000–00–0000
*TIMOTHY MITCHENER, 000–00–0000
*RONALD A. MORENO, 000–00–0000
*RICKEY A. MORLEN, 000–00–0000
*DAVID A. MOTT, 000–00–0000
*KAREN PARK, 000–00–0000
*MINAXI I. PATEL, 000–00–0000
*JANET L. RAMLAL, 000–00–0000
*GEOFFREY H. ROBERT, 000–00–0000
*CHARLES A. SABADELL, 000–00–0000
*STEPHEN T. SCHULTZ, 000–00–0000
*KAREN L. SHINES, 000–00–0000
*RANDALL W. STETTLER, 000–00–0000
*THOMAS S. SYMPSON, 000–00–0000
*THOMAS R. TEMPEL, 000–00–0000
*ERIC V. THOMAS, 000–00–0000
*MARTIN R. VELEZ, 000–00–0000
*KHA N. VO, 000–00–0000
*RAY WILLIAMS, 000–00–0000

MEDICAL CORPS

To be major

*ERIC D. ADAMS, 000–00–0000
*ERIC T. ADLER, 000–00–0000
*MARY A. AHMED, 000–00–0000
ALFONSO S. ALARCON, 000–00–0000
*THOMAS AMSLER, 000–00–0000
*ALFRED D. ARLINE, 000–00–0000
ROCCO A. ARMONDA, 000–00–0000
*RICANTHONY ASHLEY, 000–00–0000
*WESLEY S. ASHTON, 000–00–0000
*JOHN T. ATKINS, 000–00–0000
*MIRIAM J. ATKINS, 000–00–0000
*DIANE M. ATWOOD, 000–00–0000
*AMY M. AUTRY, 000–00–0000
*ROBERT A. AVERY, 000–00–0000
*WILLIAM C. BANDY, 000–00–0000
DAVID W. BARBER, 000–00–0000
*SCOTT D. BARNES, 000–00–0000
*ERIC W. BARRY, 000–00–0000
*MICHAEL G. BEAT, 000–00–0000
*DAVID I. BECKER, 000–00–0000
*THERESA M. BECKER, 000–00–0000
CYNTHIA L. BENFANTI, 000–00–0000
PAUL L. BENFANTI, 000–00–0000
*JAMES F. BENSON, 000–00–0000
*NATHANIEL B. BERG, 000–00–0000
*LYNN M. BERGREN, 000–00–0000
*KURT J. BERNEBURG, 000–00–0000
MARIE BETTENCOURT, 000–00–0000
*BARRY T. BICKLEY, 000–00–0000
*ROMAN O. BILYNSKY, 000–00–0000
*WILLIAM J. BLANKE, 000–00–0000
*MARK A. BONEY, 000–00–0000
*DAVID C. BONOVICH, 000–00–0000
*NATHAN C. BOSS, 000–00–0000
*WILLIAM M. BOUSHKA, 000–00–0000
*GREGORY W. BOUSKA, 000–00–0000
*JAMES P. BRADLEY, 000–00–0000
*YONG C. BRADLEY, 000–00–0000
DAVID A. BROWN, 000–00–0000
*JAMES S. BROWN, 000–00–0000
*ROBERT N. BRUCE, 000–00–0000
*MICHAEL P. BURTON, 000–00–0000
*JOHN C. BYRD, 000–00–0000
*CRAIG D. CAMERON, 000–00–0000
*MICHELLE L. CARLIN, 000–00–0000
*SCOTT A. CARLTON, 000–00–0000
*TORR E. CARMAIN, 000–00–0000
*NICHOLAS P. CARPER, 000–00–0000
*JOHN W. CARSON, III, 000–00–0000
PAUL D. CASNER, 000–00–0000
*JOHN R. CATON, 000–00–0000
*DONALD J. CHAFFIN, 000–00–0000
*ALEXANDER K. CHEN, 000–00–0000
*ROBERT CHIANG, 000–00–0000
*THEODORE J. CHOMA, 000–00–0000
*ERIK D. CHRISTENSEN, 000–00–0000
*ROBERT J. CHRISTIE, 000–00–0000
*ELLEN M. CHUNG, 000–00–0000
MICHAEL J. CITRONE, 000–00–0000
*DAVIS L. CLOWARD, 000–00–0000
*STEVEN P. COHEN, 000–00–0000
*RIGGINS G. CONSAGRA, 000–00–0000
*BARTON B. COOK, 000–00–0000
*THOMAS P. COOK, 000–00–0000
*EDMUND W. CORNMAN, 000–00–0000
*ROBERT M. CRAIG, 000–00–0000
*DONALD G. CRINO, 000–00–0000
*JAMES E. CURLEE, 000–00–0000
*MICHAEL J. DACEY, 000–00–0000
*ZACHARIAH DAMERON, 000–00–0000
*BRAD J. DAVIS, 000–00–0000
DAVE A. DAVIS, 000–00–0000
*SCOTT T. DAVIS, 000–00–0000
MARC L. DAYMUDE, 000–00–0000
*MICHAEL J. DECKER, 000–00–0000
DAVI DELLAGIUSTINA, 000–00–0000
*ROBERT A. DELORENZO, 000–00–0000
*ROBERT DESVERREAUX, 000–00–0000
*DOMINIC T. DICIRO, 000–00–0000
*EDWARD E. DICKERSON, 000–00–0000
*THIEN M. DO, 000–00–0000
*DANIEL D. DODAI, 000–00–0000
*DAVID M. DOWNS, 000–00–0000
*DAVID M. DRANETZ, 000–00–0000
*VINCENT A. DUBRAVEC, 000–00–0000
*KIM A. DUGGER, 000–00–0000
*JOHN M. DUNFORD, 000–00–0000
*ROBERT K. DURNFORD, 000–00–0000
ERIN P. EDGAR, 000–00–0000
*BYRON K. EDMOND, 000–00–0000
KIRK W. EGGLESTON, 000–00–0000
*MICHAEL EISENHAUER, 000–00–0000
*MICHAEL A. ELLIOTT, 000–00–0000
*RICHARD W. ELLISON, 000–00–0000
*THERESA S. EMORY, 000–00–0000
*JAMES J. ENGLAND, 000–00–0000
*EDWARD J. ERBE, 000–00–0000
*ALAN R. ERICKSON, 000–00–0000
ALEC T. EROR, 000–00–0000
*DIANE A. FARAN, 000–00–0000
JOHN H. FARLEY, 000–00–0000
*ANTHONY FERRARA, 000–00–0000
*GREGORY FITZHARRIS, 000–00–0000
*JASON P. FONTENOT, 000–00–0000
*COLLEEN C. FOOS, 000–00–0000
*LESLIE S. FOSTER, 000–00–0000
*ANDREW C. FOWLER, 000–00–0000
*STEPHANIE A. FOWLER, 000–00–0000
*JAMES T. FOX, 000–00–0000
EDWARD G. FROELICH, 000–00–0000
*LINDA L. FUQUA, 000–00–0000
*MARK P. GAUL, 000–00–0000
*JACKSON R. GENANT, 000–00–0000
*ROBERT T. GERHARDT, 000–00–0000
*ALBERT L. GEST, 000–00–0000
*ROBERT V. GIBBONS, 000–00–0000
*MONICA B. GORBANDT, 000–00–0000
*MARK S. GORDON, 000–00–0000
*PATRICK J. GRABLIN, 000–00–0000
*DANIEL L. GRADIN, 000–00–0000
JESS A. GRAHAM, 000–00–0000
URSULA Y. GRAHAM, 000–00–0000
*MARK S. GRAJCAR, 000–00–0000
*MARYBETH A. GRAZKO, 000–00–0000
*PATRICIA GREATOREX, 000–00–0000
*THOMAS W. GREIG, 000–00–0000
*RICHARD GREMILLION, 000–00–0000
*GARY D. GRIDLEY, 000–00–0000
*GREG L. GRIEWE, 000–00–0000
JAMIE B. GRIMES, 000–00–0000
*JAMES P. GUEVARA, 000–00–0000
*NEAL C. HADRO, 000–00–0000
*DONALD P. HALL, 000–00–0000
*CYNTHIA K. HAMILTON, 000–00–0000
*BARRY T. HAMMAKER, 000–00–0000
*LLOYD D. HANCOCK, 000–00–0000
KARLA K. HANSEN, 000–00–0000
*KENNETH W. HARPER, 000–00–0000
*MICHAEL T. HARPER, 000–00–0000
*BRIAN C. HARRINGTON, 000–00–0000
*CASSANDRA D. HARRIS, 000–00–0000
*DAVID H. HARRISON, 000–00–0000
DENNIS R. HARTUNG, 000–00–0000
*JAMES M. HARVEY, 000–00–0000
*THE HASLETT-ENDRIS, 000–00–0000
*MARK D. HAWKINS, 000–00–0000
*EDWIN B. HAYES, 000–00–0000
*KAREN E. HAYES, 000–00–0000
*ARNOLD B. HENG, 000–00–0000
*JOHN D. HERMANN, 000–00–0000
WILLIAM C. HEWITSON, 000–00–0000
*RANDALL HILDEBRAND, 000–00–0000
*KIRSTEN B. HOHMANN, 000–00–0000
*CARRI B. HOMOKY, 000–00–0000
*DOUGLAS E. HOMOKY, 000–00–0000
*GREGORY S. HOOKS, 000–00–0000
*PAUL J. HOUGE, 000–00–0000
*JAY R. HUBER, 000–00–0000
*MAUREEN L. HUDSON, 000–00–0000
JEFFREY J. HULL, 000–00–0000
*GEORGE J. HUNTER, 000–00–0000
*KENNETH M. HURWITZ, 000–00–0000
*WELLFORD W. INGE, 000–00–0000
*WILLIAM A. INGRAM, 000–00–0000
*JOHN I. ISKANDAR, 000–00–0000
*HENRY C. JEFFERSON, 000–00–0000
*TIMOTHY R. JENNINGS, 000–00–0000
*CARLOS E. JIMENEZ, 000–00–0000
ANTHONY J. JOHNSON, 000–00–0000
*ROBERT E. JOHNSON, 000–00–0000
*DENNIS E. JONES, 000–00–0000
*MATTHEW P. JONES, 000–00–0000
*REBECCA A. KELLER, 000–00–0000
*MICHAEL S. KELLEY, 000–00–0000
*KIMBERLY L. KESLING, 000–00–0000
*MICHAEL S. KILLEN, 000–00–0000
RONALD P. KING, 000–00–0000
*ROBERT K. KOCH, 000–00–0000
*DAVID T. KOON, 000–00–0000
*MAUREEN K. KOOPS, 000–00–0000
*ALISAN G. KULA, 000–00–0000
*MICHAEL R. KUNKEL, 000–00–0000
MARTIN L. LADWIG, 000–00–0000
*JOHN A. LAFATA, 000–00–0000
*PETER A. LAIRD, 000–00–0000
*MARK E. LANDAU, 000–00–0000
*PHILLIP W. LANDES, 000–00–0000
*CHRISTOPHER LARISCY, 000–00–0000
WILMA I. LARSEN, 000–00–0000
*TAMARA D. LAUDER, 000–00–0000
*GREGORY A. LAW, 000–00–0000
*JENNIFER L. LEATHE, 000–00–0000
KERRYQ T. LEE, 000–00–0000
*EMIL P. LESHO, 000–00–0000
*PAUL A. LESTER, 000–00–0000
*ALLEN J. LEVY, 000–00–0000
*LAURA J. LILAC, 000–00–0000
*WITTE J. LOIZEAUX, 000–00–0000
*EDWIN W. LOJESKI, 000–00–0000
NICK N. LOMIS, 000–00–0000
*RANDI J. LONG, 000–00–0000
*JAMES M. LUCHETTI, 000–00–0000
*MARK L. LUKENS, 000–00–0000
ERIC T. LUND, 000–00–0000
*JOHN S. MADANY, 000–00–0000
*KURT L. MAGGIO, 000–00–0000
*RICHARD S. MAKUCH, 000–00–0000
*LAWRENCE W. MANAKER, 000–00–0000
*ROBERT C. MANCINI, 000–00–0000
LIEM T. MANSFIELD, 000–00–0000
*RODRIGO A. MARIANO, 000–00–0000
*JOHN P. MASTERSON, 000–00–0000
*MARK A. MATAOSKY, 000–00–0000

*TIMOTHY J. MATTISON, 000–00–0000
*MARK L. MCDOWELL, 000–00–0000
*THOMAS W. MCGOVERN, 000–00–0000
*JOHN K. MCLARNEY, 000–00–0000
*ROBERT P. MEE, 000–00–0000
*KEVIN P. MICHAELS, 000–00–0000
*BENJAMIN J. MILLER, 000–00–0000
DANIEL R. MILLER, 000–00–0000
*RICHARD A. MILLER, 000–00–0000
*CARL M. MINAMI, 000–00–0000
*VINCENT J. MIRARCHI, 000–00–0000
*KELLY T. MITCHELL, 000–00–0000
*RON L. MOODY, 000–00–0000
*MILAN S. MOORE, 000–00–0000
*TED O. MORGAN, JR., 000–00–0000
*JOSEPH M. MORMAN, 000–00–0000
*EARLE E. MORTON, 000–00–0000
*TODD A. MORTON, 000–00–0000
*ROBERT L. MOTT, JR., 000–00–0000
*MARK R. MOUNT, 000–00–0000
*CHARLES R. MULLIGAN, 000–00–0000
*SEAN P. MURRAY, 000–00–0000
*KENNETH W. MYERS, 000–00–0000
*MARK S. NEWMAN, 000–00–0000
*WILLIAM H. NEWMAN, 000–00–0000
FRANK J. NEWTON, 000–00–0000
*GILBERT A. NOIROT, 000–00–0000
*PAUL F. NYBERG, 000–00–0000
* JULIE E. OBRIEN, 000–00–0000
* STEPHEN C. OCONNOR, 000–00–0000
* JEANETT OLESKOWICZ, 000–00–0000
* JAMES OLIVER, 000–00–0000
* JOY L. OLSON, 000–00–0000
WILLIAM T. PACE, 000–00–0000
* MARK S. PACK, 000–00–0000
* GUY K. PALMES, 000–00–0000
* RITA A. PARISEK, 000–00–0000
* SCOTT R. PARTYKA, 000–00–0000
* LUCY PATTI, 000–00–0000
* JULIE A. PAVLIN, 000–00–0000
* SAMUEL E. PAYNE, 000–00–0000
* RONALD F. PENDLETON, 000–00–0000
* STEPHANIE W. PERDUE, 000–00–0000
KEVIN R. PERUSSE, 000–00–0000
* BETH E. PETERSON, 000–00–0000
* THOMAS E. PHILLIPS, 000–00–0000
* ELIZABE PIANTANIDA, 000–00–0000
* JAMES V. PIEPHOFF, 000–00–0000
* CHRISTOPHER PIERCE, 000–00–0000
* GREGORY A. PISEL, 000–00–0000
* RONALD J. PLACE, 000–00–0000
* STANFORD PRESCOTT, 000–00–0000
* DAVID M. PRESTON, 000–00–0000
* MICHAEL G. RAAB, 000–00–0000
* SUZANNE E. RALEY, 000–00–0000
* FERNANDO RAMOS, 000–00–0000
HERNANDO G. RAMOS, 000–00–0000
* DOUGLAS R. REED, 000–00–0000
* RUTHANN F. REES, 000–00–0000
* ROBERTO RENDE, 000–00–0000
* JAMES C. RHOLL, 000–00–0000
* GUY W. ROBINS, 000–00–0000
* STEVEN L. ROMITI, 000–00–0000
* NATHAN T. RUDMAN, 000–00–0000
* PAUL J. RUPP, 000–00–0000
ROBERT M. RUSH, 000–00–0000
* NANCY E. SANDERSON, 000–00–0000
* DONALD K. SANFORD, 000–00–0000
* JEFFREY A. SAUNDERS, 000–00–0000
* MICHAEL F. SAVAGE, 000–00–0000
* STEPHEN P. SCHERR, 000–00–0000
* DOUGLAS A. SCHOW, 000–00–0000
* DAVID W. SCHROEDER, 000–00–0000
* BRADLEY F. SCHWARTZ, 000–00–0000
JOHN S. SCOTT, 000–00–0000
* DAVID W. SEES, 000–00–0000
* GREGORY J. SEPANSKI, 000–00–0000
* PATRICIA A. SHEVLIN, 000–00–0000
* SONDRA E. SHIELDS, 000–00–0000
* JAMES F. SHIKLE, 000–00–0000
* DAVID G. SHORES, 000–00–0000
JOSEPH A. SHROUT, 000–00–0000
*JEFFREY L. SHY, 000–00–0000
*BRIAN M. SIECK, 000–00–0000
*STEPHEN V. SILVEY, 000–00–0000
*HARLAND D. SIMPSON, 000–00–0000
*CHARLES E. SMITH, 000–00–0000
*ROBERT A. SMITH, 000–00–0000
*GEORGE STACKHOUSE, 000–00–0000
*WILLIAM J. STANTON, 000–00–0000
*CHARLES V. STARGEL, 000–00–0000
*CHRISTOPHER STARK, 000–00–0000
*JAMES STAUDENMEIER, 000–00–0000
*JOHN T. STEEDMAN, 000–00–0000
*TIMOTHY STEINAGLE, 000–00–0000
*RONALD T. STEPHENS, 000–00–0000
MICHAEL R. STJEAN, 000–00–0000
*TODD D. STORCH, 000–00–0000
*STEVEN D. STOWELL, 000–00–0000
*JOSEPH B. SUTCLIFFE, 000–00–0000
GARY W. SWENSON, 000–00–0000
*RICHARD S. SWINNEY, 000–00–0000
*CHRISTINA SZIGETI, 000–00–0000
*BARRON K. TAYLOR, 000–00–0000
*JERRY J. TAYLOR, 000–00–0000
*THOMAS B. TAYLOR, 000–00–0000
*RICHARD W. THOMAS, 000–00–0000
*JAMES W. THOMPSON, 000–00–0000
*MARK F. TORRES, 000–00–0000
*CAROL A. TRAKIMAS, 000–00–0000
*THUTHAO T. TRINH, 000–00–0000
*DANIEL S. TUMELTY, 000–00–0000
*ALFONSO R. VACCARO, 000–00–0000
*DENNIS J. VANZANT, 000–00–0000
JENNIFER S. VARGAS, 000–00–0000
*ROBERT E. VAUGHAN, 000–00–0000
*VANESSA R. VICTOR, 000–00–0000
*PATRICIA A. VORIES, 000–00–0000
*ROBERT P. WACK, 000–00–0000
*JOHN L. WADE, 000–00–0000
*RICHARD K. WAGNER, 000–00–0000
*ELLEN B. WALLEN, 000–00–0000
*CHRISTOPHER WALSHE, 000–00–0000
*BOYD V. WASHINGTON, 000–00–0000
TIMOTHY WASHOWICH, 000–00–0000
*RICHARD R. WAYNE, 000–00–0000
*IAN S. WEDMORE, 000–00–0000
*KEVIN A. WEEKS, 000–00–0000
*CATHERINE A. WELCH, 000–00–0000
*MARK C. WESTON, 000–00–0000
GARY A. WHEELER, 000–00–0000
*HEATHER WHITWORTH, 000–00–0000
*DAN WIENER, 000–00–0000
*GREGORY S. WITKOP, 000–00–0000
*ROBERT WOLFGANG, 000–00–0000
*ANDREAS WOLTER, 000–00–0000
CLAUDE R. WORKMAN, 000–00–0000
*BRIAN D. WORLEY, 000–00–0000
*JEFFREY YABLONSKI, 000–00–0000
*ANITA M. YEARLEY, 000–00–0000
*JEFFREY A. YNGSTROM, 000–00–0000
*OLIVER J. YOST, 000–00–0000
*DAVID T. ZBYLSKI, 000–00–0000
*JAMES H. ZEITLIN, 000–00–0000
DAVID S. ZUMBRO, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be commander

ANDREW W. ACEVEDO, 000–00–0000
JAMES M. ACKLEY, 000–00–0000
RODNEY M. ADAMS, 000–00–0000
JOHN C. AGUERO, 000–00–0000
JAMES M. AHLGRIMM, 000–00–0000
JOHN M. ALLARD, 000–00–0000
SCOTT E. ALLEN, JR, 000–00–0000
WILLIAM R. ALLEN, 000–00–0000
KEVIN W. ALT, 000–00–0000
TIMOTHY M. ANDERSEN, 000–00–0000
PAUL N. ANDERSON, 000–00–0000
ROBERT B. ANDERSON, 000–00–0000
JOSEPH ARANGO III, 000–00–0000
CHRISTOPHER J. ARMITAGE, 000–00–0000
RICHARD S. ARNOLD, 000–00–0000
JOSEPH W. ASHBAKER, 000–00–0000
FRANK A. ASHTON, 000–00–0000
JOHN R. ATKINSON, 000–00–0000
JOSEPH V. BACKOF, 000–00–0000
WARREN S. BARKLEY II, 000–00–0000
EDMUND W. BARNHART, 000–00–0000
BRIAN O. BARRETT, 000–00–0000
MARK E. BAUMAN, 000–00–0000
JAMES A. BECKETT, 000–00–0000
NATHAN G. BEIN, 000–00–0000
RICHARD A. BENSON, 000–00–0000
JON E. BERGLIND, 000–00–0000
JOHN A. BIEGEL, 000–00–0000
TIMOTHY J. BISHOP, 000–00–0000
ROBERT R. BLEHART, 000–00–0000
DAVE C. BOHANON, 000–00–0000
GREGORY A. BOOTH, 000–00–0000
FREDERICK BOTERO, 000–00–0000
THOMAS E. BOUGAN, 000–00–0000
JEAN D. BOUVET, 000–00–0000
THOMAS H. BOYCE, 000–00–0000
DEAN C. BRACKETT, 000–00–0000
STEVEN C. BRADFORD, 000–00–0000
DONALD T. BRADY, 000–00–0000
REUBEN C. BRADY, 000–00–0000
THOMAS I. BRANCH, 000–00–0000
CHARLES R. BRAUN, JR, 000–00–0000
RICHARD E. BRAUNIG, 000–00–0000
CHRISTOPHER J. BREHANY, 000–00–0000
MICHAEL C. BRINKMANN, 000–00–0000
THEODORE L. BROOKS, 000–00–0000
MATTHEW D. BROWN, 000–00–0000
CHRISTOPHER U. BROWNE, 000–00–0000
DALE L. BRUSKOTTER, 000–00–0000
JOHN R. BUCKLEY, 000–00–0000
JOHN S. BUECHNER, 000–00–0000
THOMAS A. BURGESS, 000–00–0000
MICHAEL E. BURR, 000–00–0000
ROBERT D. BURRUS, 000–00–0000
BARRY E. BUSH, 000–00–0000
MICHAEL G. BUTCHER, 000–00–0000
JON A. BUTTRAM, 000–00–0000
ALLYSON T. CADDELL, 000–00–0000
JAMES C. CAIN, 000–00–0000
MARK S. CAMPAGNA, 000–00–0000
JAMES G. CANNON, 000–00–0000
ALLEN F. CANTRELL, 000–00–0000
MATTHEW A. CARR, 000–00–0000
THOMAS E. CARROLL, 000–00–0000
IAN S. CATH, 000–00–0000
VAHAN CHERTAVIAN, 000–00–0000
BRANNAN W. CHISOLM, 000–00–0000
STEVEN J. CHRANS, 000–00–0000
MICHAEL D. CHRISTOPHER, 000–00–0000
ANTHONY CLEMENTI, 000–00–0000
JAMES F. CLEMSON, 000–00–0000
RONALD R. CLINKSCALES, 000–00–0000
THOMAS A. CLOUD, 000–00–0000
MICHAEL H. COCHRANE, 000–00–0000
LINDA M. COFFELT, 000–00–0000
MARK L. COLE, 000–00–0000
WILLIAM P. CONNELLY, 000–00–0000
CHRISTOPHER R. CONNORS, 000–00–0000
WILLIAM P. COOK, 000–00–0000
PETER J. CORCORAN, 000–00–0000
STEVEN P. CRAYCRAFT, 000–00–0000
DAVID B. CRILLY, 000–00–0000
RALPH D. CRISTIANI, 000–00–0000
CHRISTOPHER L. CROSS, 000–00–0000
ARTURO C. CUELLAR, 000–00–0000
JOHN Q. DALSANTO, 000–00–0000
DAVID A. DANIELS, 000–00–0000
THOMAS P. DARCY, 000–00–0000
CHARLES S. DARDEN, 000–00–0000
CRAIG M. DAVIS, 000–00–0000
KENNETH E. DAWE, II, 000–00–0000
LELAND D. DEATLEY, 000–00–0000
STEPHEN M. DEBEVOISE, 000–00–0000
FRANK A. DEES, 000–00–0000
JAMES C. DEGENHARDT, 000–00–0000
DAVID J. DELANCEY, 000–00–0000
ANTHONY J. DIBONA, JR, 000–00–0000
STEVEN J. DITULLIO, 000–00–0000
KURT J. DOBBERTEEN, 000–00–0000
RICHARD DONOFRIO, 000–00–0000
BRENT A. DORMAN, 000–00–0000
FREDERICK M. DOUGLAS, 000–00–0000
DONALD R. DRENNEN, 000–00–0000
DOUGLAS J. DREYER, 000–00–0000
MICHAEL DRZONSC, 000–00–0000
WILLIAM S. DURBIN, 000–00–0000
TIMOTHY J. DWYER, 000–00–0000
MELTON O. EAKIN, JR, 000–00–0000
ERIC J. EARNST, 000–00–0000
JAMES B. EDEN, 000–00–0000
GARY L. EILAND, 000–00–0000
RICHARD W. EKVALL, 000–00–0000
WILLIAM L. ELDER, 000–00–0000
DENNIS W. ELLISON, 000–00–0000
JEFFREY T. ENGLE, 000–00–0000
NICHOLAS J. EPISCOPO, JR, 000–00–0000
STEVEN L. FARLEY, 000–00–0000
MARK G. FEILMANN, 000–00–0000
DAVID W. FERGUS, 000–00–0000
PATRICK J. FETTER, 000–00–0000
CHARLES J. FILARDI, JR, 000–00–0000
GREGORY R. FINE, 000–00–0000
EDWARD J. FINNEGAN, 000–00–0000
SAMUEL E. FISHEL, JR, 000–00–0000
CHARLES M. FLOWERS, JR, 000–00–0000
WILLIAM F. FLYNN, 000–00–0000
ANDREW J. FOERSTER, 000–00–0000
THEODORE FOLLAS, 000–00–0000
ERIC C. FORBES, 000–00–0000
RAY FOWLER, JR, 000–00–0000
EDWARD J. FRANCIS, 000–00–0000
STEVEN R. FRAZER, 000–00–0000
FRANK J. FRELKA, 000–00–0000
JOHN F. FRICKE, 000–00–0000
JEFFERY E. FROST, 000–00–0000
JOHN P. FRY, 000–00–0000
MICHAEL H. GAFFNEY, 000–00–0000
MAX E. GAMBLE, 000–00–0000
JEFFERY W. GARNER, 000–00–0000
SIMEON C. GARRIOTT, JR., 000–00–0000
TIMOTHY B. GENT, 000–00–0000
HUGH A. GERIAK, 000–00–0000
KEVIN J. GILLIS, 000–00–0000
CHARLES B. GILLMAN, 000–00–0000
PAUL J. GILMORE, 000–00–0000
AUSTIN W. GLEASON, JR., 000–00–0000
STEVEN J. GOLDSTEIN, 000–00–0000
DAVID A. GOULLA, JR., 000–00–0000
THOMAS P. GRAFF, 000–00–0000
STEPHEN W. GRANT, 000–00–0000
WILLIAM R. GRAY III, 000–00–0000
SAMUEL D. GREEN, 000–00–0000
JOHN D. GRISET, 000–00–0000
DAVID B. GRUBER, 000–00–0000
CHERYL A. GUIDOBONI, 000–00–0000
ALAN M. HAGOPIAN, 000–00–0000
MICHAEL H. HARING, 000–00–0000
DONALD P. HARKER, 000–00–0000
GARY T. HARPER, 000–00–0000
ALBERT G. HARRIS, JR., 000–00–0000
DAVID M. HARRIS, 000–00–0000
MICHAEL W. HARRIS, 000–00–0000
MICHAEL D. HARTE, 000–00–0000
CHRIS G. HARTMAN, 000–00–0000
MARK A. HASS, 000–00–0000
KIM A. HAUER, 000–00–0000
RONALD B. HAWKINS, 000–00–0000
PATRICK L. HEALY, 000–00–0000
BELINDA B. HEERWAGEN, 000–00–0000
HENRY HELBIG, 000–00–0000
CARL D. HENDERSHOT, 000–00–0000
TODD A. HENDERSON, 000–00–0000
CHRISTOPHER J. HERRON, 000–00–0000
JOHN P. HETRICK, JR., 000–00–0000
JOHN E. HETZEL, 000–00–0000
WAYNE D. HILD, 000–00–0000
HOWARD D. HILL, 000–00–0000
JAMES P. HODGES, JR., 000–00–0000
JOHN E. HODGSON, 000–00–0000
MICHAEL R. HOGEBACK, 000–00–0000
RICKY A. HOLCOMB, 000–00–0000
GARY L. HOLMES, 000–00–0000
KEVIN D. HOLWELL, 000–00–0000
HARVEY S. HOPKINS, 000–00–0000
CHARLES T. HORNE III, 000–00–0000
HOBART D. HOSTLER, 000–00–0000
DENNIS P. HUGHES, 000–00–0000
RICHARD C. HUGHES, 000–00–0000
KEVIN H. HUGMAN, 000–00–0000
WYNNE T. HYATT, 000–00–0000
THOMAS V. HYNES, 000–00–0000
JOHN G. IVBULS, 000–00–0000
RAYMOND B. JAHN, 000–00–0000

PAUL H. JAMES, 000–00–0000
DONALD S. JARNBERG, 000–00–0000
ROLF R. JOHANSEN, 000–00–0000
RODERICK D. G. JOHNSON, 000–00–0000
SIGVARD B. JOHNSON, JR., 000–00–0000
STEVEN E. JOHNSON, 000–00–0000
RICHARD L. JONES, 000–00–0000
BYRON J. JOSEPH II, 000–00–0000
JEFFREY A. JULIUS, 000–00–0000
STEVEN M. JUNKINS, 000–00–0000
MARK S. KACZMAREK, 000–00–0000
BRUCE W. KAHL, 000–00–0000
KYLE F. KAKER, 000–00–0000
KEVIN K. KAMITA, 000–00–0000
GRANT S. KASISCHKE, 000–00–0000
JOHN S. KASPER, 000–00–0000
MARK R. KASSOFF, 000–00–0000
STEVEN L. KECK, 000–00–0000
HOWARD D. KEESEE, 000–00–0000
PAUL C. KELLEHER, 000–00–0000
GERALD E. KELLY, 000–00–0000
HOWARD V. KELLY, 000–00–0000
BRUCE T. KENNEDY, 000–00–0000
JOHN M. KENNEDY, 000–00–0000
FRANK M. KENNEY, 000–00–0000
JAMES E. KIEFHABER, 000–00–0000
RICHARD L. KIENLE, 000–00–0000
PETER H. KILIAN, 000–00–0000
EARL K. KISHIDA, 000–00–0000
RALPH W. KIVETTE, 000–00–0000
KARL F. KOBALD, 000–00–0000
WILLIAM H. KONRAD, 000–00–0000
GARY J. KRASNOV, 000–00–0000
BRADLEY A. KUETHER, 000–00–0000
RAYMOND M. KUTCH, 000–00–0000
RICHARD M. KYNASTON, 000–00–0000
MICHAEL S. LAMB, 000–00–0000
LESTER M. LAMBERTH, 000–00–0000
SAMUEL P. LARKIN, 000–00–0000
GREGORY E. LAWRENCE III, 000–00–0000
CHARLES J. LEFEVRE, 000–00–0000
DAVID W. LEGERTON, 000–00–0000
STEVEN LEMOS, 000–00–0000
MICHAEL W. LEONARD, 000–00–0000
THOMAS W. LETT, 000–00–0000
LORI A. LINDHOLM, 000–00–0000
TIMOTHY K. LIPSCOMB, 000–00–0000
RANDALL P. LITTLE II, 000–00–0000
GEORGE G. LOMAS, 000–00–0000
PHILIP A. LOVE, 000–00–0000
ROBERT MACMILLAN, 000–00–0000
THOMAS A. MAGUIRE, 000–00–0000
RICHARD C. MAHON, 000–00–0000
MICHAEL D. MAHRE, 000–00–0000
ROY W. MALONE, JR., 000–00–0000
PETER T. MALONEY, 000–00–0000
NORMAN R. MARCOTTE, 000–00–0000
STEPHEN J. MARIN, 000–00–0000
JOHN J. MARINO, 000–00–0000
PHILIP J. MARKERT, JR., 000–00–0000
WILLIAM D. MARSH, JR., 000–00–0000
GEORGE MARTIN, 000–00–0000
JOSEPH C. MARTIN, 000–00–0000
PAUL B. MARTIN, JR., 000–00–0000
RICHARD G. MARTIN, 000–00–0000
WILLIAM R. MARTIN, 000–00–0000
ARMANDO M. MARTINEZ, 000–00–0000
RANDY A. MARTINEZ, 000–00–0000
ROBERTO M. MARTINEZ, 000–00–0000
WILLIAM F. MC ALPINE, 000–00–0000
MICHAEL S. MC CARTHY, 000–00–0000
EDWARD J. MC COOL, JR., 000–00–0000
DANIEL S. MC GARVEY, 000–00–0000
TERRENCE T. MC GINNIS, 000–00–0000
MARC V. MC GOWAN, 000–00–0000
JOE K. MC KAY, 000–00–0000
DONALD E. MC MACKIN, 000–00–0000
MALCOLM J. MC PHEE JR., 000–00–0000
DANIEL E. MC WILLIAMS, 000–00–0000
WILLIAM H. MEADER, 000–00–0000
DANIEL D. MEYER, 000–00–0000
JAMES P. MILLEGAN, 000–00–0000
CRAIG N. MILLER, 000–00–0000
IRA L. MINOR, JR., 000–00–0000
CHARLES J. MITCHELL, 000–00–0000
DAVID M. MITCHELL, 000–00–0000
CHARLIE R. MOFFITT II, 000–00–0000
RICHARD A. MONTANIO, 000–00–0000
BARTON A. MOORE, 000–00–0000
TIMOTHY M. MORAN, 000–00–0000
JOHNNY D. MORGAN, 000–00–0000
THOMAS K. MORGAN, 000–00–0000
WILLIAM C. MORRILL, 000–00–0000
WILLIAM R. MORRIS, 000–00–0000
DONALD C. MORRISON, 000–00–0000
JAMES H. MORRISON, 000–00–0000
JEFFREY C. MOTTER, 000–00–0000
EDWARD M. MUCHA, 000–00–0000
JORGE L. MUNOZ, 000–00–0000
JOSEPH M. MURPHY, 000–00–0000
STEVEN J. MURPHY, 000–00–0000
JOHN C. MURRAY, 000–00–0000
JOHN M. MYRAH, 000–00–0000
CHRISTOPHER S. NEELY, 000–00–0000
JAMES A. NEILON, 000–00–0000
CLAUDE V. NELSON, 000–00–0000
ALADAR NESSER, 000–00–0000
PATRICK A. NEUMAN, 000–00–0000
FREDERICK J. NEWTON III, 000–00–0000
KURT A. NIELSEN, 000–00–0000
GARY D. NOBLE, 000–00–0000
GREGORY S. NORRIS, 000–00–0000
KERRY L. NYE, 000–00–0000
THOMAS S. ODONNELL, 000–00–0000
GREGORY G. OGILVIE, 000–00–0000
ROBERT M. OGILVIE, 000–00–0000
STEVEN R. OVERBECK, 000–00–0000
WILLIAM J. OVERMAN, 000–00–0000
DANIEL N. OWEN, 000–00–0000
GARY J. PABST, 000–00–0000
BRUNO S. PADOVANI, 000–00–0000
DEMETRIOS A. PAHNO, 000–00–0000
DAVID A. PALMER, 000–00–0000
JOSEPH C. PAPALSKI, 000–00–0000
DREW A. PAPPAS, 000–00–0000
KEVIN E. PARKER, 000–00–0000
JOSEPH D. PARLIN, 000–00–0000
NANCY L. PARNELL, 000–00–0000
RUSSELL A. PASCOE, 000–00–0000
ROBERT M. PATCHETT, 000–00–0000
WILLIAM B. PEARCE, 000–00–0000
FRANCISCO C. PENAFLOR, 000–00–0000
DOUGLAS H. PIERCE, 000–00–0000
TERESA A. PIPER, 000–00–0000
MARK PISCIONERI, 000–00–0000
DERROL A. POOLE, 000–00–0000
STEVEN M. POWELL, 000–00–0000
JAMES D. PRESCOTT, 000–00–0000
LANCE W. RAFFE, 000–00–0000
JAMES W. RAMPEY, 000–00–0000
MICHAEL C. RANZ, 000–00–0000
TONY C. REDD, 000–00–0000
JONATHAN D. REEDER, 000–00–0000
PAUL J. REESE, 000–00–0000
ILAN REITZES, 000–00–0000
PAUL A. REMINGTON, 000–00–0000
DAVID W. RENCURREL, 000–00–0000
CHARLES P. RENNINGER II, 000–00–0000
DONALD E. REOTT, 000–00–0000
JOE REYES, 000–00–0000
JAMES W. REYNOLDS, JR. 000–00–0000
DANIEL W. RICH, 000–00–0000
ALAN L. RIDNOUR, 000–00–0000
WILLIAM J. RINKE, 000–00–0000
EDWARD L. ROBILLARD, 000–00–0000
GEORGE I. ROCKWOOD III, 000–00–0000
JOHN A. ROHLEDER, 000–00–0000
CRAIG F. ROUHIER, 000–00–0000
KARL D. ROUTZAHN, 000–00–0000
BRIAN R. RUCKER, 000–00–0000
ANDREW L. RYAN, 000–00–0000
CHARLES H. SASSONE, 000–00–0000
JACK R. SAUVE, 000–00–0000
PETER J. SCHMIDT, 000–00–0000
STEVEN L. SCHMIDT, 000–00–0000
COREY K. SCHOONMAKER, 000–00–0000
STEPHEN J. SCHRADER, 000–00–0000
MARK A. SCHULER, 000–00–0000
DAVID P. SCHULTZ, 000–00–0000
ROBERT C. SCHUTT, 000–00–0000
GARY W. SCOTT, 000–00–0000
WILLIAM G. SEIDEL, JR. 000–00–0000
KEVIN J. SHAUGHNESSY, 000–00–0000
DONALD J. SHELDON, JR. 000–00–0000
ALVA R. SHUMWAY, 000–00–0000
ROBERT G. SILVERMAN, 000–00–0000
VINCENT J. SILVESTER, JR. 000–00–0000
JOHN L. SIMS, 000–00–0000
JOHN A. SMITH, 000–00–0000
KERSHAW W. SMITH, 000–00–0000
ROBERT W. SMITH, 000–00–0000
WARREN T. SMITH, 000–00–0000
STEVEN G. SOMERS, 000–00–0000
KEVIN F. SPALDING, 000–00–0000
LENNIE W. SPENCER, 000–00–0000
GLENN L. STAMPLER, 000–00–0000
GARY E. STANGE, 000–00–0000
DANIEL R. STANLEY, 000–00–0000
WILLIAM G. STARK, 000–00–0000
ROBERT F. STAVER, 000–00–0000
LAWRENCE W. STEBBINS, JR., 000–00–0000
JOHN A. STEIGERS, 000–00–0000
HOWARD J. STEINER, 000–00–0000
DAVID A. STEPHENS, 000–00–0000
ERIC L. STILWELL, 000–00–0000
MICHAEL T. SWANTON, 000–00–0000
WAYNE C. SWENSON, 000–00–0000
LAWRENCE R. TAYLOR, 000–00–0000
MICHAEL C. TAYLOR, 000–00–0000
STEVEN L. TAYLOR, 000–00–0000
PAUL J. TETREAULT, JR., 000–00–0000
WOLFGANG E. THIEL, 000–00–0000
MARK C. THOMPSON, 000–00–0000
WILLIAM L. TILTON, 000–00–0000
ROBERT J. TOBEY, 000–00–0000
REGINALD E. TRASS, 000–00–0000
CORT R. TRAYLOR, 000–00–0000
RICHARD TRUITT, 000–00–0000
KENNETH L. TURNER, 000–00–0000
PAUL M. ULMER, 000–00–0000
CARL D. VANDERBILT, 000–00–0000
BRIAN K. VANDERYACHT, 000–00–0000
DENNIS VIERA, JR, 000–00–0000
GARY K. VINOVICH, 000–00–0000
JOHN H. VIVADELLI, 000–00–0000
ALAN W. VOGES, 000–00–0000
JOSEPH F. VONSAUERS, 000–00–0000
RICHARD L. WADDEL, 000–00–0000
JAMES R. WAIT, III, 000–00–0000
NORMAN C. WALKER, 000–00–0000
DOUGLAS R. WALTER, 000–00–0000
MICHAEL D. WALTERS, 000–00–0000
JAMES A. WARD, 000–00–0000
KEVIN R. WARD, 000–00–0000
VICENTE L. WASHINGTON, 000–00–0000
MICHAEL G. WEDGE, 000–00–0000
GARY T. WEISER, 000–00–0000
JERRY L. WELLS, 000–00–0000
MERRICK E. WELLS, 000–00–0000
WILLIAM WELP, JR., 000–00–0000
CHRISTOPHER J. WELTY, 000–00–0000
GARY S. WHEELER, 000–00–0000
ROLFE K. WHITE, 000–00–0000
GEORGE A. WHITESIDE, JR, 000–00–0000
JOHN W. WICKEL, 000–00–0000
GARY A. WICKS, 000–00–0000
GERALD R. WILD, 000–00–0000
ROBERT L. WILHELM, 000–00–0000
TERRY M. WILKS, 000–00–0000
DAVID WILLIAMS, 000–00–0000
JOHN C. WILLIAMS, 000–00–0000
JOSH T. WILLIAMS III, 000–00–0000
DUANE A. WILSON, 000–00–0000
GREGORY C. WILSON, 000–00–0000
JAMES M. WILSON, 000–00–0000
JOHN S. WINDLEY, 000–00–0000
TIMOTHY S. WINSKY, 000–00–0000
JEFFREY R. WISNOM, 000–00–0000
JERRY L. WOMACK, 000–00–0000
JAMES J. WOOD, 000–00–0000
MICHAEL B. WOODWARD, 000–00–0000
RICHARD A. WYANT, 000–00–0000
NICHOLAS C. XENOS, 000–00–0000
THOMAS J. YOUHN, 000–00–0000
ROBERT ZAUPER, 000–00–0000

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

THOMAS M. BARRY, 000–00–0000
WILLIAM S. BEYER, 000–00–0000
THOMAS H. BLAKENEY, JR., 000–00–0000
JOHN A. BRAY, 000–00–0000
JAMES D. CARR, 000–00–0000
CECIL J. CARROLL III, 000–00–0000
JERRY T. CASTLEBERRY, 000–00–0000
JAMES S. CHEATHAM, JR., 000–00–0000
WAYNE G. CHECHILA, 000–00–0000
JAMES W. CONNOR, JR., 000–00–0000
DAVID W. COSTA, 000–00–0000
MARC R. DAVIS, 000–00–0000
DONALD D. DENTON, 000–00–0000
THEODORE F. FESSEL, JR., 000–00–0000
JAMES K. FLYNN, 000–00–0000
DAVID D. FOY, 000–00–0000
CHRISTOPHER J. GIEDLIN, 000–00–0000
JOHN W. GILMORE, 000–00–0000
STEPHEN G. GOSNELL, 000–00–0000
ROBERT G. GRAMME, 000–00–0000
MICHAEL L. GRAVES, 000–00–0000
ROBERT N. GREENBERG, 000–00–0000
STEVEN G. HARRIS, 000–00–0000
MICHAEL F. HAYDEN, 000–00–0000
THOMAS R. HUMPHREVILLE, 000–00–0000
HENRY O. JOHNSON, 000–00–0000
WILLIAM A. KING, JR., 000–00–0000
FRANCIS J. KOMYKOSKI, 000–00–0000
JAMES R. LOWELL, 000–00–0000
WILLIAM C. MARTIN, JR., 000–00–0000
MICHAEL E. MELO, 000–00–0000
JOHN E. MURPHY, 000–00–0000
HARRY L. MYERS, 000–00–0000
IRVIN F. NORWOOD, 000–00–0000
STEPHEN A. NOTT, 000–00–0000
JAMES M. NUGENT, 000–00–0000
DANA M. PETERSON, 000–00–0000
DAVID A. POPOWICH, 000–00–0000
KENNETH K. REILLY, 000–00–0000
ANTHONY J. RIZZO, 000–00–0000
REID C. ROBINSON, 000–00–0000
RUSSELL W. ROBISON, 000–00–0000
GERARD B. SCHOENFELD, 000–00–0000
WILLIAM G. SHEFFER, 000–00–0000
CHRISTOPHER K. SMIRL, 000–00–0000
JEFFREY A. SMITH, 000–00–0000
SAMUEL J. SMITHERS, 000–00–0000
DAVID A. SORENSEN, 000–00–0000
MARK S. SPENCER, 000–00–0000
TERRY J. SULLIVAN, 000–00–0000
TERRY O. SUMPTER, 000–00–0000
DAVID TEZZA, 000–00–0000
RICHARD D. THOMAS, 000–00–0000
JAMES W. TRIPPEL, 000–00–0000
JOSEPH L. VAUGHAN, 000–00–0000
GILBERT R. VIERA, 000–00–0000
JOSEPH E. VOLKL, 000–00–0000
HENRY C. WARREN, 000–00–0000
BRIAN R. WHITEHURST, 000–00–0000
CHRISTOPHER J. WILLY, 000–00–0000
CHARLES L. WILSON, JR., 000–00–0000
TERRY L. WILSON, 000–00–0000
VICTOR J. YANEGA, III, 000–00–0000
JAMES A. ZAGRANIS, 000–00–0000

ENGINEERING DUTY OFFICERS

To be commander

ALEXANDER M. ALBAN, 000–00–0000
STEVEN A. BARTON, 000–00–0000
FRED L. BEAVERS, 000–00–0000
CARL CHING, 000–00–0000
WILLIAM N., COPELAND, JR., 000–00–0000
SCOTT S. DARLING, 000–00–0000
LARRY W. DAVIS, 000–00–0000
BRUCE J. DINSMORE, 000–00–0000
WILLIAM C. DOSKOCIL, 000–00–0000
BENNETT H. JOHNSON, 000–00–0000
ANN L. KILLOREN, 000–00–0000
RELLE L. LYMAN, JR., 000–00–0000
KEITH M. PEECOOK, 000–00–0000
LUIS E. POSADA, 000–00–0000
SCOTT J. PURSLEY, 000–00–0000
MARK D. SHELL, 000–00–0000
ROBERT C. SWANEKAMP, 000–00–0000
MARK R. WINSOR, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

JOHN P. DONALDSON, III, 000–00–0000

JOYCE M. EASTWICK, 000–00–0000
BRENT D. ELIASON, 000–00–0000
TOMMY D. KELLEY, 000–00–0000
PHILLIP A. KING, 000–00–0000
ROBERT E. MESSENGER, 000–00–0000
GEORGE M. PROUT, 000–00–0000
LINDSEY M. SILVESTER, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

SCOTT P. BAKER, 000–00–0000
MARK T. DAVISON, 000–00–0000
DOUGLAS B. DRIVER, 000–00–0000
JOHN W. HARRIS, 000–00–0000
PAUL T. KENNEDY, 000–00–0000
JOAN M. KILLIAN, 000–00–0000
HENRY A. MARSHALL, JR., 000–00–0000
DAVID R. OLSON, 000–00–0000
RICHARD S. ROOMIAN, 000–00–0000
PAUL SORIAN, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

DENNIS O. BAKER, 000–00–0000
BRUCE K. JACKSON, 000–00–0000
LARRY K. NEIL, 000–00–0000
JAMES C. NICHOLS, JR., 000–00–0000
WILLIAM C. THOMPSON, 000–00–0000
THOMAS A. TORCHIA, 000–00–0000

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

ROBERT K. BAKER, 000–00–0000
JOHN R. BENNETT, 000–00–0000
THEODORE E. BERNHARD, 000–00–0000
JAMES P. KING, 000–00–0000
WILLIAM M. LEMKE, 000–00–0000
MARCUS K. NEESON, 000–00–0000
ANDREW K. ROCKETT, 000–00–0000
JOHN C. TRONTI, 000–00–0000

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

JOHN P. BRIGANTE, 000–00–0000
PETER A. ENCHELMAYER, 000–00–0000
THOMAS F. KENDZIORSKI, 000–00–0000
LUIS E. MATOS, 000–00–0000
JOHN P. REBERGER, 000–00–0000
JAMES R. SEGUIN, 000–00–0000
MICHAEL D. STAMAND, 000–00–0000

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

DOUGLAS W. ALEXANDER, 000–00–0000
PAUL D. BARSALOU, 000–00–0000
STEPHEN D. BAUGHMAN, 000–00–0000
JOSEPH A. BERARDO, 000–00–0000
CAMERON J. BOSNIC, 000–00–0000
LEONARD J. BROWN, 000–00–0000
WILLIAM H. BYRNE, 000–00–0000
HAROLD F. CANNON, JR., 000–00–0000
RICK CLABBY, 000–00–0000
THOMAS D. CLASPER, 000–00–0000
ROBERT S. COHEN, 000–00–0000
HENRY J. CORSCADDEN III, 000–00–0000
WILLIAM J. COX III, 000–00–0000
RONALD L. DAVIS, 000–00–0000
JAMES B. DEAR, 000–00–0000
MARK D. DELPIANO, 000–00–0000
JOSEPH P. DILLARD, 000–00–0000
STEPHEN L. EHLERS, 000–00–0000
ALPHONSUS J. FENNELLY, 000–00–0000
TIMOTHY J. FLYNN, 000–00–0000
DAVID C. GADDIS, 000–00–0000
GENE P. GARNER, 000–00–0000
JEFFREY A. GHIZZONI, 000–00–0000
NICHOLAS J. GIZZI, JR., 000–00–0000
KEITH V. GOODSON, 000–00–0000
WILLIAM B. GRASWICH, 000–00–0000
STEVEN F. GREEN, 000–00–0000
GEORGE E. HAPLEA, 000–00–0000
FRANKLIN H. HILL, 000–00–0000
JEFFREY L. HOACHLANDER, 000–00–0000
CHARLTON T., HOWARD II, 000–00–0000
JUDSON D., HUGGINS, JR., 000–00–0000
ANTHONY H. JOHNSON, 000–00–0000
JOHN A. JONES, 000–00–0000
THOMAS A. KAISER, 000–00–0000
MICHAEL E. KENNEDY, 000–00–0000
WILLIAM C. LARSON, 000–00–0000
CHRISS W. LARUE, 000–00–0000
JOSEPH G. LEE, 000–00–0000
FREDERICK L. LEES, 000–00–0000
MARTIN J. LINDENMAYER, 000–00–0000
ROBERT D., LIVINGSTON III, 000–00–0000
DEAN B. MARKUSSEN, 000–00–0000
KENNETH L. MC ADOW, 000–00–0000
ANNE M. MC CLELLAN, 000–00–0000
ALFRED J. MC KENZIE, 000–00–0000
MAURICE J. MC WHIRTER, 000–00–0000
STEPHEN D. MEYER, 000–00–0000
ALEC K. MORRIS, 000–00–0000
SANDRA G. MOSES, 000–00–0000
MATTHEW E. MURRAY, 000–00–0000
PHILLIP M. OBRIEN, 000–00–0000
MANUEL ORTEGA, 000–00–0000
THORNE W. PARKER, 000–00–0000
ANDREW R. PARR, 000–00–0000
PARROTT, JOHN R., JR., 000–00–0000
CHERI E. PATTERSON, 000–00–0000
DELMER D. PIPER, 000–00–0000
HENRY F. POWELL, 000–00–0000
WYATT B. PRATT, 000–00–0000
CHARLES R. PULLEN, 000–00–0000
THOMAS E. PUTMAN, 000–00–0000
JOSEPH RAPPISI, 000–00–0000
MARK O. REBRO, 000–00–0000
WILLIAM H. ROOF, 000–00–0000
DENNIS P. ROSS, 000–00–0000
KEITH B. ROYS, JR., 000–00–0000
DAVID E. SAUVE, 000–00–0000
ROBERT W. SCHOLLE, 000–00–0000
PATRICK M. SHANLEY, 000–00–0000
JENNIFER W. SHAY, 000–00–0000
CINDY R. SNOW, 000–00–0000
ROBERT G. SOSNOWSKI, 000–00–0000
GREGORY D. STOVER, 000–00–0000
IRENE M. SUHLER, 000–00–0000
MARK S. TIERNAN, 000–00–0000
GARY R. VANVACTOR, 000–00–0000
RAYMOND M. VOLLUZ, 000–00–0000
CARL E. VONBUELOW, 000–00–0000
CHARLES P. WERCHADO, 000–00–0000
RONALD J. WILTSIE, 000–00–0000
MICHAEL A. YUHAS, 000–00–0000

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

MICHAEL D. T. EDWARDS, 000–00–0000
ROBERT A. WOOD, 000–00–0000

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

WILLIAM J. ALEXANDER, JR., 000–00–0000
JACK R. BRENNAN, 000–00–0000
MARY T. COPELAND, 000–00–0000
DAVID S. POINTS, 000–00–0000
ALICE A. PRUCHA, 000–00–0000
JAMES C. TAYLOR, 000–00–0000
KENNETH R. TOTTY, 000–00–0000
JILL H. VOTAW, 000–00–0000

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be commander

TIMOTHY M. ACHORN, 000–00–0000
NANCY W. ADOLPHSON, 000–00–0000
DAVID R. ANDERSON, 000–00–0000
EDDIE G. ANDERSON, 000–00–0000
ELIZABETH A. BAKER, 000–00–0000
RANDALL L. BAKER, 000–00–0000
CARYN F. BARRY, 000–00–0000
ELINOR U. BARTLETT, 000–00–0000
YELONDA D. P. BESS, 000–00–0000
NANETTE L. BEVAN, 000–00–0000
WANDA O. BISKADUROS, 000–00–0000
GARY R. BLAZIN, 000–00–0000
THOMAS G. BOGSTED, 000–00–0000
CELIA A. BOOTH, 000–00–0000
CHERYL P. BOWEN, 000–00–0000
JAMES R. BRACKETT, 000–00–0000
ROBIN A. BRAKE, 000–00–0000
MARK L. CAMPBELL, 000–00–0000
RANDY G. CANFIELD, 000–00–0000
JAMES L. CHILDRESS, 000–00–0000
JULIANNE S. COCHRAN, 000–00–0000
JOHN E. CRUMP, 000–00–0000
MARGARET A. DEMING, 000–00–0000
JEFFREY P. DRURY, 000–00–0000
MICHAEL L. ELLSWORTH, 000–00–0000
WILLIAM R. EPPERSON, 000–00–0000
ELDON A. ERICSON, JR., 000–00–0000
MALORIE L. FITZGERALD, 000–00–0000
TERESA B. FOLTZ, 000–00–0000
WILLARD L. FORD, 000–00–0000
ANGELA M. FORWOOD, 000–00–0000
LINDA T. GAINES, 000–00–0000
TIMOTHY K. GAINES, 000–00–0000
LOUIS A. GALLEGOS, 000–00–0000
R. L. GILLEN, JR., 000–00–0000
JOHN S. GILLETTE, 000–00–0000
DONALD P. GLANDEN, 000–00–0000
CLAUDIA J. GLENNAN, 000–00–0000
ROBIN L. GRAF, 000–00–0000
FRED M. GRIMES, JR., 000–00–0000
LINDA A. HARBER, 000–00–0000
KENNY D. HARRIS, 000–00–0000
JOHN W. HAYES, 000–00–0000
LYLE E. HEDRICK, 000–00–0000
LINDA K. HERLOCKER, 000–00–0000
PEGGY G. HERRINGTON, 000–00–0000
THOMAS B. HILL, 000–00–0000
RAYMOND F. HODGES, 000–00–0000
THOMAS M. HOPFENSPIRGER, 000–00–0000
KATHLEEN M. JAMES, 000–00–0000
CAROYL D. JOHNSON, 000–00–0000
KATHERINE N. JUBLOU, 000–00–0000
GEORGE S. KACHMARIK, 000–00–0000
STEPHEN S. KELLY, 000–00–0000
CATHERINE R. KRAUS, 000–00–0000
RICHARD R. LEONARD, 000–00–0000
DOUGLAS L. LLOYD, 000–00–0000
VALERY L. LYTLE, 000–00–0000
ROMEO L. MANGLICMOT, 000–00–0000
CHARLES D. MASSEY, 000–00–0000
LAUREEN MC GOWAN, 000–00–0000
SUSAN E. MEEKER, 000–00–0000
ELISA R. MORRELL, 000–00–0000
JOHN P. MUELLER, 000–00–0000
MARY C. MURPHY, 000–00–0000
KATHRYN J. NUGENT, 000–00–0000
CAROL A.R. OHAGAN, 000–00–0000
ROBERT H. OLSEN, 000–00–0000
KIM A.D. OSWALD, 000–00–0000
PATRICIA A. PASTOR, 000–00–0000
PETER E. PETRELIS, 000–00–0000
VIRGINIA R. PINNEY, 000–00–0000
VALERIE J.P. PODET, 000–00–0000
CELESTE D. POPE, 000–00–0000
SAM REYNOLDS, 000–00–0000
FRANK RIDGLEY, 000–00–0000
ROBERT A. ROGODZINSKI, 000–00–0000
LORRAINE J. ROMANO, 000–00–0000
LISA A. SCHAEFER, 000–00–0000
ELIZABETH A. SCHNEIDER, 000–00–0000
JOHN P. SCHNEIDER, 000–00–0000
CATHERINE C. SCHOENER, 000–00–0000
DENNIS J. SNYDER, 000–00–0000
DAVID A. STANTON, 000–00–0000
TERYN A. STANTON, 000–00–0000
DOROTHY O. STRONG, 000–00–0000
UWANNA D. THOMAS, 000–00–0000
ROBERT J. VELIE, 000–00–0000
JOYCELYN B. WALTERS, 000–00–0000
ANDRAE WASHINGTON, 000–00–0000
CURTIS A. WEST, 000–00–0000
ERIK H. WHITE, 000–00–0000
GREGORY P. WHITTINGTON, 000–00–0000
JOHN C. WIEGAND, IV, 000–00–0000
MARTHA J. WILLIS, 000–00–0000
DONNA R. WINER, 000–00–0000
KEVIN P. WOLLEY, 000–00–0000

SPECIAL DUTY OFFICERS (FLEET SUPPORT) (TAR)

To be commander

JANET L. DEMENT, 000–00–0000
JENNIFER P. FORD, 000–00–0000
CAROL L. LUNDQUIST, 000–00–0000
JEAN M. SHKAPSKY, 000–00–0000
LINDA D. TANNER, 000–00–0000
TERESA C. TIPPINS, 000–00–0000

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

VICTOR E. DELNORE, JR., 000–00–0000
TIMOTHY J. DOWDING, 000–00–0000
DIANE C. DURBAN, 000–00–0000
BARBARA A. IVES, 000–00–0000
JEFFREY R. VANKEUREN, 000–00–0000
JOHN ZANOFF, III, 000–00–0000

LIMITED DUTY OFFICERS (LINE)

To be commander

LESTER J. BREEDEN, JR., 000–00–0000
HAROLD J. COSTELLO, 000–00–0000
CHARLES R. KRUMHOLTZ, 000–00–0000
HAROLD W. LAWRENCE, 000–00–0000
WAYNE T. NEWTON, 000–00–0000
GUSTAV J. STANGLINE, 000–00–0000
JOHN L. ZIMMERMAN, 000–00–0000

EXTENSIONS OF REMARKS

AN APPEAL TO PRESERVE THE U.S. BUREAU OF MINES

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. OBERSTAR. Mr. Speaker, minerals are the building blocks of modern industrial society. Americans consume 75 percent of the world's entire minerals production: four billion tons a year—that's 20 tons per capita, the highest per capita mineral consumption of any country in the world.

Yet, our domestic self-sufficiency in minerals has deteriorated over the last decade and a half, as the mining industry has, increasingly, turned to ore deposits that are leaner, deeper and more costly than those of the past.

Minerals exploration has declined in America; new mine development has dropped; and, smelting and refining of American ores have regressed. Yet, mineral demand has increased and will continue to grow. Last year, our output of raw, nonfuel minerals was estimated at $34 billion—a value growth of about 6 percent over 1993.

In 1974, the year I was elected to Congress, the value of both raw and processed minerals imported into the United States was $9 billion. Three years later, when former Congressman Jim Santini and I organized the Congressional Minerals Caucus, we pointed out, in a White House meeting with then-President Carter, that mineral imports had jumped to $21 billion.

Today we import $44 billion in nonfuel minerals and we have a $17 billion deficit in minerals trade.

More alarming than the trade deficit figures, is the fact that of the 44 strategically important minerals, the United States imports 25 of them to the extent of more than 50 percent of domestic needs: 100 percent of our manganese, 79 percent of our cobalt, and 66 percent of our nickel—all of which, incidentally, are vitally important to steelmaking.

Moreover, for a wide range of strategic and critical minerals, we are dependent upon countries with a history of social and political instability, making the United States vulnerable to events over which we have little influence or control.

These are sobering facts for this $360 billion industry, which employs almost 2 million workers and provides a more than $4.5 billion payroll.

We, in Minnesota, know how crucial minerals are to the economic strength of the Nation and to our national security—we have supplied the iron ore for the domestic steel industry to carry America through two World Wars, Korea, Vietnam, and other military actions of this century—nearly 4 billion tons of iron ore.

Our mining industry must have the most efficient extraction, processing, and refining technologies possible to lower the minerals trade deficit, and without the Bureau of Mines and a coherent national minerals policy our economy will be hurt, and we will be limited in our ability to compete in the global marketplace.

We northern Minnesotans also know that research has been the key to keeping our iron ore mining industry competitive. For us, that has meant the University of Minnesota School of Mines and brilliant researchers, lie Dr. E.W. Davis, the father of taconite, and the Twin Cities Research Center of the U.S. Bureau of Mines. The Taconite Enhancement Committee that I founded 3 years ago has worked hard to combine the School of Mines, the U.S. Bureau of Mines, the Natural Resources Research Institute, and private sector engineering and research capabilities into a coherent, cohesive effort to keep the mining and processing of Minnesota ores ahead of the state-of-the-art and to keep our region economically competitive.

The House Appropriations Committee's action to abolish the U.S. Bureau of Mines will be a very serious blow to our future competitiveness. Should this nefarious proposal succeed, it will eliminate a program that has created more jobs and generated more tax revenue every year than any other governmental initiative on behalf of the mining, minerals, and metal industry.

The Bureau has a long tradition of innovation that has advanced the state of the art of mining and minerals processing, creating new industries, revitalizing old ones, and in some cases saving industries that have been threatened with extinction due to economic or regulatory constraints.

I am going to mention just a few of the Bureau's contributions, beginning with the Tilden Mine operation in the Upper Peninsula, Michigan. The Bureau developed a process called selective floatation to treat the low-grade ores now being mined at Tilden during a 10-year research project whose investment totaled $2.5 million—from 1961–1971. During the subsequent 21 years that the Tilden has been operating, over 98 million gross tons of high-grade iron ore pellets have been produced with a value of over $3 billion. Total production taxes generated over this time period were approximately $85 million. In 1994, production at the Tilden Mine was 6.1 million gross tons which represents approximately 11 percent of America's 56.7 million gross tons of iron oxide pellets and well over 800 employees are currently employed. That is an impressive return on investment—a very modest investment, at that.

GOLD AND SILVER MINING TECHNOLOGY

Gold and silver mining in this country was in rapid decline until the Bureau developed advanced technologies which reversed that trend. The Bureau's contribution in these technologies over the last 10 years is approximately $9 million. In 1993 there were 68 active heap-leaching operations in Nevada alone, using Bureau technology. The gold mining in Nevada contributes $2.7 billion to the economy. Only South Africa and Russia produce more gold than the State of Nevada. Considering the nature of the Nevada gold deposits, without Bureau technology, the industry would likely be only 20 percent of the current output.

REACTIVE METALS INDUSTRY

The Bureau's $10 million investment developed the Kroll Process and the consumable-electrode, arc melting process which are used to extract titanium and zirconium. Titanium is used in making jet engines and zirconium is an essential component in nuclear reactors. Without the developments of these processes, we would lose over $140 million in annual production, and our aviation industry would be dependent on foreign mineral resources and our nuclear power plants would be much less safe.

MANGANESE

Here, in Minnesota, the Bureau has been vigorously involved over the past 8 years in a research project now reaching fruition to extract the more than 2 billion pounds of manganese reserves on the Cuyuna Range and to produce an economically competitive product, the mining and processing of which can restore jobs and renew economic vitality on the Cuyuna Range.

The Bureau of Mines has already taken its fair share of funding reductions and they are already going through a reorganization and downsizing which can be felt throughout the mining industry—facilities in Denver, Reno, Anchorage, and Spokane will be closed, the Mineral Institutes program, which supports minerals research at 32 universities, will be eliminated, and administrative and informational offices across the country will be streamlined.

The Bureau of Mines continues to succeed in its mission to help ensure that the Nation has an adequate and dependable supply of minerals and materials for national security and economic growth at acceptable economic, human, and environmental costs.

We need national research centers for the development of minerals technologies and we need a national minerals policy, and I am afraid that without a coordinating agency, like the Bureau, to work in cooperation with industry, communities which depend economically on mining will drastically suffer.

I deplore the action to terminate the Bureau of Mines, in an appropriation bill—without debate or opportunity to amend that provision. I urge the Senate to restore viable funding for the Bureau, and I further urge the House conferees to recede to the Senate on this point, and preserve this small, highly productive agency.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, as well as several Related Agencies.

Mr. Chairman, traditionally, the Labor-HHS-Education bill has been one of the most important bills before Congress each year. It funds programs that are key to the Nation's well-being: health, education, social and employment services that touch every person in the United States and provide the means for all of us to live healthier and more productive lives.

That is why this bill, this year, is such a tragic mistake. Its initial problem was the misguided priorities the Appropriations Committee used in allocating spending authority among the subcommittees. A grater problem is the equally misguided priorities used in writing the bill.

No amount of tinkering will make H.R. 2127 livable, Mr. Chairman; the Appropriations Committee should simply tear it down and rebuild it from the ground up.

In many ways, H.R. 2127 is a 180-degree turn from the priorities in last year's bill, in which, even within tight budgetary limits, we were able to strengthen the Nation's investment in our youngest children by increasing funding for Head Start and Healthy Start.

We were able to increase funding for title I, our country's primary mechanism for assisting disadvantaged children, and continue to fund Pell grants and Federal students loans, strengthening our commitment to access to higher education regardless of one's ability to pay.

We were able to strengthen our ability to save lives and improve health with increases for critical public health, health research, and health care programs.

We were able to increase funds for key employment and training programs.

H.R. 2127 is in sharp contrast to those priorities.

It cuts Head Start—cuts Head Start, Mr. Chairman—and whacks 50 percent out of Healthy Start.

It guts spending for title I and for bilingual and migrant education, and totally eliminates funding for Safe and Drug-Free Schools, Dropout Prevention, vital literacy programs, and Goals 2000, President Clinton's ambitious plan to prepare our children for the 21st century.

Minor increases in certain health spending come at the expense of an important family planning program and both the Office of the Assistant Secretary of Health and the Office of the Surgeon General, all of which are eliminated under this bill.

It slashes key employment and training programs and kills the summer youth program.

Just as hundreds of unfortunate people have died in the nationwide heat wave, it kills the Low-Income Home Energy Assistance Program.

And so far, Mr. Chairman, I have referred only to the funding priorities in this bill.

The limitations and legislative provisions in H.R. 2127 are far-reaching meddling in issues under the jurisdiction of authorizing committees.

Among other things, they threaten the health and safety of women, the safety and rights of working people, and the ability of Federal grantees to share their expertise with or represent the needs of their members and clients before policymakers.

Mr. Chairman, this cruel bill makes victims of the most vulnerable people in our Nation, our children, our seniors, our minorities, even our increasingly beleaguered working people.

There is just no reason to support such a mean-spirited bill. I urge my colleagues simply to vote it down and let the Appropriations Committee try again to produce a new bill that will deserve the support of the House.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2127, the Labor–HHS–Education appropriation for fiscal year 1996. More than any other legislation, this bill represents an all-out attack against working families. This bill is, in fact, an assault on American working families. Under the Republican leadership this bill targets the very programs that help working families to get ahead and to make a better life for their families.

This legislation seeks to return to the sad days of the 1930's, yesterdays work environment, when the working man and woman was nothing more than a tool for corporate interests—discarded when broken on the job. This antiworker bill eliminates the concept of a fair day's pay for a fair day's work. This legislation attempts to silence the voice of American workers by undermining their right to seek fair representation in the workplace through law. This legislation attacks the children of working families by putting them at risk in the workplace and by denying them the essential education assistance that they need to get ahead.

Mr. Speaker, denying our children the opportunity to attain requisite skills is perhaps the most wrongheaded and heartless feature of this measure. The families and working people that I represent work hard to provide for their families. Some are more fortunate and can plan ahead for their children's education. Others have to struggle to meet the day-to-day expenses. To cut vocational education, student loan and grant programs slams the door to opportunity in the face of youth from working families and destroys their dreams of a good life.

Mr. Speaker, I most strenuously object to the treatment of basic worker rights and protections in this spending legislation. Today on the House floor, the term ''workers' right to know'' has taken on a different meaning. In the past that phrase referred to the right of workers to know when they worked with materials hazardous to their health. Today, workers' right to know, should be a warning that congressional actions are hazardous to workers' health and rights.

As the House considers this Labor–HHS appropriations, C–SPAN should include a workers right to know disclaimer that this bill is hazardous to workers. This workers' hazardous warning should point out the impact of the bill on:

Workers health—a 33-percent cut in OSHA which means that thousands more American workers are going to be injured or die on the job. Workers' lives, health, and safety are at risk on the job. Over 1.7 million workers are seriously injured on the job each year. The cuts in OSHA will only exacerbate the situation.

Workers pay—workers are getting shortchanged by this legislation. The 12-percent cut in the employment standards administration means that businesses can ignore minimum wage and overtime requirements with impunity.

Workers' rights to representation—this legislation denies workers a fair chance to unite to fight for themselves and their families. The 30-percent cut in the Labor Relations Board will do more than tilt the management-labor playing field in favor of the companies. This cut will lock out the unions and frustrate workers' ability to be represented and achieve positive results.

This bill will also have a disastrous impact on education in this country. This measure denies opportunity for our youth, cutting programs designed to equip them for the world of work.

And the litany of cuts to education programs goes on with cuts to Head Start, title 1, safe and drug-free schools and summer jobs programs which in essence strike at our most vulnerable children and most apparent needs evident in today's America. Eliminating programs to help communities train teachers and improve student performance are a slap in the face to a nation that places education as a No. 1 priority. Limiting access to higher education and job training programs pulls the ladder to a better future away from the young men and women who will be charged to lead our Nation into the next century.

For my State of Minnesota alone this means that, in 1996, 2,081 children would be denied Head Start, 14,000 students would go without title 1 education benefits, over 5,000 Minnesota youths would miss their first summer job opportunity, 658 young people would be denied the chance to serve in Americorps,

154,000 college students would pay significantly more for college, and job training opportunities for 3,408 dislocated workers would be refused.

Education is a core value shared by all Americans; they realize that an investment in education is an investment in our future. Our Nation benefits greatly from developing the skills and abilities of future generations. Support for education helps citizens build a better future for themselves, their families, and America by contributing to a successful and stronger overall economy.

Indeed, an educated population—along with the roads, airports, computers, and fiber optic cables linking it up—today determines a nation's standard of living and a country's ability to compete. Nothing is more critical to the future economic success of America than making sure that all Americans possess the education and skills they need to compete and succeed in the global economy. Education is the key to a nation's success. When Congress cuts education programs, we all lose. That is why the distorted priorities of this spending measure are so ironic.

Education funding is less than 2 percent of the total Federal budget, yet it plays a critical role in enhancing the self-reliance, economic productivity, and well-being of our Nation's populace. Cutting education is a short-term solution that will cost us dearly in the long run. Some may boast of fiscal discipline and deficit reduction, but if we add so much to the human deficit, the education and job deficit, what have we accomplished?

This legislation also contains provisions that would seriously harm family planning activities in this country, which could have disastrous effects on the health and security of American families. The legislation we are considering today zeros out funding for title X of the Public Health Services Act, a cornerstone of the Federal family planning program since its inception in 1970. Title X provides family planning and health services to low income and uninsured women across the country who would, without title X, have no other means of attaining these or other primary health care services. Along with family planning services, title X provides valuable medical services such as cancer screening and mammograms and prenatal care.

Government expenditures on family planning services such as those funded through title X have been linked to lower rates of abortion, fewer cases of low birthweight babies, increased utilization of prenatal care, and fewer infant deaths. In 1989, Government-funded family planning activities prevented an estimated 1.2 million unintended pregnancies, eliminating the need for 516,000 abortions. Allowing women access to these family planning programs also saves money in the long run in medical expenses, welfare payments, and other services associated with unintended pregnancy and childbirth.

Another provision of this legislation which deeply concerns me is the projposal to zero out the funding for the Low-Income Home Energy Assistance Program, known as LIHEAP. As a member from one of the coldest States in the Nation, I am alarmed by the potential impact of this mean-spirited action. In 1994, approximately 6.1 million households received aid to help cover heating costs. Nearly half of these households contain elderly or handicapped persons, and about 80 percent of them earned less than $10,000 a year. Where are these people to turn when they can no longer afford to heat their homes? Where are my constituents in St. Paul to turn when the temperature drops to 30-degrees below zero and they do not have the money to pay for heating fuels.

The majority's answer to us is that the States and the utility companies will pick up the tab—apparently some in WDC believe that the local government and utilities are ready and waiting to excuse utility bills. Well the reality of the situation is that by zeroing out LIHEAP, the Republicans are leaving many poor families out in the cold.

There is a better way; not all of the cuts need to be made from people programs. The Pentagon, space programs, and corporate welfare grants, are just some of the other Federal programs that should also be subject to fiscal discipline. Surely the process of digging the deficit hole deeper with new tax breaks for corporations and investors by hundreds of billions of dollars would not be even considered, not if good policy is the issue. But, of course, the issue isn't fair policy or good policy, the issue is politics. The issue is ideology of dismantling the Federal Government and impairing the ability of the Federal Government to empower people, hence the attack is directly on this legislation involving working men and women programs and their families needs.

Mr. Speaker—the Labor–HHS appropriations is an assault on American working families. I urge my colleagues to stand up for the backbone of our Nation and to vote ''No'' on this antiworker bill.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. POSHARD. Mr. Chairman, I rise in strong opposition to this bill. I am vehemently opposed to the wide range of attacks this bill launches on the American people.

This is the 7th year I've been through the appropriations cycle in the House. I regret to say this may be the most disappointing appropriations bill I've ever voted against.

Let me say that I know my good friend and colleague, Chairman JOHN PORTER, has had to make a lot of tough choices. I don't want my criticism of this bill to be construed as any criticism of him.

But I am compelled to say that this bill is not right for the American people.

I represent central and southern Illinois, America's heartland, an area of corn fields, oil wells, coal mines, and some of the world's leading manufacturers. I represent good, hard-working people.

As I travel the district, I hear the growing fears of workers who see their jobs put at risk by unwise trade agreements such as NAFTA. I hear from miners and factory workers who fear the loss of life and limb in their dangerous lines of work if we gut labor protection laws. And I hear from families who are trying to do more with less, who see their productivity on the job remaining high while their wages don't keep up with inflation.

More specifically, in the 19th District of Illinois, we have two tremendously difficult situations which face our communities. On the northern end of the district, Decatur is home to three contentious labor and management disputes which have affected thousands of workers, their families and the entire community. I have encouraged labor and management to meet each other at the bargaining table to resolve their differences. One key element in the collective bargaining process is the existence of the National Labor Relations Board, which this bill will cut by nearly 30 percent.

The bill also eliminates the Presidential order barring permanent replacement of workers who are striking against companies with Federal contracts. Let me again emphasize, I support the collective bargaining process which has served this country well. But part of that process must include the right of men and women to strike without being permanently replaced. This bill takes sides against workers who are exercising their bargaining rights and should be changed.

In the southern part of the 19th District, men and women have for years fueled the economy of this Nation by mining the coal found hundreds of feet into the belly of the earth. Things are much better than they used to be, but those are still dangerous jobs. This bill cuts funding for the Occupational Safety and Health Administration's enforcement budget and limits its ability to act in certain instances. Surely this country is rich enough to make sure that people can go to work with out best efforts to make sure they have a safe place in which to work.

We also have men and women who've worked in the coal mines for decades and have lost their jobs because the Clean Air Act has closed down markets for the coal at their mines. These people need new jobs—quite often they need training to help them come back into the work force—but this bill provides $166 million less than current spending and $255 million less than the administration request for adult job training. The same is true for the dislocated workers program—$378.5 million less than current spending and $546 million less than the administration request.

Those are tough numbers at a time when the American economy is in transition and people are discovering that the jobs they used to have are gone, or the ones they have could be pulled out from under them at a moment's notice. We don't guarantee anyone a job for life, but we ought to recognize that changes in the world economy impact real people, who want to buy a car, send their kids to college, and support their communities. They need help doing that, so that if their job disappears, they don't have to spend months on unemployment and we can help them get back into the work force.

And what investment are we making in our children? We're reducing funding for title I programs which help school districts which have

students from low-income families. The bill reduces funding for Head Start, student loans, summer jobs, and school-to-work programs.

At this point in time, I enter into the RECORD the variety of changes being made to programs which serve working people in my State and district.

SELECTED CUTS IN THE LABOR–HHS–ED BILL BELOW THE FISCAL YEAR 1995 RESCISSION LEVELS

Program	Nationwide cut	Illinois cut
Summer Jobs	$867,070,000	$34,955,000
Dislocated Worker Training	378,550,000	13,104,000
Adult Training	166,813,000	6,785,000
Older American Employment	46,060,000	1,724,000
Title I, Comp. Education	1,143,356,000	54,142,000
Goals 2000	361,870,000	15,993,000
Safe and Drug-Free Schools	240,981,000	10,167,000
Teacher Training Grants	251,207,000	10,904,000
Vocational Education	272,750,000	10,577,000
State Incentive Grants	63,375,000	3,423,000
Senior Nutrition	22,810,000	1,015,000
Head Start	119,374,000	5,857,000
Low-Income Energy Assistance	965,940,000	56,108,000

Mr. Chairman, I know we need to cut the budget and get our financial House in order. I've made plenty of tough votes to cut spending, eliminate programs and do without things which could not be identified as priority items.

This bill might not be so objectionable were it not for the fact that so many of these cuts are being used to finance an ill-advised tax cut which will accrue almost entirely to the highest wage earners in the country. I've voted for a budget proposal by moderate Democrats which gets us to balance in 7 years. Believe me, that plan has some tough cuts in it—any credible plan does. But we ignore the siren's call for tax cuts and put our spending cuts on deficit reduction.

I know tax cuts sound good and are popular on their face. But the best tax cut we could possibly give our families and our country is a cut in deficit reduction.

That is why I so strongly oppose this bill. The priorities are out of order, the cuts are out of balance, and the attack on the American people is out of bounds.

I strongly oppose this bill and urge its defeat.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. MINETA. Mr. Chairman, I rise today in strong and unequivocal opposition to this grotesque piece of legislation. If ever we needed an example of the skewed priorities of the new majority in this House, this bill is it.

In the area of health and human services, vitally important programs have been completely terminated:

Black lung clinics, the Native Hawaiian Health Care Program, AIDS education and training, substance abuse prevention and training, the National Vaccine Program, rural health grants, developmental disabilities projects, the elder abuse prevention program, aging research, preventive health grants, and funding for the Federal Council on Aging—all would disappear under this bill.

The bill eliminates the Office of the Assistant Secretary for Health and the Office of the Surgeon General—the two offices which are on the front lines of coordinating American public health policy.

The bill cuts almost $400 million from Substance Abuse and Mental Health Services Programs, and $15 million from homeless and runaway youth programs, a $288,000 cut for child abuse prevention, and a reduction of $2 million from the fund for abandoned infants assistance.

The bill cuts the Office of Civil Rights at the Department of Health and Human Services by $8 million—a reduction of almost 40 percent.

The bill contains four provisions that roll back women's reproductive health care and seriously undermine women's rights to make fundamental choices about their bodies and their lives.

It eliminates title X funds for family planning—which 83 percent of women receiving Federal family planning services rely on. This makes no sense, socially or fiscally. Every government dollar spent on contraceptive services saves an average $4.40 in expenditures on medical services, welfare, and nutritional services associated with unintended pregnancies and childbirth.

Title X funds are not used for abortions—they are used for family planning and birth control. This bill would deny millions of women access to all major methods of family planning—cutting them off from the help they need to make informed personal decisions about their own health and well-being.

The bill would also deny Medicaid funding for abortions for rape and incest survivors. Up to 1 in 3 women will be victims of rape or attempted rape in their lifetime. A woman living in poverty who has already been brutally victimized would be victimized yet again by being forced to bear a child against her will.

I also rise in opposition to the provision in this bill to undermine the Accreditation Council on Graduate Medical Education [ACGME] requirement for medical instruction in abortion. Any reduction in the number of doctors who are properly trained to perform abortions will place women at greater risk of losing access to safe and legal abortions. The right of women in this country to exercise control over their own bodies, and choose whether or not to have a child must not be eroded.

The bill is also an attack against the most vulnerable members of our communities: Children and senior citizens.

It would cut 50,000 eligible children from Head Start and cut the Healthy Start infant mortality initiative by half. These programs prepare our children for school and provide support for their parents to help them leave welfare and become independent.

In another short-sighted move, the bill would eliminate the Summer Youth jobs program, leaving 600,000 youth without work next summer. 2,500 young people will lose summer jobs in my hometown of San Jose alone.

The bill would cut total job-related spending on disadvantaged youth by more than half, denying them the work experience and education assistance they need to become productive members of society rather than turning to crime or welfare for survival.

Education is the most important investment our country can make for meeting the challenges of the 21st century, but the plans in this bill to eliminate or cut a host of education programs will leave us unprepared to compete in a changing world economy.

First, the bill would completely eliminate the Goals 2000 program for statewide school reform. Over 1,800 schools in 226 districts in California had planned to participate in local level reform emphasizing early literacy and mathematics, demonstrating the importance of this program. The elimination of the Eisenhower Professional Development program would also remove my state's primary source of support for professional development.

Even though Americans rank safety and drug use as their priority concern in schools, the bill would cut the Safe and Drug-Free Schools Program by 57 percent.

Education programs targeted toward the disadvantaged students are an essential investment for lifting them out of poverty and preparing them to become productive members of society. Cuts to Title I programs would affect services to 209,000 disadvantaged children in California. One-quarter of California's elementary school students have limited English proficiency, and the proposed 74% cut in bilingual education will decimate our programs that serve these students.

To compete in the information-based, global marketplace of the 21st century, our students need practical job skills. Yet the bill would cut vocational and adult education and the School-To-Work program that would allow them to contribute to our economy.

The proposed $162 million cut in Special Education Programs under the Individuals with Disabilities Education Act would virtually eliminate nationwide efforts to help provide 5.6 million children with disabilities with the education they need to live independent, self-sufficient lives.

Mr. Chairman, though these cuts might save money in the short term, they deny children already facing tremendous challenges the education and skills they need to become productive members of society.

The investments we made now in our children are essential for the future of this country. Our children deserve better than this.

Our seniors will also be hard hit by the Republican Appropriations bill.

Many seniors rely on senior nutrition programs as their only or primary source of daily food—but the bill would eliminate 12 million meals through cuts in Congregate Nutrition Services and the Meals on Wheels programs.

The elimination of the Low-Income Home Energy Assistance Program is an appalling move in the face of the hundreds of seniors who have died in the last month from lack of air conditioning. Next winter, thousands more seniors will be freezing in the dark.

Finally, the bill would eliminate the long-term care ombudsman program, which protects the most vulnerable group of senior citizens—those in nursing homes—from abuse, neglect, and fraud.

These provisions will only hurt those who have the least ability to cope with the attack. I do not believe that our budget should be balanced on the backs of our senior citizens and children—and especially not on the backs of the most vulnerable.

The anti-worker provisions in this bill constitute nothing less than a full-scale attack on basic rights of working Americans.

Six thousand American workers are injured on the job each day, costing businesses $112 billion each year. In California alone in 1993, 750,000 workers suffered from occupational injuries and illnesses and 615 workers lost their lives while doing their jobs.

In my district, workers face dangers from working with solvents, acids, metals, and toxic gases that can cause birth defects, cardiopulmonary problems, and damage to vital organs such as liver and kidneys.

The Occupational Safety and Health Administration [OSHA] has succeeded in reducing on-the-job injuries by 57 percent since its inception. OSHA does have problems that need to be addressed. It needs to be made more efficient and to provide meaningful incentives to employers to provide safe and healthy workplaces. But OSHA should be fixed, not dismantled.

This bill would force OSHA to close half its offices and shed half its inspectors, resulting in as many as 50,000 more injuries and deaths to hard-working Americans.

Limited to the resources provided under this bill, OSHA inspectors would need 95 years to inspect each workplace in my State just once.

Furthermore, in yet another example of backroom legislating on an appropriations bill, the Republicans are restricting OSHA's development of ergonomic standards. Musculoskeletal injuries from repetitive motions account for 30 percent of lost workdays due to injuries and illnesses and more than $2.7 million annually in workers compensation claims. Ergonomics, the science of physically fitting a job to a person, can reduce serious injury and illness and improve worker productivity and quality.

Yet the bill would prohibit OSHA from even conducting research to develop ergonomic standards that could help save millions of dollars and prevent hundreds of thousands of injuries. The cost to our society goes beyond the value of these claims. Workers who are disabled at unsafe workplaces end up on our unemployment and welfare rolls.

Those workers who lose their jobs will face a tougher time finding work under this bill. It would deny retraining and benefits to 273,000 dislocated workers and 84,000 low-income adults. The employment and training budget has been cut $2.5 billion below 1995 levels. A $357 million cut in California's education and training programs will force my State to drop 200,000 participants.

Finally, the right of working people to bargain collectively would be weakened through drastic cuts in funding and authority of the National Labor Relations Board [NLRB] and the prohibition on enforcement of the President's Executive order on striker replacements.

Hardworking Americans have basic rights to a safe and healthy workplace and to organize for these and other rights. The Republicans would take our worker protections back by decades.

This has been a fractious budget cycle so far, and I expect that it's going to get worse. Those who say that balancing the budget requires that priorities be identified are absolutely correct: and the priorities of the Republican leadership are coming through loud and clear during this Appropriations cycle.

If you're a corporate polluter who wants the government to just leave you alone—you're in luck.

If you're a defense contractor who wants to sell a few more of those planes—even if the Pentagon doesn't want them—you're in luck.

If you're an employer with an unsafe workplace and you just wish those busybodies at OSHA would leave you alone—you're in luck.

If you're cheating your employees by paying them less than the minimum wage, and you think it would be great if those guys at the Wage and Hour Division of the Department of Labor didn't have time to deal with you—you're in luck.

But if you're a senior citizen who's wondering whether to buy medicine or food this month, or a poor mother hoping for a better education and a better life for your children, then this bill has a message for you: You're on you own.

That's a message which I can never vote to send to the people of this country, and I urge my colleagues to vote down this bill.

Thank you, Mr. Chairman.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. YOUNG of Florida. Mr. Chairman, I rise to commend the chairman of our subcommittee for his leadership on this bill under the most difficult of circumstances. Discretionary spending in the bill we consider today is $9.2 billion below the 1995 bill, a reduction of 13 percent. This is the reduction required by the allocation given our subcommittee under the direction of the House Budget Committee.

Needless to say, our subcommittee was required to make some very difficult decisions and to establish spending priorities for fiscal year 1996. The criteria we used emphasized programs that work well, provide the maximum return on our investment in them, and save lives. We also sought to make better use of Federal funds by eliminating or consolidating duplicative or ineffective programs to provide maximum program dollars and minimum bureaucratic overhead. In all, 170 programs were terminated in the bill.

High priority was given to continued funding for the National Institutes of Health, which received $642 million or 5.7 percent over the 1995 level. NIH remains the preeminent biomedical research program of its kind anywhere in the world. Our investment in unlocking the mysteries of many diseases and determining effective and lifesaving treatments is repaid many times over in lower health care costs, a higher quality of life, and a cure for many diseases for which there was no successful treatment just a few years ago.

We have made great strides in the war on cancer, heart disease, stroke, diabetes, mental illness, and other diseases that rob the young and old of valuable years of life and leave many disabled and suffering. As with any battle when we are so close to victory on many fronts, now is not the time to retreat from our commitment to remain the world leader in this field.

One area of special interest where a small but continuing investment by our committee over the past few years has paid off is the National Marrow Donor Program. Through advances in research sponsored by NIH, doctors and researchers determined that unrelated bone marrow transplants were just as effective as related bone marrow transplants in curing patients diagnosed with leukemia or any one of 60 other fatal blood disorders. The problem, however, was the lack of access to a large pool of prospective unrelated individuals who might have matching bone marrow for patients in need of transplants. With the great diversity in the genetic makeup of people, the chances of finding a matched bone marrow donor range from 1 in 20,000 to 1 in a million.

Having brought the need for a national registry of potential bone marrow donors to the attention of our committee in 1986, I am proud to say that my colleagues have provided support to me in this effort every step of the way. The result of this effort is a program that is a true medical miracle which is saving lives every day throughout our Nation and around the world.

The National Marrow Donor Program now maintains a registry of 1.7 million prospective donors and is growing at a rate of 36,000 donors per month. My colleagues may recall that early in my search for a home for the national registry, some Federal officials told me we would never recruit more than 50,000 volunteers who were willing to donate their bone marrow to a complete stranger.

We proved them wrong and in doing so have given a second chance at life to thousands of men, women, and children and the numbers are growing. As the registry continues to grow so do the number of transplants. More importantly, we have given hope to thousands of families who otherwise would have faced the prospect of certain death for a loved one.

Our committee has included in the bill $15,360,000 for the continued operations of the national registry under the oversight of the Health Resources and Services Administration. Responsibility for the registry was transferred last year from NIH to HRSA. The U.S. Navy also continues to play a leading role in providing operational support and direction to the program with additional funding made available by our Appropriations Subcommittee on National Security.

Other small, but significant programs supported by our subcommittee likewise save lives. The Emergency Medical Services Program for Children celebrates its 10th anniversary this year and we have included $10 million to continue its operations. These funds increase public awareness and train health care professionals for the unique emergency medical needs of acutely ill and seriously injured children. Forty States have now established training programs to improve the quality of care available for children. The leading cause

of death for them continues to be accident and injury.

Children in the United States also continue to be at risk from illness due to the lack of timely immunizations, which can prevent diseases such as measles, mumps, and whooping cough. Unbelievably, our Nation continues to rank far below many lesser developed nations in the immunization rate for children. Our committee remains concerned about this problem and has consistently provided additional resources for childhood immunization programs. Again this year, we fulfill this commitment with increased funding to procure and distribute vaccines through public health centers and clinics.

We have made a significant investment in this bill in other areas of preventive health care. Funding is increased for the Centers for Disease Control to continue its breast and cervical cancer screening program, its surveillance for chronic and environmental diseases, screening for lead poisoning, tuberculous and infectious diseases, and for education and research activities to prevent injuries.

In another area of the bill, our committee maintained its commitment to the Social Security Program. For the first time, our committee has provided funding to a newly, independent Social Security Administration. Our bill includes $5.9 billion for the administrative costs of the program, a $300 million increase over the 1995 level, this despite the severe constraints faced by our committee.

This increase will enable the Social Security Administration to continue to make the investments necessary to automate agency operations based on a strategic plan that will improve the quality and efficiency of services. It will also allow for improvement in the processing of disability cases and in providing face-to-face phone service.

This reaffirmation of our support for Social Security sends a message that we strongly support the program, its almost 50 million current beneficiaries, and the countless millions of current contributors to the program who are future beneficiaries. We recognize the need to improve the efficiency and effectiveness of Social Security service delivery.

Mr. Chairman, we have had to make many difficult decisions in the preparation of this legislation, but we have clearly defined some high priority areas in which the Federal Government must maintain its leadership responsibilities. This was not an easy task and it is one that will continue as this legislation moves through the House, Senate, and into conference.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OR REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAZIO. Mr. Chairman, this bill is an outrage, and it deserves to be rejected and repudiated by every Member of this body.

This bill is unfair to the people who depend most on our Government: Our children and the elderly. This bill is shortsighted. It does not provide for investment in students and workers—the very people who will grow our economy.

This bill cuts $6.3 billion from programs that average working families depend on.

Why? The unvarnished truth is that my Republican colleagues need to finance a tax break for wealthy Americans.

Every Democrat in this House is prepared and committed to bring our budget into balance, and provide a solvent, secure future for our children.

Yet, one-half of the cuts in this bill are stolen directly from the single best investment we can make in our future: education.

Overall spending on education has been slashed by nearly $4 billion. Few children have been spared. Some of the most significant and effective programs for kids—including title 1, school-to-work, and safe and drug-free schools—are subject to potentially crippling cuts.

It's an exhaustive list, and frankly, to reduce this bill to a series of programmatic cuts, masks the underlying meanness of this bill. In its breadth and scope, this bill is simply a monster of inequity.

If you are the principal wage earner in a hard-working family, or you have found yourself among the growing ranks of the working poor, and you desire to provide a brighter future for your children, this bill is a declaration of war.

This bill declares war on opportunity. This bill puts politics ahead of principle. This bill values pay-offs ahead of people.

This much is certain. The Republicans do not discriminate. If you are not on the receiving end of the Republican tax bailout—that is, if you are elderly, poor, young, unemployed, or just struggling to get by—you suffer in equal measure.

Seniors fare no better than our children. This bill sends a strong message to our senior citizens that their past efforts are no longer acknowledged, and that their current contributions are no longer appreciated.

This bill guts the Older Americans Act, including Green Thumb. It targets other programs which provide preventive health support, pension and Medicare counseling, and home meals to a growing senior population.

This bill undercuts the health and safety of American workers. It undermines the enforcement of hour and wage laws. It makes it more difficult for people who have lost their jobs to find new jobs by slashing job training.

Some of the most vulnerable members of our society are subject to the most extreme—the most harmful—and the most mean-spirited provisions in this bill. If this bill is passed, victims of rape and incest will no longer be guaranteed the right to an abortion.

I urge my colleagues to stand up for working families and reject this bill. Don't allow the GINGRICH Republican to sell us down the river so they can reward their wealthy friends.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. ISTOOK. Mr. Chairman, I have consulted with Mr. STUMP, chairman of the Veterans' Affairs Committee, regarding concerns raised by some veterans service organizations about the definition of grants in the provision of H.R. 2127 prohibiting use of Federal grants for political advocacy. They have long been furnished space and office facilities, if available, by the Department of Veterans Affairs for the free assistance and representation of veterans by veterans service organizations in making claims for their veterans benefits. The furnished space and facilities are specifically authorized by section 5902 of title 38. The VA is authorized under section 5902 to recognize the veterans representatives as well.

Chairman STUMP has informed me that the furnishing of space and office facilities for this purpose has never been considered a grant to veterans service organizations. The free assistance given to veterans by the service organizations is in fact of considerable benefit and value to the Government because the Government itself is legally obligated to assist veterans in making their claims.

Furthermore, Chairman STUMP has emphasized to me that the assistance and representation given to veterans by the veterans service organizations has not involved political advocacy in any way, shape, or form. The assistance has been solely for the purpose of helping individual veterans to make their claims for VA benefits. This free representation for veterans by veterans service organizations is unique. I know of nothing else like it and I want to see it continued.

Therefore, I want to make it crystal clear that there is no intent for this measure to apply to section 5902 of title 38. It does not. I have assured the veterans service organization that I will make every effort to make the legislation more specific about this point during conference.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. SERRANO. Mr. Chairman, the outrageous cuts to the Department of Labor and related agencies proposed by the Republican majority are a vicious attack on hardworking Americans.

The proposed cuts to OSHA enforcement, to the Wage and Hour Division, and to NLRB would result in a dangerous shift in the policies which protect working Americans. The prohibition on enforcement of President Clinton's Executive order banning striker replacement is but one example of the egregious and inappropriate legislating occurring on this year's appropriations bills.

From Youth Fair Chance, School-to-Work, and Summer Youth Employment, to the Job Training Partnership Act and Community Service Employment for Older Americans, opportunities for job training and employment are being severely reduced, and in some cases, completely eliminated. The funding cuts to the National Labor Relations Board and the Wage and Hour Division will mute two strong advocates for working people.

These programs are an essential part of providing opportunities for millions of Americans to achieve a decent standard of living. The cuts in this bill would move us farther and farther away from this goal. We cannot, with any conscience, allow these cuts to happen. This bill has devastating consequences for all Americans. I strongly urge defeat of this bill.

RECOGNIZING 13 RETIRED MEMBERS OF THE FREMONT FIRE DEPARTMENT FOR THEIR 370 YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. STARK. Mr. Speaker, today, I would like to pay tribute to 13 firefighters for their years of service to the city of Fremont. These firefighters have collectively provided 370 years of protection to the citizens of Fremont. In addition to their dedicated years of public service, these individuals also served their country in branches of the armed services. I would like to share with you and my colleagues some of their accomplishments.

Robert Andrade, over 29 years of distinguished service. Hired September 1, 1964, promoted to captain on April 16, 1972 and retired May 31, 1994. Captain Andrade made many significant contributions to the department, particularly in the training division and in fire hose and nozzle research and development. He served 3 years in the U.S. Navy and was active during the Cuban missile crisis.

Robert L. Asher, Jr., over 26 years of distinguished service. Hired January 3, 1967, promoted to captain on April 16, 1972 and retired June 9, 1993. Captain Asher served in the fire suppression division for the majority of his career, with 1 year in the fire prevention division. He coached little league baseball and CYO basketball for several years. He was also a volunteer assistant football coach at Ohlone College in Fremont.

Edward Bauchou, over 30 years of distinguished service. Hired March 15, 1963, promoted to engineer December 1, 1982 and retired July 1, 1993. Mr. Bauchou served in the fire suppression division his entire career. He also served 3 years in the U.S. Navy and was on active duty during the Korean conflict. Mr. Bauchou coached several years in CYO Basketball and in the city of Fremont youth baseball. Mr. Bauchou was a volunteer catechism and first aid instructor at Saint Leonard School in Fremont.

Richard L. Cabral, over 29 years of distinguished service. Hired September 1, 1964, promoted to captain July 1, 1979 and retired December 3, 1993. The majority of Captain Cabral's career was spent in fire suppression with years of exemplary service in the fire prevention division. He ended his assignment as the assistant fire marshal. Captain Cabral coached 8 years in CYO Basketball, little league baseball and youth football. He was also a volunteer football coach at St. Mary's High School in Berkeley, CA.

John R. Ford, over 25 years of distinguished service. Hired October 16, 1968 and retired December 15, 1993. Mr. Ford worked in the fire prevention division, was a member of the hazardous materials response team, and was one of the first tillermen on the department. He served 4 years in the U.S. Navy and also volunteered as a first aid and CPR instructor at the Church of the Latter Day Saints. He is currently active as a director at his local homeowners association.

Campbell G. Gillies, over 29 years of distinguished service. Hired on September 1, 1964 and retired March 1, 1994. Mr. Gillies was one of the first tillermen trained to work on Fremont's tillered ladder trucks. Mr. Gillies' entire career was in fire suppression. He coached 2 years of little league baseball and was also active in the Boy Scouts for about 5 years. Mr. Gillies served for several years as the president of his local homeowners association in the Mission San José area of Fremont.

Robert A. Guardanapo, over 29 years of distinguished service. Hired on June 1, 1964, promoted to captain on April 16, 1972 and retired December 15, 1993. Captain Guardanapo's years of service were mostly in the fire suppression division, with 8 months in fire prevention. He coached for several years in CYO Basketball and has been an active member of the Elks Club for many years. Captain Guardanapo helped to organize the Desert Storm Veterans appreciation event in the city of Fremont.

Frank A. Horat, over 33 years of distinguished service. Hired on August 1, 1960, promoted to captain on April 16, 1972 and retired October 30, 1993. Captain Horat's years of service were all in the fire suppression division. He also served 8 years in the National Guard. He also coached 4 years with the Centerville Little League and 3 years with CYO basketball.

William J. Kaska, over 26 years of distinguished service. Hired on October 16, 1968 and retired on January 26, 1995. Mr. Kaska's years of service were all in the fire suppression division. He also served 3 years in the U.S. Naval Reserve. He was active in the Boy Scouts of America as an assistant scoutmaster for 35 years and coached 7 years in Fremont youth baseball. Mr. Kaska also assisted with the Fremont Fire Department Historical Project.

Donald H. Promes, 31 years of distinguished service. Hired March 15, 1963, promoted to captain on April 16, 1972 and retired June 30, 1994. In addition to Captain Promes' years as a suppression officer, he worked as a fire inspector investigator in the Fire Prevention Division for 7 years. He also served 6 months in the U.S. Army. Captain Promes coached Fremont youth baseball for 7 years and 8 years in CYO youth basketball.

John L. Schacherer, nearly 30 years of distinguished service. Hired on September 1, 1964 and retired August 1, 1993. Mr. Schacherer spent his career in fire suppression and was one of the first tiller-qualified firefighters. He also served in the U.S. Navy for 4 years.

Richard M. Schreiber, over 25 years of distinguished service. Hired on March 1, 1968, promoted to engineer on December 1, 1982 and retired on October 30, 1993. Mr. Schreiber spent his entire career in fire suppression and is especially remembered for his fabrication skills in apparatus outfitting. Mr. Schreiber also served 5 years in the Marine Reserves. His community service includes coaching little league baseball, CYO basketball and also youth track. Mr. Schreiber is currently volunteering as the Bucks Lake Homeowners Association director and is also on the board of directors for Gallippi Ranch. Mr. Schreiber was also an active PTA member for many years.

Philip L. Soria, over 29 years of distinguished service. Hired on September 1, 1964, promoted to captain on July 1, 1974 and retired August 1, 1993. Captain Soria served as the training officer of the Fremont Fire Department. As well as working several years in the fire prevention division, he was an acting battalion chief in his final year. Prior to joining the department, he served 3 years in the U.S. Army where he attained the rank of corporal. Captain Soria has coached many years in little league baseball, youth soccer, adult soccer and was also active as an adult soccer referee. Captain Soria was very involved in Fremont's Sister City Program. He delivered a donated fire engine to Fremont's Mexican sister city. Captain Soria was a volunteer adult literacy teacher and active as a room parent for his children's elementary school.

Mr. Speaker, I come before you today to recognize these men for all their years of public service and commitment to our community. On Friday, September 8, 1995, these individuals will be honored by local officials, their colleagues, friends and families at a dinner in Fremont, CA. I hope you and my colleagues will join me in congratulating these role models and wishing them well in their future endeavors.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. RAHALL. Mr. Chairman, it isn't often that a Member of this body would be tempted to rise in opposition to a bill, especially a funding bill, and to say unequivocally that there is so much in the measure to condemn it, that it is impossible to vote for good that is contained in it. Such is the case today, as I rise in strongest opposition to H.R. 2127 the Labor-HHS-Education appropriations bill for fiscal year 1996.

Mr. Chairman, using appropriations bills, such as this one and like many others we have debated recently on the floor of the House, to establish policy and make decisions best left to authorizing committees, is just reckless and irresponsible behavior. Such use of the appropriations process cannot be the decision of this or many other subcommittees, or even full committee chairmen. It is obviously being directed by those at higher levels in cooperation with outside interests.

The only thing of any real value in the Labor-HHS-Education appropriations bill are those provisions that protect the unborn. I strongly support every one of them. I commend the Members of this House who fought to get this antiabortion language in the bill, and I will do all that I can to keep it in the bill. But I cannot support the final product—even if all the pro-life language is preserved. I can't, in good conscience, do so. Let me tell you why.

Mr. Chairman, this bill decimates not only longstanding, vitally important, life-giving Federal programs for children, it also decimates longstanding workplace health and safety standards and the enforcement of such laws; it takes families earning at or below poverty wages and places them at greater risk of becoming homeless, by decimating labor laws and prevailing wages that keep them afloat. It takes those without jobs and tosses them aside like garbage—refusing to fund job search or job training programs so individuals can reenter the job market and care for themselves and their families and be contributing members of society. It attacks senior citizen programs to the point where I wonder: what is happening to us as a compassionate nation?

The bill cuts funding for programs that train and protect working Americans by 24 percent below last year's level. Training alone is cut by more than $1 billion; worker protection programs embodied within OSHA, the Employment Standards Administration, and the National Labor Relations Board are cut by $180 million. Legislative riders eliminate or restrict the ability to enforce collectively bargained agreements, a safe work environment, and child labor protections.

The bill nullifies the President's Executive order keeping Federal contractors from hiring permanent replacements for striking workers. Worse, the Labor-HHS-Education appropriations bill terminates black lung clinics that serve as the only caring, human, face-to-face contact for coal miners dying from black lung disease who are struggling to obtain appropriate life-giving health care, and who are struggling equally hard to qualify for benefits to enable them and their families to live in peace and dignity as they die of an incurable, progressive lung disease.

With respect to child labor laws, I could not believe it, until I read it, but this bill actually terminates a child labor law that protects 14-year-olds against being maimed or killed by balers—baling machines—that are almost too dangerous for adults to operate. Those who placed this language in the bill actually call it a job creating provision for youth even though it could be a job that kills.

These same members, in writing this same bill, Mr. Chairman, have terminated the summer youth job program for 14-year-olds and older youths—jobs that nourish rather than kill them.

The bill declares war on the Nation's senior citizens. Low Income Energy Assistance [LIHEAP] is terminated—so all the elderly folks who have had to choose between heating or eating every winter—are forced to choose to eat fewer meals in order to pay utility bills. Six million households receive LIHEAP assistance—two-thirds are seniors, and the rest are disabled.

To make matters worse for seniors, the minimum wage jobs that employ 14,000 seniors with incomes less than 125 percent of poverty are terminated—gone. Foster Grandparents and counseling programs to prevent MediGap ripoffs are cut.

Senior nutrition programs are cut by nearly $23.5 million—meaning that 114,637 fewer seniors will be able to get a hot meal at their senior center, and 43,867 frail elderly persons will be cut off from Meals on Wheels.

Millions of workers will be more vulnerable to employers who avoid paying even minimum wage, and who also avoid a 40-hour week, fair labor practices, and standards for safe work places.

Education overall is cut 18 percent below last year's level. Employment and training by 35 percent; other cuts include $2.5 billion in assistance to local schools, $266 million from drug-free schools and communities, and $66 million from the school-to-work program.

Student aid for college is cut by $701 million including a $219 million cut that terminates Federal contributions to Perkins loans and the SSIG scholarship program. Goals 2000 and the summer youth jobs program are eliminated.

Head Start is cut by $535 million below the President's request; President Bush's Healthy Start Program to lower infant mortality is cut in half.

Perhaps more than any other appropriations bill, the Labor-HHS-Education bill is the people's bill. When you make drastic cuts in this bill's funding, you are stabbing at the heart of this Nation—its people. For example:

Labor.—Translates into jobs and job training, safe workplaces, decent wages, and dignity of life that comes with the dignity of a paycheck.

Education.—Translates into quality of life for an educated citizenry, better jobs for better futures, for stable families. Most importantly, education translates directly into our national economic security, if not our national defense.

Health and Human Services.—Translates into quality of life for those in need of life-giving care, from cradle to grave, regardless of station in life or income.

How we can propose to make these funding cuts, and programmatic changes, and to disregard the educational needs, the health, well-being, and safety of every one of our constituents who rely upon us—while at the same time proposing to increase defense spending by $58 billion over the next 7 years? How can Members of this House decimate labor, health, and education programs in order to fund higher defense spending than any President has asked for in over 14 years, and this in spite of the fact that the cold war is over, the Soviet Union as a competing superpower is no more, and with communism on its knees?

This bill is, in all truth, beyond my understanding.

Hubert Humphrey said: The moral test of government is how it treats whose who are in the dawn of life—the children; how it treats those in the twilight of life—the elderly; and how it treats those who are in the shadows of life—the sick, the disabled, the needy, and the unemployed.

We have failed the moral test by bringing this bill to the floor of the House, and I am appalled.

Have we, finally, no shame?

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. MORELLA. Mr. Chairman, H.R. 2127, the Labor-Health and Human Services-Education appropriations bill, is loaded with legislative riders that have no place in an appropriations bill, and it cuts too deeply into critical programs. I will be voting against the bill unless major changes are made today.

First, I want to acknowledge Chairman Porter for his efforts. He was given an allocation that was significantly lower than the fiscal year 1995 allocation, and he did his best to craft an acceptable bill. He also opposed the many riders attached in the full committee. I am strongly supportive of the 6 percent increase in funding for the National Institutes of Health, the increased funding for breast cancer research, and breast and cervical cancer screening, increased funding for the Ryan White CARE Act, the funding for the Violence Against Women Act programs in the bill, and the preservation of the DOD AIDS research program.

Unfortunately, I cannot support the bill for many reasons. I am strongly opposed to the changes made in the full committee. The most egregious amendment eliminates funding for the title X family planning program, transferring the funding to block grants. To eliminate this program when we are trying to end welfare dependency and reduce the number of abortions and unwanted pregnancies is an outrage.

Not only does the transfer to block grant programs fail to ensure that the $193 million for title X will go to fund family planning programs, but the very nature of the block grants

selected ensures that this funding will be drastically reduced. The maternal and child health block grant includes many set asides, resulting in the diversion of $84 million of the $116 million transferred from title X. Thus, 70 percent of the money transferred to this block grant could not go to family planning services even if States wanted to earmark the funds for that purpose.

Later today, Representatives GREENWOOD and LOWEY will be offering an amendment to restore the funding for title X. Congressman SMITH will then offer an amendment that restates the bill's provision to eliminate the funding for title X. The Greenwood-Lowey amendment includes specific language clarifying what is already the case for title X—no funding can be used for abortion, nor can funding be used for political advocacy. Title X prevents abortion—these clinics are prohibited from providing abortions or directive counseling.

I will also be offering an amendment later today with Congresswoman LOWEY and Congressman KOLBE to strike the Istook language in the bill allowing States to decide whether to fund Medicaid abortions in the cases of rape and incest. This is not an issue about States' rights. States can choose to participate in the Medicaid Program; however, once that choice is made, they are required to comply with all Federal statutory and regulatory requirements, including funding abortions in the cases of rape and incest. Every Federal court that has considered this issue has held that State Medicaid plans must cover all abortions for which Federal funds are provided by the Hyde amendment.

Abortions as a result of rape and incest are rare—and they are tragic. The vast majority of Americans support Medicaid funding for abortions that are the result of those violent, brutal crimes against women. I urge my colleagues to support the Lowey-Morella amendment.

Another amendment added in committee makes an unprecedented intrusion into the development of curriculum requirements and the accreditation process for medical schools. An amendment will be offered by Congressman GANSKE and Congresswoman JOHNSON to strike this language in the bill, and I will be speaking in favor of their effort as well.

There is also troubling language in the bill that restricts the enforcement of title IX in college athletics. Congresswoman MINK will be offering an amendment to strike this language, and I urge support for this amendment.

Several additional amendments attempt to legislate on this bill, and I am opposed to these efforts as well. The entire appropriations process has been circumvented in the last several bills, and I am outraged at the efforts to bypass the appropriate, deliberative legislative process in this House. I am particularly troubled by the efforts of several colleagues to severely restrict the advocacy activities nonprofit organizations. If my colleagues believe that current law regarding such activities is insufficiently restrictive, then they should seek to change it through the appropriate legislative channels, not through the appropriations process.

In regard to funding cuts in the bill, I am very concerned with the scope of the cuts in education programs. I am very dismayed by the elimination or severe reductions in the Goals 2000 Program, the Women's Educational Equity Act, the Safe and Drug Free Schools Act, the Office of Civil Rights in the Department of Education, Head Start, the IDEA Program, title I, Vocational Educational, and the School to Work Program.

I am also concerned with the bill's disproportionate cuts in drug and alcohol treatment and prevention programs. The bill would cut 68 percent of the demonstration programs and 18 percent of the total HHS treatment and prevention funding. Some of the current programs that will be hardest hit are those serving women and children. I am particularly concerned with reductions for residential substance abuse treatment programs serving pregnant women and children; Congressman DURBIN and I have worked over the past several years to expand the availability of these critical services that save lives and tremendous health and social costs. The cost of not treating drug and alcohol problems far exceeds the savings in this bill.

I am further concerned with the elimination of the consolidated AIDS research budget appropriation, and, for the first time since 1983, the lack of a specific funding level for AIDS research at NIH. While report language added by Congresswoman NANCY PELOSI improves the bill, I remain concerned that the current centralized AIDS research effort through the OAR will be diminished. A strong OAR vested with budget authority is the most effective way to coordinate and guide the 24 AIDS efforts within the institutes at NIH. I will be working with the Senate to restore the current structure of the OAR consolidated budget of the NIH.

I will also be working to restore funding for the Corporation for Public Broadcasting, the Older Americans Act, and the Low-Income Home Energy Assistance Program [LIHEAP]. While it is impossible to provide level funding for every program in this bill with such a reduced allocation, I believe that many of these programs have suffered cuts that are too deep to sustain their important functions.

I urge my colleagues to vote for amendments to address many of the problems in the legislation, and if they fail, to oppose the bill.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAWELL. Mr. Chairman, I rise in support of the Greenwood amendment to restore Federal funds for title X family planning.

Title X of the Public Health Service Act was enacted in 1970. In its 25 years of existence, the program has enjoyed bipartisan support. This program provides services to low-income and uninsured working women. In addition to family planning services, title X clinics provide screening for breast and cervical cancer, sexually transmitted infections, and hypertension. As stated in Mr. Greenwood's amendment, funds are prohibited to be used for abortion, directive counseling, literature or propaganda that promotes abortion or a political candidate.

I believe this plants the Title X Family Planning Program firmly in the realm of prevention and wellness. Often, the battle that young women face is a battle of education. In many cases what these women need is self esteem, belief in themselves, and confidence in the strength that they posses. These qualities are enhanced by education and care. Title X clinics are a part of that process. The educational and emotional assistance offered by family planning clinics can increase awareness, decreasing the chance of an unplanned pregnancy.

Mr. Chairman, I do not often rise to speak on the issue of reproductive rights and family planning. My wife and I have been married 42 years, reared three fine children, and have been blessed with eight grandchildren. It is my hope that the women who receive title X services can be blessed with such a family if they so choose. Let us give them those choices. Let us continue to fund the education and services offered by title X family planning clinics. Support the Greenwood amendment.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2127) marking appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. NADLER. Mr. Chairman, I rise to express my dismay over the elimination of the Summer Youth Employment Program in the Labor, Health and Human Services, and Education, Appropriations bill of 1996. Over the course of this summer, this program will enrich the lives of more than 600,000 low-income students across the Nation, helping them develop the skills essential to achieving self-sufficiency, independence, and career success.

The Summer Youth Employment Program provides young men and women between the ages of 14 to 21 with summer positions in libraries, hospitals, parks, and recreation centers. In addition to work experience, the program provides basic and remedial education and job search assistance, preparing our Nation's youth for further successful participation in the work force.

The program has helped employ and train more than 7 million students over an 11 year period. A survey conducted by the National Society for Hebrew Day Schools found three-fifths of former SYEP participants successfully employed in professional, managerial, computer, technical, sales, health or public safety fields. The Summer Youth Employment Program does more than give students a positive

way to spend their summers. It proves to them that they can succeed by helping them develop the skills to succeed.

Mr. Chairman. I am appalled at the elimination of this very valuable program. It is shameful we cannot make a commitment to devote a portion of $1 out of every $100 toward our youth's future by funding this program. Termination of this program will send the following chilling message to our Nation's youth: Your future is not worth even 1 percent of our Federal budget.

Mr. Chairman, I urge my colleagues to vote against the elimination of this very fundamental program. The Summer Youth Employment Program is an investment in America's youth that yields positive returns for America's present and future.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Ms. JACKSON-LEE. Mr. Chairman, I rise today in strong opposition to the proposed cuts in various Labor Department programs that are affected in title I of this bill.

Among the most outrageous are the massive cuts in worker training programs. Cuts in adult job training, a 22-percent reduction in appropriations for the School-to-Work Program, and a reduction in funds for dislocated worker programs send a clear message to the American worker: Congress is not willing to invest in your human capital. Also through the gag rule in this bill Congress does not want to listen to your rightful grievances.

What is worse is the lack of concern this bill displays over the needs of our working youth. This appropriations bill zeros out funding for the Summer Youth Employment Program—effectively making this summer, the summer of 1995, the last year of operation for this program. It would be a tragedy for me to have to return to my district in Houston this August recess and relay the message to the working youth that benefit from this program: Enjoy your jobs while you have them this summer, kids. This will be the last year you'll have this opportunity.

The Summer Youth Employment Program works. This program reduces the number of teens that participate in gang activity and other nonconstructive behaviors during the summer months. It is better that the income from this program be used to enhance youthful opportunities for employment, challenges them with responsibilities, and provides them with an enhanced sense of self-worth.

I find the labor provisions of this bill to be a serious threat to a longstanding commitment to invest in our people—this is a tragedy as we move toward the 21st century. Shame. Shame. Shame.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. COBURN. Mr. Chairman, I would like to insert the following article about a crisis pregnancy center in Rockville, MD, into the RECORD.

[From Family Voice, Aug. 1995]

MAKING A DIFFERENCE

(By Candy Berkebile)

Negative advertising campaigns have targeted pro-life crisis pregnancy centers in an attempt to marginalize the role they play in young women's lives. These centers, they say, are deceptive; only care about the baby before it's born; and don't care about women. To counteract these accusations, Family Voice interviewed two young women who have made life and death decisions. Millions of women have gone through similar experiences. Their stories demonstrate the vast difference between an abortion clinic and a pregnancy center. More importantly, they help us see beyond the rhetoric to the heart of the issue. We are dealing with real women faced with crises that they don't know how to handle.

Anna, a young unwed Christian entered a Planned Parenthood clinic in Pittsburgh, Pennsylvania in 1985.

What happened to me that day changed my life forever. The day I walked into the clinic was a muggy August afternoon. I was seventeen years old and I was eight weeks pregnant. I can't tell you step by step what happened, because I remember that day in snapshots.

I went into the room, a quiet and rather serious teenager; I left a silent, deeply hurt young woman. I sat and talked to the counselor in a room that, like most others at the clinic, was clean but shabby in appearance. It was bright and cold—there was no comfort, no luxury, just the tools to change life. I'm sure the counselor told me her name, but I don't remember it. She tried to put me at ease, to let me know it was alright, and to explain what was about to happen to me. She told me about the procedure, about the qualified medical resident who would be carrying it out. Then she asked, ''Anna, is this what you really want? Are you sure you have no other options?''

My voice quavered as I said, ''I have to do this. My parents would never understand. They expect so much out of me and my future. I can't let them down.'' My mind was made up. I had to do this. There was no other way out. I hated myself for what I was about to do. But I could do nothing else.

She ushered me to another room, a room which will stay vivid in my imagination forever. She gave me a smock to change into and left me alone with my thoughts and fears for a few moments. When she returned, I was sitting on the padded table-top wearing the flowered smock. She gave me a cotton blanket to wrap around my waist as I waited.

''Do you want to know the funniest thing about this whole situation?'' I laughed nervously as tears brimmed my eyes.

''What's that?'' she asked.

''I never believed that this could happen to me. Even when I thought I might be pregnant. I prayed to God it wasn't true. But I was still pregnant.''

The resident dressed in surgical green entered the room. The counselor placed her hand over mine to calm my fingers, which had been nervously fraying the edge of the wax-like tissue paper I sat on. She said, ''Anna, scoot down here to the end of the table. Put your heels in these holes—these are called stirrups.'' She pointed to the shiny pieces of metal protruding from the end of the table. ''Now, lie back and relax. Let your knees fall to the sides. It's okay. That's right. Now relax,'' she said. ''I'll be here with you. I'll talk to you, we'll go through this together.

I knew that while in some respects this was the truth, that nothing could be further from it. She would hold my hand, but I would experience this alone. I stared at the ceiling and counted the watermarks as the resident opened the cold steel speculum inside me. I tried to block out the discomfort and humiliation I was feeling. I was scared. She tried to divert my attention.

''Anna, what do you have planned now that you have graduated?''

''I'm going to college,'' I answered bravely. ''I leave in to weeks.'' I clamped my mouth shut quickly as the pressure began to build in my lower abdomen.

''Do you know what you want to do?'' She tried to speak softly, reassuringly. She knew the pain was quickly approaching.

''I want to be a lawyer,'' I stated in an anguished voice.

One tear sprang to the corner of my eye, She squeezed my hand, I experienced the pain—at least some of it—when the eight-week-old fetus was scraped from the inside of my womb. This, I was prepared for. But what I was not prepared for was the pain that followed in the next few seconds.

''We need more women as lawyers,'' she continued talking. I think she wanted to drown out any other sound I would hear. But her voice was barely a whisper to me now; I was not focusing on her. She asked me if I knew the area of law I wanted to pursue but I barely heard her, and I didn't answer. I only heard one sound; a sound which was, for me, amplified to a deafening crescendo. I flinched as I heard the hollow splash of the sopping sponge-like tissue when it bounced off the bottom of the awaiting utility bucket. I began to move my head back and forth slowly, my swollen eyes were closed, but the tears crept out.

''No. no,'' I repeated.

The medical resident left the room, but I didn't notice. I must have been in shock. The counselor helped me dress. Then she took me to a recovery room to lie down. I curled up on one of the many grey cots which lined the room. She sat in a chair by my side. I turned my back on her and faced the blank wall my knees were pulled almost to my chest. My body was quivering. Wave after wave of cramping pain clawed at my insides—the pain of a womb hysterically trying to readjust to its recent loss. I know she probably wanted to help, but what could she do?

Five hours later, I walked out the door. The counselor must have given me a reassuring hug as I walked out, but I can't remember anything beyond the recovery room. She

has faded from my memory, I can barely remember her face. But what I do remember is that, there in that clinic, I alone experienced pain and death. But, that was my choice.

Vena a young 24-year-old college student walked into a crisis pregnancy center in Rockville, Maryland in 1994.

I walked into the center in October. I'd taken a home pregnancy test and wanted to verify it. I was scared. I was still in college. I wasn't married. So I looked through the yellow pages. But I didn't want to go to an abortion clinic. I didn't wan to make a drastic choice right away. And if I hadn't finally seen the ad for the Pregnancy Center, I may not have kept my baby—because I wouldn't have known who to turn to. I was so confused and scared. I couldn't tell my parents. I knew they wouldn't be supportive. And I didn't think I could handle the responsibility of a baby right then.

I needed someone to talk to, someone to help me get through this. And I needed support. When my boyfriend and I went into the center, that's when I met Sylvia. She confirmed that the pregnancy test was positive. I was about six weeks pregnant. At first Joe was excited about the baby. But the more we talked about it, the more I knew it was a bad time to have a baby. I was in my junior year at the University of Maryland. I knew I didn't want to have an abortion. I wanted to give the child life. But I needed someone's support. Joe was not supportive at the time. He was so confused. His parents had died when he was a teenager, so he couldn't go to them for advice.

My parents were divorced. And I had a difficult time figuring out how to tell them because they were very strict. Besides, they believed in getting married before you have kids. I ended up telling my mother I was pregnant a few weeks after visiting the center. She said, ''It's your responsibility. You got pregnant; you have to deal with it.'' She also told me to get married. I was afraid to tell my father. We hadn't had a good relationship up to that point so I didn't tell him until the eighth month.

It was late December. I was having trouble with one of my roommates at school. Joe's attitude at that point was, ''It's your baby, and you're the one who has to deal with it.'' I was depressed and crying. I didn't think I could do well in school. I was working a job. I didn't have any support—and I wanted to scream.

It was 11:45 at night. I called Sylvia and woke her up. I didn't think I could deal with anything anymore. I asked her, ''What should I do about the pregnancy?''

Sylvia was great. I don't think she realizes how important she was to me. ''You're going to be okay, Just take one day at a time. Don't worry about anything right now,'' she said. ''You don't want to jeopardize your health. You need to calm down and think rationally.'' Sylvia encouraged me, ''Talk to me as long as you want to.'' I talked for about an hour. She got me through the night. Sylvia isn't the only counselor I talked to. I called a couple of times and spoke to some others. Especially when I needed things I didn't have money for—like maternity clothes. The counselors gave them to me. It was wonderful to be able to use the resources of the center.

Then in January, I called Sylvia again for emergency counseling. I had just moved from one dorm to another. Here I was moving in January and I was about five months pregnant. At least my old roommates knew the situation and I was close to them. I had no transportation. Money was tight. Everything I had was going towards transportation and food. I was providing for myself. It was difficult. No one was giving me money. I needed to talk to someone, so I called Sylvia.

''I don't have any money, and I don't know what to do.'' I told her. ''I need to go to a doctor, but I don't have any money to get there. I want to take care of this baby. I can't make it to my doctor appointments. And no one can give me a ride there. I really need to talk to you.''

She said okay. She met me after work. She reassured me that even though it was difficult, I had to understand that I might be the only one who could take care of this baby. She reminded me that I couldn't always depend on someone else to do it.

''You can't blame someone else or feel sorry for yourself because other people aren't helping you. You can't dwell on that,'' Sylvia said. ''You have to think positively. Think about what you can do.'' She was always concerned about how I was doing financially.

Sylvia was very good about talking to Joe too. She helped him understand that he was going through a difficult situation as well. And she really let him know that she was there for him. There were a couple of sessions where she helped Joe and me communicate. Before that, we fought all the time. Sylvia helped us cope with our feelings.

In late January, we went to visit Joe's relatives. When he took me to visit them, he was very confident. I felt secure because he was very sure of what he wanted to do. He wanted this baby. He told them I was pregnant a few weeks afterwards. ''We're happy for you,'' said his aunt and uncle. ''This baby will be really special.'' They also hoped we would get married if we really loved each other. It was important to Joe that we have family support. Soon after that we started to talk about getting married. But we were both nervous and kept putting it off.

In April, Joe and Sylvia convinced me to tell my dad. I had wanted to wait until I had a plan to tell him. But his response surprised me. He encouraged us to get married. Then he invited us to move in with him. So we did. He helped us with groceries. And after I had the baby—when I couldn't walk—he was a great help.

Joe and I married on May 18, two days before the baby's due date. Six days later, I delivered a beautiful baby boy—Benjamin Cleveland. Everyone was at the hospital—Sylvia, Joe, my Mom and my Dad. I told Sylvia she was welcome to watch the delivery because I couldn't have done it without her. She was really my constant, main support during my pregnancy.

Clearly both situations were hard. But, in Vena's case, the strengths of the modern-day crisis pregnancy movement are in full evidence. So, the next time you hear someone say these centers are deceptive or that they don't care—remember Sylvia and the thousands of other counselors who are out there helping the Venas of this world make it through another night.

SUPPORT OF THE DAVIS-MORAN AMENDMENT

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FUNDERBURK. Mr. Speaker, last week I supported the Davis-Moran amendment to the VA/HUD appropriations bill. In my district in North Carolina the EPA has increased its permanent bureaucracy by hiring employees away from the private sector. This amounts to a confiscation of the primary asset—their human capital—of these small private, for-profit, taxpaying companies.

EPA's contractor conversion program in the Office of Research and Development was created not because of the private contractor's performance but because of EPA's own poor contract management. Rather than fixing their problem, EPA saw an opportunity to divert our attention, expand its bureaucracy, and raid the resources of its private sector competitors.

EPA promised the Congress that savings would accrue to the Government if the contractor conversion program was approved. In fact, they projected over $6 million in savings in fiscal year 1996 for ORD alone. But like many bureaucrats' promises it was all smoke and mirrors. Instead of a surplus, they've come running back to Congress asking for more money.

Mr. Speaker, it is high time to end this unfair practice. I believe that private contractors constitute a flexible and efficient mechanism for the delivery of necessary research services. Private companies should not have to worry that their human capital will be raided by a bloated, out-of-control government bureaucracy.

FAREWELL TO THERESA VOILS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. Montgomery. Mr. Speaker, I want to take a minute to thank one of the public servants who takes care of us, the public servants—the people who stand at the door of this great Chamber and bring messages, tell us that constituents are waiting and generally are of great service to the running of our governmental system. I am talking about the doorkeepers—the Chamber security as they are now known.

As of Friday, we are losing a smiling face and a helpful assistant. Theresa Voils who has served us for 5 years, is going back to her home State of Indiana. She is going to finish her degree in political science at Indiana University and no doubt—after standing at the door of this House Chamber she will have some great stories to tell.

Mr. Speaker, I want to salute Ms. Voils for her service and thank her for the invaluable assistance she has provided to me and the hundreds of other Representatives in this body. She hopes to return to this Chamber someday. I, for one, will welcome her back and wish her well in Indiana.

VILLAGE OF TANNERSVILLE CELEBRATES CENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SOLOMON. Mr. Speaker, I have always been proud of the heritage and physical beauty of the 22d Congressional District of New York, which I have the privilege of representing. It is for the history and the picturesque sites and towns that I return home every weekend.

We often forget, Mr. Speaker, that the real America is not Washington, but the small

towns and villages where real people live and work. I would like to talk about one such village today.

The village of Tannersville, NY, is nestled in the majestic peaks of the Catskill Mountains in Greene County. Early on, the tanning industry was thriving and was the focal point of the region, behest the name Tannersville. However, the arrival of the Ulster and Delaware Railroad in 1882 brought a tourist boom to the village which still exists today. This boom prompted the building of new roadside stores, sidewalks, and expanded streets leading to vacation hideaways in the countryside. This industry contributed to the rapid expansion of Tannersville's public services not to mention the village's cultural heritage. The influx of part-time neighbors such as Mark Twain and Maude Adams made musicals, stage performances, and dancing all a part of life in Tannersville.

Mr. Speaker, massive fires coupled with the devastation of the Great Depression in the 1930's couldn't keep this village down. Following World War II the tourist industry again resurfaced and with the arrival of nearby Hunter Mountain ski slope and other winter recreation spots, there was a new focus on tourism. Now, the various village shops, inns, and restaurants offer both hometown hospitality and down home charm to the thousands of tourists who flock to this picturesque mountaintop community throughout all seasons.

Mr. Speaker, I take great price in representing the people like those who make their home in Tannersville. They truly reflect those traditional American qualities of pride and community which made our Nation great. Just ask anyone who visits the area from near or far and they'll tell you the citizens of Tannersville exemplify the terms courtesy and hospitality while offering a sincere sense of camaraderie. These characteristics are most definitely a product of their history and way of life making Tannersville an ideal place to work and raise a family or vacation year round.

Mr. Speaker, I ask that you and all Members rise with me today and salute the village of Tannersville on their 100th anniversary and wish the people there many more years of prosperity and comfort.

COMMEMORATING THE 10TH ANNIVERSARY OF THE TOMAS RIVER CENTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. TORRES. Mr. Speaker, I rise today to congratulate the Tomas River Center [TRC] on its 10th anniversary.

TRC was established in 1985 by a group of visionary college presidents and chief executive officers of major corporations. Named after former University of Riverside chancellor, Tomas Rivera, an accomplished scholar and community activist, the center is a national institute for policy studies. It conducts relevant and timely research and policy analysis on issues important to the U.S. Latino community.

As the Nation's premier Latino organization for policy analysis and research, TRC strives to foster sound public policies and programs concerning the Latino community, particularly in the areas of education, immigration, and civic empowerment.

TRC's rigorous research and critical analysis has consistently led to a better understanding of the needs of the Latino population. TRC conducted an extensive analysis of 1990 census data to provide information available on ethnicity, employment, and income for use in the affirmative action debate. TRC is currently researching the availability of computers in the classrooms and homes of Latino students to determine whether they are receiving the education needed to participate in 21st century society.

Mr. Speaker, it is with pride that I rise to recognize the Tomas Rivera Center on the occasion of its 10th anniversary and I ask my colleagues to join me in extending best wishes and continued success to TRC.

THE BUDGET CRISIS

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. ISTOOK. Mr. Speaker, my fellow Oklahoman, Paul Harvey, recently gave this commentary on the budget debt and the cronic budget deficit. This reemphasizes the importance of our work on balancing the budget within the next 7 years and reversing the trend of Federal budgets of the past. It is important for Congress to continue working to restore fiscal integrity to the Federal Government.

[Paul Harvey commentary follows:]

TOO MANY ALARMS

There are too many alarms going off: Americans are refusing to heed any of them.

Seismologists predict quakes which may or may not happen and about which we can't do anything anyway.

Even the sky is falling, as ten thousand hunks of space junk wait their turn for reentry.

Daily headlines threaten us with invasions of killer ants, killer bees and killer diseases for which we have no cure.

And so it is that it is that a time bomb more certain than any of these is mostly ignored.

We are about to be buried alive under a national debt of 4.8 trillion dollars and it's growing 10 thousand dollars a second!

But are not both the President and the Congress promising to defuse the bomb? They are.

President Clinton says he can balance the budget in ten years; Congress talks of doing it in seven.

But nobody is doing it!

And history justifies anxiety.

The President who promises to balance the budget in ten years told Larry King in June of 1992 that he'd accomplish that objective in five years.

However, instead of presenting a balanced budget in 1993—the year he took office—he increased our debt by $253 billion.

Then, instead of presenting a balanced budget in 1994, he increased our debt another $203 billion.

Then, instead of presenting a balanced budget for 1995, he proposed a budget that would increase our debt another $320 billion.

Then, instead of promoting Congress' plan to balance the budget in seven years, he's threatening to veto it claiming that that's going too fast!

Now, a full three years after Mr. Clinton promised to present a five-year plan to balance the budget, he is promising—oh, so promising—to balance the budget in ten.

If the situation were less dire . . . if the time bomb were not so big and so unstable perhaps we could wait and see and hope and pray that this time—this time—something will be done.

We must not wait.

Even Newt Gingrich says it may take ten years. We may not have ten years.

Every child born today will pay a lifetime tax rate of over 82%.

Every child born tomorrow will pay $187,000 in taxes for the interest on what we owe.

That's just the interest . . . $187,000 in Interest on our debt.

Every American man, woman and child will owe $24,000 by the year 2000, and that, by the way, is just one presidential election away.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the cuts proposed in the Labor-HHS-Education appropriations bill, and particularly for title I compensatory education.

This House is proposing to cut the lifeline of education for disadvantaged children in this country—known as title I of the Elementary and Secondary Education Act.

Remember all the horror stories you've heard about little Johnny who can't read? Remember the report about the huge number of 17-year-olds in this country who had been given high school degrees but who couldn't read or write? Title I is the remedial program that is putting a stop to illiteracy among young children that carries over to adulthood.

Title I services are paid for with Federal dollars which local folks can't afford to pay for themselves—or at least, not without raising taxes.

Mr. Chairman, I represent 16 counties in West Virginia. My 16-county, title I children stand to lose more than $5 million in fiscal year 1996 title I funds.

I am here to tell you, Mr. Chairman, there is no way that my 16 counties can afford to raise taxes to replace $5 million in lost title I dollars next year.

Is there anyone here on this floor whose district can afford to raise taxes in order to replace Federal title I dollars?

Mr. Chairman, education cuts don't heal. They bleed and stay sore, but they never heal.

Children who are already wary from bumping up against the wall of poverty, without title I remedial education, will never heal from these cuts.

If these kids are to avoid running into the wall of indifference and illiteracy as adults, we must help them right now by keeping their educational lifeline open to them.

This is a crucial vote—vote ''no'' on H.R. 2127.

WILLIAMS D. EVANS: DAYTON INVENTOR'S CONTRIBUTION TO ENDING WORLD WAR II

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. HALL of Ohio. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of William Deane Evans and his contribution to ending World War II. Mr. Evans is a resident of Madison Township in the Third Congressional District of Ohio, which I represent.

Mr. Evans developed an improvement to the bombsight that was used on the Enola Gay on its historic mission 50 years ago this month that helped bring a speedy end to World War II. The improved bombsight was also used on the Bockscar, which is on display at the United States Air Force Museum in my district.

Mr. Evans, an innovative engineer, was responsible for numerous other technological developments in aviation that improved the fighting capabilities of our airmen during World War II and later. These inventions include the automatic parachute opener and a bag to protect downed flyers in freezing weather.

Last year, the Dayton Daily News ran an article by Dale Huffman detailing some of the achievements by Mr. Evans. For the benefit of my colleagues, the article is reprinted here.

[From the Dayton Daily News, Aug. 14, 1994]

DAYTONIAN'S BOMBSIGHT AIDED U.S.

(By Dale Huffman)

Things were cloaked in top secrecy, and it was two years after World War II ended before William Deane Evans found out he had played a strategic role in one of history's gruesome turning points.

His contribution was created in a three-car garage behind a home in the 600 block of Volusia Avenue in Oakwood.

It was there in 1944 that Evans, a 29-year-old engineer, was commissioned for a special assignment by the bomb control department at Wright-Patterson Air Force Base. In that garage, he worked for Kendal Clark, an engineer who later invented the automatic washer for Frigidaire in Dayton. Evans developed a bombsight. It was used on the Enola Gay, a B–29 aircraft, to drop the atomic bomb on Hiroshima, Japan, 49 years ago this month.

Evans is 79 now and lives on Brenton Drive in Madison Twp. with Helen, 78 his wife of 55 years. Their home is cluttered with possessions and mementos, and photographs that document their years together.

But there are no photos, no blueprints no prototypes, no physical evidence of the mounmental contribution he made for his country in the controversial atomic attack that claimed 130,000 Japanese lives and hastened the end of the war.

Evans is a portly, kindly looking man with a short white beard and thinning snow white hair. He has diabetes and a pacemaker.

But his mind is keen and, at request, he sat down and deftly sketched a hand drawing of the bombsight he developed those years ago.

''They took everything at the time, it was all such top secret,'' he said. ''They locked the finished plans, the prototype, everything up in some valut somewhere and I have no idea if those items still exist today.''

He used a lot of engineering terms as he rambled, but he tried to simplify a description of his device and how it worked.

''Often, on a fairly cloudy time of day, only snatches of clear air were present for the bombardier to fix the sight on the target. Time was crucial. We designed a set of optics tied into the bombsight, which would in effect put crosshairs on the target, instead of in the eye piece.

''To do this, we made the cross of light and focused it at infinity. A light shone through a reticle, which was projected onto a telescope mirror. If the bombardier could see the target, he could swing the sight to fix the cross on the target in the short time the non-clouds permitted him.''

His device was used Aug. 6, 1945, when the atomic bomb was dropped on Hiroshima, Japan surrendered, ending World War II on Aug. 14, after a second bomb was dropped on Nagasaki on Aug. 9, 1945.

It was in 1947, two years after the bombings and V–J Day, that Evans read about the bombsight in a magazine, recognized it as his work, made some calls and confirmed his sighting mechanism had been used.

''So many little shops were working here in the Dayton area during the war,'' he said. ''Many contributions were being made to the government and to the military.

''The little guys did the behind-the-scenes work. We developed. Then our products were tested by the government, eventually used, quite successfully at least in this case, and then the higher-ups would take the credit. I am not being sarcastic about it,'' he said, smiling. ''It was just done that way.''

Evans has known all these years that his device played a big part in the bombings. Yet, he has seldom talked about it, even to family, his wife says. He has never before been interviewed about it for a publication.

As the countdown is now under way to the 50th anniversary of V–J Day, Helen Evans said she thought it was time the world knew about her husband's contribution.

''I initiated this, so that he would get some credit,'' she said. ''All his life, he has been so modest. He is such a fine man and such a hard worker. But he never has gotten his due. He helped change the face of history. In his own way he helped end a war.''

Her husband spoke. ''I am . . . glad that Harry Truman did what he did. He knew that if he didn't, what we would lose a lot more American men . . . that their blood would flow. Sure we are sorry anyone had to die. But the war had to be stopped. I am behind Mr. Truman in what he did.

''And, quite candidly, I am . . . glad that I was an engineer and able to support my country by developing this bombsight. We all give as we can and we all pull together in war.''

Evans got his engineering degree at Ohio State University and spent his life in the profession. From 1970 to 1984, he owned and operated his own company called Plastomatics in Dayton.

''Bill always worked hard, but always was his own man,'' Mrs. Evans said. ''He also trusted a lot of people and was naive in business. He would develop something, or invent something, and someone else would take it and make a lot of money on it.

''Bill has always been a workaholic. He didn't care about making money or building a fortune. He just loved what he did. He worked 80-hour weeks and would forget to come home. He is an incredible person when it comes to dedicating yourself to a challenge.''

She smiled and added, ''We never had a lot of money. But we have always been happy. We have always been comfortable. We have had ups and downs, but we have survived. And I love Bill so much for all that he has done. He is a wonderful man who simply wants to know what makes things tick.''

Evans smiled, reached over and lovingly tapped his wife's arm.

After a few moments he said, ''I guess I feel it's fun to be fooled in this world. But it's . . . more fun to know.''

HONORING DON MOSER UPON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to a dear friend, Don Moser, who has contributed much to my hometown of Murfreesboro, TN. He has been a wonderful source of advice and support over the years, and I wish him well upon his retirement.

Don has served Murfreesboro for many years. From his undergraduate days at Middle Tennessee State University, to serving as president of the local chamber of commerce, Don has contributed time and time again.

He cochaired the recent fund raising drive to secure funds for the chamber's new headquarters building and has been a long time member of the Murfreesboro Water and Sewer Board. Don's love for his community can be seen in his commitment to the Rutherford 20/20 Task Force, which is hard at work planning for the future of Rutherford County.

Most in our community will tell you if you want something done and done right, call on Don and his wife, Jean; they are the busiest people in town. They complement each other well and make an unstoppable team.

The banking community is sure to feel his absence after 38 years as an active leader and friend. He is retiring as regional president of Third National Bank in Murfreesboro.

Don is an avid golfer and I feel sure that many of his free days now will be spent hitting the links. He and Jean plan to do some traveling, as well as spending time with their two grown children, Donald S. and Michelle.

The bank's loss is the community's gain, for he will now have even more time to contribute, and we are grateful. Please join me in congratulating this outstanding individual.

COMMENDING KEITH JEWEL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. JACOBS. Mr. Speaker, Keith Jewel is just that. For the House of Representatives, he has been a splendid gem for a very long time.

Keith is the one who takes the pictures of the Boy Scouts and Girl Scouts on the steps of the Capitol. And before one makes too light of that, remember this: to high school kids who visit Washington, the experience lasts forever. The taxpayers got their money's worth from Keith's service. And we have all enjoyed his warm and friendly personality. He goes on now to a well earned retirement. And we wish

him the happiness he has given so many others through the years.

A TRIBUTE TO ALBERT BARNES JR.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Mr. Albert Barnes, Jr. Al, a dedicated professional and longtime community activist, is retiring as the southeast California district manager for the United Parcel Service [UPS]. A tribute will be held in his honor on August 24 to recognize his years of service to California's Inland Empire.

Al began his career with UPS as a delivery driver in Dayton, OH in 1967. Two years later, he became a supervisor and in 1972, was named center manager. Al served as a feeder manager, package division manager, and hub division manager before joining the Arizona District as a division manager in 1975. In addition, he has served on a number of special assignments and worked as a member of the UPS Part-Time People Support Committee.

In 1989, Al was named southeast California district manager for UPS, which has become one of the most respected corporate citizens in the region. Al was in charge of the planning, construction, and opening of the largest UPS west coast air hup in Ontario, CA in 1992. To say the lest, Al has played an extraordinary and active role in our community. In addition to his outstanding business contributions, Al has been a longtime supporter of and deeply involved with the Boys and Girls Club of the Inland Empire as a member of the board of directors.

Mr. Speaker, I ask that you join me, our colleagues, and Al's family and many friends in recognizing his many fine achievements and selfless contributions. I'd also like to wish Al, his wife Margaret, their daughter, Rebecca, and sons John, Mike, and Ed the very best in the years ahead. Throughout his career, Albert Barnes has touched the lives of many people and it is only fitting that the House of Representatives recognize him today.

TRIBUTE TO CONGRESSMAN THOMAS MORGAN

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MASCARA. Mr. Speaker, I rise with pride today to pay tribute to a man who served the people of Pennsylvania and this Nation for 32 years.

Dr. Thomas Morgan passed away on July 31, 1995. He retired from Congress in 1977, but the memory of ''Doc'' Morgan will be engraved in American politics, having guided our Nation through significant world events.

We can point with pride to a man who rose to the chairmanship of the prestigious House Foreign Affairs Committee, advising Presidents and Secretaries of State, while never compromising the integrity of the institution in which he served.

I was pleased to know ''Doc'' Morgan and honored to now represent the district he once served. After he retired, we regularly kept in touch. He was always a man of his word, with a depth and breadth of knowledge that he maintained all the years of his life.

It is an honor and a privilege to be standing before you today, where he once stood, representing the next generation of southwestern Pennsylvanians.

I hope that I can do credit to his legacy while serving in the U.S. Congress. I extend every sympathy to those who are now grieving his loss. He will not be forgotten.

THREATENED PRESIDENTIAL VETO OF LEGISLATIVE BRANCH APPROPRIATIONS BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. PACKARD. Mr. Speaker, President Clinton has declared his intention to veto the 1996 legislative branch appropriations bill. It should no longer surprise me that the President has once again chosen to put petty politics above the interests of effective and efficient Government, but it does. This is not because the President rarely threatens veto, far from it, in fact, it is beginning to appear that this is the norm. Rather, the President surprises me because there is absolutely no justification, however flimsy, for such a threat.

President Clinton alleges that we are taking care of our own business before we take care of the people's. This is simply not the case. There is nothing unusual about sending the legislative branch bill first. Traditionally, the legislative branch has been done first because it has tended to be the least controversial. Furthermore, all 13 appropriations bills have never been sent to the President at the same time.

The fiscal year 1996 legislative branch appropriations bill is a good piece of work, crafted with the assistance of Democrats and receiving bipartisan support all along the way. The bill sets out to downsize and streamline Government in pursuit of a balanced budget. By providing $206 million in deficit reduction, it shows that Congress is committed to cutting itself first. The message of this bill that President Clinton does not understand is that reform starts at home. This Congress is committed to achieving a balanced budget and we will not be stopped by a President intent on meddling in the affairs of the House out of petty political motives.

75TH ANNIVERSARY OF WWJ NEWSRADIO 950

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BONIOR. Mr. Speaker, later this month, on August 20, 1995, America's first commercial radio station, WWJ Newsradio 950, will be celebrating its 75th anniversary. For three quarters of a century the listeners in metropolitan Detroit have tuned in to 950 AM for news, sports, and entertainment.

Back in 1920, when radio was still in its infancy, and long before television, WWJ was pioneering a new way for people to become and remain informed and entertained. On that historic August 20th, listeners heard: ''This is 8MK calling.'' It was just one of the many firsts for WWJ.

WWJ Newsradio was first to broadcast a news program, election returns, and sports. WWJ was also first to do a play-by-play sportscast live from the scene. On October 25, 1924, Ty Tyson described the University of Michigan's 21 to 0 victory over the University of Wisconsin. WWJ continues to carry U of M football to many fans throughout southeast Michigan. WWJ also broadcast the first play-by-play of a Tiger baseball game on April 19, 1927. The Tigers beat the Cleveland Indians 8 to 5 with famed Tiger Marty McManus making several outstanding plays at second base.

WWJ has a proud heritage and a reputation for integrity and public service. In the words of one of the WWJ newsradio team members, ''tradition is exceeded only by our commitment to continued service.''

Celebrating a 75th anniversary is a proud milestone. Through the Depression and too many wars, the New Deal and the Great Society, the folks at WWJ have been with us all the way. I applaud WWJ for keeping our community well-informed.

I urge my colleagues to please join me in saluting WWJ on the event of its Diamond Anniversary. The people of metropolitan Detroit have long depended on its role in the community and we hope the next 75 years will continue to be as successful.

CREATING A 21ST GOVERNMENT

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SCHIFF. Mr. Speaker, in our recent series of field hearing on creating a 21st government, the Committee on Government Reform and Oversight traveled to Cleveland, OH. Members heard testimony from several experts in the field of government restructuring.

One of our panelists was the Mayor of Philadelphia, Edward Rendell, who described the structure of the city of Philadelphia's government when he took office in January 1992. He concluded that:

> The city was operating with management systems that were designed for a different era. The city's budget process, personnel system, contracting process, management hierarchy, and information system were layered with unwieldy, bureaucratic practices that did not encourage innovative and effective management of limited resources.

As a public servant myself, I have watched our Federal Government structure grow out of control for decades. Perhaps we can learn from these cities and apply some of their successful reorganization methods to the Federal Government. Republican members of the Committee on Government Reform and Oversight remain dedicated to creating a Government structure through innovation, revitalizing management practices, and distinguishing the

functions that are needed to produce the results that the American public demands.

HONORING THOSE WHO SERVED THE CAUSE OF FREEDOM IN WORLD WAR II

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FIELDS of Texas. Mr. Speaker, for America, World War II began on a day that will live in infamy, and it ended at the dawn of the nuclear age. In between those two events, America and the world as a whole changed forever, as did the lives of each and every American alive at that time.

Americans have begun observing the 50th anniversary of the end of World War II—a horrible war that inflicted more pain, death and destruction on the world than any conflict before it or since. It was a war that claimed the lives of more than 1 million young Americans struggling to defend liberty here at home and around the world. It was war that injured and maimed hundreds of thousands of military personnel and civilians alike. It was a war in which young men demonstrated superhuman courage and determination in places like Pointe du Hoc and Iwo Jima. And it was a war in which others demonstrated almost inhuman depravity in places like Auschwitz and Dachau.

It was in which my father, Jack Fields, Sr., fought as a bombardier aboard a B–24 Liberator in Europe.

But why did he and millions of other peace-loving Americans, eagerly answer the call to take up arms during World War II?

Like millions of other young men in towns and cities across this great country, my father joined the war effort because he knew that there are things worth fighting, and dying, for: ideals like freedom and democracy, and places like America in which those ideals had been brought to life. Like millions of other veterans, he did his part in a worldwide effort to free those who had been conquered and enslaved by the forces of darkness. Countless young Americans traveled far from their homes, risked their lives and endured terrible hardships to defeat the forces that had, temporarily, defeated democracy in western Europe and throughout much of Asia. They did so as well because they knew that the cause in which they were engaged was just. They knew that God would watch over them, as He had always watched over America. And they knew that with His help, they would prevent the flame of freedom from flickering out on this planet.

Many brave young men gave their lives in that successful struggle to ensure that freedom lived on. Many more suffered wounds and injuries that changed their lives forever. Most, thank God, just returned home, found jobs and raised their families. But they, too, were changed by the war. They knew firsthand its horrors, but they knew that it had been necessary to preserve the American way of life that too many of our citizens take for granted.

The men who fought and won World War II were, for the most part, ordinary Americans from ordinary towns across our country. But they had accomplished an extraordinary feat: they had preserved freedom in America and England; they had restored freedom to France; and they had helped bring about a rebirth of freedom in post-war Germany, Italy, and Japan. The world, then, not only America, owes each and every one of them a huge debt of thanks.

But America owes them even more. It owes them this solemn promise: that each of us will do everything we can to keep America militarily strong—so strong that never again will young Americans be called upon to fight and die in a world war to defend democracy and freedom, because no one will ever again dare threaten democracy and freedom anywhere around the world.

PROTECT EQUAL JUSTICE FOR ALL—DON'T CUT THE LEGAL SERVICES CORPORATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SANDERS. Mr. Speaker, I rise in support of the Legal Service Corporation, and in opposition to the destructive 30 percent cut of that program in the Commerce-State-Justice appropriations bill.

Mr. Speaker, a bedrock principle of this Nation is equal justice for all. But we all know that access to justice for ordinary Americans usually means access to legal counsel.

Often, the most vulnerable among us—those most in need of legal help and representation—cannot afford an attorney. That is why the Supreme Court ruled everyone has a right to a lawyer in a criminal case, and it is why President Nixon founded the Legal Service Corporation to offer low-income Americans representation in civil court.

Mr. Speaker, when this House voted to slash funding for the Legal Service Corporation, in my view it voted to restrict access to justice for the over 15 percent of Americans who live in poverty. Mr. Chairman, that is unconscionable.

Legal services attorneys were there for family farmers who couldn't afford high-priced, downtown lawyers, when they helped prevent over 250,000 illegal farm foreclosures. In Vermont and across this country, they are there for battered women seeking orders of protection, child support enforcement, and divorces from abusive spouses. These attorneys were there to safeguard coal miners' rights in Kentucky, and to protect Oregon farmworkers from beatings, kidnappings and illegally low wages.

These public servants are funded by a model of efficiency and federalism. Only 3 percent of Legal Service Corporation expenditures go to administrative costs, meaning 97 percent goes directly to provide legal services for poor Americans. There is no large bureaucracy; the approximately 100 employees of the Corporation spend their time distributing Federal funds to 323 independent, local legal services programs and ensuring they receive the support needed to deliver top notch legal level help. Each individual program is a private, nonprofit corporation governed by a locally appointed board of directors.

Mr. Chairman, the Legal Service Corporation simply extends equal rights and justice to all Americans; it does exactly what Government should be doing. If we are serious about deficit reduction, we should cut the hundreds of billions of dollars in corporate welfare in the Federal budget. We should eliminate tax giveaways to the rich before we eliminate these protections for the most vulnerable members of our society.

For the benefit of my colleagues, I ask unanimous consent to insert into the RECORD a resolution from the New England Bar Association board of directors, which succinctly makes the case for the Legal Service Corporation.

NEW ENGLAND BAR ASSOCIATION

BOARD OF DIRECTORS RESOLUTION

Whereas, equal justice is fundamental to the American system of government under laws; and

Whereas, the inability to afford legal counsel effectively denies access to justice for individuals with legal needs; and

Whereas, the New England Bar Association is strongly committed to support adequate legal services for the poor; and

Whereas, the federal Legal Services Corporation is the organization charged by Congress with funding legal services programs throughout the country to deliver civil legal services to the poor; and

Whereas, local legal services programs funded by the Legal Services Corporation represent the federal government's effort to fulfill the promise that all Americans have an equal opportunity to utilize the justice system, and

Whereas, local legal services programs funded by the federal Legal Services Corporation are a frugal and effective expenditure of federal tax dollars, inexpensively and efficiently serving a broad range of persons with typical legal problems through more than 900 local offices and effectively leveraging local, state and private funds as well as pro bono services from the private bar, and

Whereas, the future of the Legal Services Corporation is at a critical juncture, facing Congressional threats to eliminate or severely cut funding of the Legal Services Corporation; and

Whereas, it is imperative that bar associations and others concerned with equal access to justice and legal services for the poor continue to express support for the civil legal services delivery system which has served the legal needs of the country's poorest citizens; and

Now, therefore, be it resolved that the New England Bar Association Board of Directors urges all members of the Congressional delegation to support adequate funding for the Legal Services Corporation to address the tremendous unmet need for civil legal services for the poor.

Be it further resolved that the New England Bar Association strongly opposes any amendments to the Legal Services Corporation Act to restrict legal services and pro bono programs in their use of IOLTA and other government and private monies; create obstacles to low income people obtaining justice in the courts and legal system; impinge on confidentiality between attorneys and their clients; or dismantle local control and destroy the effectiveness of the current legal services delivery system.

LAFAYETTE, IN: NAMED ALL-AMERICAN CITY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MYERS of Indiana. Mr. Speaker, the National Civic League named Lafayette, IN an All-American City at its annual convention in June. Lafayette was one of only 10 cities nationwide that received this designation out of 145 communities under consideration. The citizens of Lafayette will observe the well-deserved recognition this Sunday with a day long celebration.

Lafayette was recognized by the National Civic League for the ability of its citizens to effectively solve problems by working together as a community. I can attest to that ethic as it relates to the Lafayette railroad relocation project. This massive rail relocation effort was designed by city officials, corporate and business leaders and local citizens with the safety needs of the community in mind. I am continually amazed at the near unanimous support the project receives from all of the community's citizens.

The willingness of the community to help its neighbors is exhibited by the altruistic work done by the Lafayette Neighborhood Housing Services and the family services organizations. These nonprofit groups, comprised of lenders, city officials, businesses, residents, and other interested parties, have successfully developed 50 safe and affordable rental units for lower-income citizens. No one can argue that Lafayette doesn't take care of its own.

Lafayette is a city that has retained the values of hard work, faith, and patriotism even as it has grown into a major metropolitan area. It is a community that should serve as a model to cities across the Nation and I am proud to represent its citizens in Congress.

Mr. Speaker, I want to congratulate Lafayette on this designation and encourage the citizens and elected officials to wear the title of ''All-American City'' with pride. It is certainly deserved.

IN HONOR OF THOMAS K. BLALOCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Mr. Thomas K. Blalock, the public works director of of the city of Fremont in California's 13th Congressional District. Tom is retiring after 34 years of dedicated service to our community.

Tom began his professional career in Fremont in November 1960, when he became Fremont's assistant city engineer. As assistant city engineer, he was responsible for managing the engineering division and overseeing the areas of project design, construction management, real property, and traffic engineering. In March 1975, Tom became Fremont's director of public works where, for the last 20 years, he has managed from 172 to 254 employees in four areas: engineering, maintenance, integrated waste, and administration.

Tom has been a resident of the South Bay for over 43 years. After graduating from San José State University with an engineering degree in December 1954, he began his career as a planning aide in the city of Mountain View, where he had worked as an engineering aide throughout college. In April 1955 he moved to the city of Sunnyvale to work as a design and traffic engineer. He held this position until November 1960 when he came to Fremont.

Tom belongs to a number of professional organizations including the American Public Works Association [APWA] of which he is a life member. In 1991, he was the recipient of the APWA's Samuel A. Greely Award. He is also a member of the American Society of Civil Engineers [ASCE] where he has served as an executive board member for 10 years in the urban planning and development division. In 1985, he received the ASCE's Harland Bartholomew Award, a national award for urban and regional planning. He is also a member of the League of California Cities. In 1991, he was president of the league's public works officers department and has also served on a number of the league's policy committees.

Tom has also served on the boards of many of our community organizations including the Chadbourne School Family and Faculty Association, from 1962 to 1965, and the Mission San José High School Parent Faculty Association, where he was chair from 1976 to 1978. He also participated as a Mission San José Little League umpire from 1970 to 1974 and has been an active member of St. Anne's Episcopal Church, serving both as bishop's committee member and a senior warden. He was a member of the Children's Home Society of California for 14 years and represented that organization at the both local and the state level.

Although Tom's expertise will be sorely missed by those in the city of Fremont, he was elected last November to the Bay Area Rapid Transit [BART] Board for region 6. Therefore, citizens in this area will continue to benefit from his knowledge of and involvement with engineering and transportation issues.

Mr. Speaker, I'd like to recognize Mr. Thomas K. Blalock for his commitment to our community. I hope you and all of my colleagues will join me and all of Tom's friends and neighbors in congratulating him on his retirement and wishing him well in all of his future endeavors.

TRIBUTE TO THE LATE LEW ENGMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to Lew Engman. Lew died on July 12 of this year at the age of 59. His sudden and premature death saddened all of his friends and associates who knew and worked with Lew over the years.

Lew was an honorable and honest man who was a pleasure to deal with. Whether or not you had a difference of views, you could depend on him to be straightforward, fair-minded, and true to his word. And a difference in view never translated into personal enmity or unpleasantness.

At the time of his death, Lew was president of the Generic Pharmaceutical Industry Association. Previously, when I first got to know him in the early 1980's, he was president of the sometimes rival Pharmaceutical Manufacturers Association, representing the industry's research firms. That Lew could head both associations, first one then the other, yet never be caught in contradiction or inconsistency, says a lot about the integrity with which he went about everything he did. In each case, he managed to stay totally loyal to his clients, and totally dependable as a man of his word.

I got to know Lew during the negotiations that led to passage of the 1984 Drug Price Competition and Patent Term Restoration Act. In securing support for that act, we had to balance the research-based drug companies' need for an adequate patent term with the goal of the generic drug industry to be on the market and able to compete as soon as those patents expired, with all the benefits that could bring to the public.

The issue was complicated, and the players fractious. Lew Engman put his name on the line to seal the compromise, approved by his companies, that made a bill possible. And when later some of his members broke ranks, he stuck to his word. His refusal to break his promise to Senator HATCH and me cost him his job, a considerable irony in view of the fact that the patent-restoration half of the compromise which he worked so skillfully to obtain might never have occurred without his deft guidance.

In the end, passage of the 1984 Waxman-Hatch Act was a testament to Lew Engman's conviction that the best form of legislation can achieve the aims of private interests while serving the public interest as well.

Lew of course had achieved a lot long before I knew him. An antitrust lawyer and economist by training, he had served in the Nixon and Ford administrations, as general counsel to the President's special assistant for consumer affairs, on the White House Domestic Council staff, then as Chairman of the Federal Trade Commission from 1973 to 1976. In the latter position, Lew was one of the first Government officials to note that some Federal agencies had become servants of the industries they regulated, and to call for some deregulation where appropriate.

I won't try to list all of Lew's achievements. Suffice it to note that two decades ago, Time magazine picked him among the country's young leaders to watch, and Lew proved the pick a good one. It saddens me that we will watch him no more; at just 59 and full of energy, he was far too young to die.

CITIZEN EXCHANGE PROGRAMS CRITICAL TO FOSTERING BETTER UNDERSTANDING BETWEEN NATIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. HOYER. Mr. Speaker, I rise today to express my concern about the proposed cuts in the commerce, state, justice, and related agencies appropriations bill for fiscal year 1996 as it relates to educational and cultural exchange programs within the United States Information Agency.

As a member of the Commission on Security and Cooperation in Europe, I have witnessed first-hand the importance of people-to-people exchanges. They are instrumental in promoting our country and the democratic ideals that make our country great.

In addition, like many Members of this House, both Republican and Democrat alike, I, too, have been a part of a citizens exchange program. The American council of young political leaders, one of the recipients of USIA funding, was formed nearly 30 years ago as a non-profit bi-partisan educational exchange organization to enhance foreign policy understanding and exposure among rising young American political leaders and their counterparts around the world.

Since its establishment, Mr. Speaker, more than 3,000 political leaders from the United States and 2,000 foreign delegates have participated in some 500 governmental and business exchanges with their counterparts in more than 70 countries. The ACYPL's efforts are a key component of not only our exchange programs but in fostering better relations and understandings between nations. I am only sorry that programs such as ACYPL's may be at risk as a result of these proposed cuts in educational and exchange programs.

SISTER GRACE IMELDA BLANCHARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a truly outstanding and caring individual who dedicated her life to the education of our young people.

Sister Grace Imelda Blanchard was in many ways the epitome of those with whom so many Americans are familiar—the women of the religious community who truly believed that expanding the minds of young men and women was instrumental in carrying out God's intentions.

A native of New Haven, CT, Sister Grace received her bachelor of arts degree from Albertus Magnus College in 1936, a master's in secondary supervision in 1943, and a Ph.D. in education from New York University in 1968. Realizing that only by becoming a religious would she be able to fully devote her life to education, she entered the order of the Dominican Sisters of Newburgh, NY, on September 8, 1957. She subsequently entered the novitiate June 11, 1958; made her first profession June 17, 1959, and her final profession August 21, 1962.

Sister Grace's career as an educator encompassed a number of high schools, but it was at Mount Saint Mary College in Newburgh that she truly made her mark, beloved by her students, by her peers, by the administration, and by the community at large. She was an associate professor from 1968 to 1977 and a professor of education from 1978 to 1983. The administrators at Mount Saint Mary asked Sister Grace to take charge of the college's efforts to receive grant funding. They could not have made a better choice, for Sister Grace soon became a regular visitor to my congressional offices and other offices throughout Washington and Albany, where her perseverance and expertise in obtaining funding for the students became legendary.

Sister Grace was universally respected because she never hid the fact that she considered the education of the students to be her prime responsibility. We all admired the professional manner in which she knew how to obtain funding in an ever more competitive environment.

Sister Grace Imelda's accomplishments were not confined to her college. Her work on the literacy program for adults at the local high school, at the soup kitchen at St. Patrick's Church in Newburgh, and as a catechetical teacher in Montgomery, NY, made her known and loved in all of those communities.

In 1986, Sister Grace was presented with the Mount Saint Mary Faculty Award. The text of that award states:

> We are in her debt, not only for her stewardship over grants and goals, but also because she makes us better individuals. It is possible to calculate the dollars she has obtained for the college in writing Title III Grants, but impossible to measure her more priceless contribution of self.

Sister Grace Imelda was traveling to the founding chapter of the Dominican Sisters of Hope in Massachusetts when she was taken ill. We lost her while the chapter was in session and she was buried with a rite of committal on July 24. However, on next Monday, August 7, will mark a memorial mass in her honor at the college chapel, where her many friends and admirers will gather to bid farewell to a remarkable woman.

I happened to speak to Sister Grace just a few days prior to her passing. As was her practice, she had called to remind me that education must remain one of Congress' top priorities, and to underscore the need for continued quality in higher education. As always, Sister Grace was seeking future funding to assist in the laudable goals of her college.

Mr. Speaker, I extend my condolences to her sister-in-law, to her niece, to her four nephews, and to her many grandnieces and grandnephews. Their grief may be tempered with the knowledge that it is shared by many, and by the realization that Sister Grace Imelda Blanchard was a rare individual who will long be remembered.

BOSNIA-HERZEGOVINA SELF-DEFENSE ACT OF 1995

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina:

Mr. SMITH of New Jersey. Mr. Chairman, this week the Congress spoke its mind on the situation in Bosnia and Herzegovina, and we did so clearly and forcefully, just as the Senate did last week. By an overwhelming majority, we supported the right of the people of Bosnia and Herzegovina to defend themselves.

The Congress, however, is not the only voice expressing outrage over the toleration of aggression and genocide. On Monday, 27 nongovernmental organizations released a joint statement on Bosnia. It is a powerful statement which I request be inserted into the RECORD, and which I commend to my colleagues. Let me quote from it:

> Bosnia is not a faraway land of no concern to our ''national interest.'' At stake is the global commitment to fundamental human values—the right not to be killed because of one's religion or ethnic heritage, and the right of civilians not to be targeted by combatants. The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

These words, Mr. Speaker, come from a variety of American organizations. They include religious organizations, those dedicated to humanitarian causes, including the care of refugees; and groups dedicated to the rule of law. These are not organizations which one would assume support military options; the fact that they do says something about the gravity of what is happening in Bosnia. Moreover, some are Arab-American organizations, and some are Jewish-American organizations. The list represents a broad spectrum.

Another statement on Bosnia has also been released recently—the letter of resignation by the U.N.'s rapporteur on human rights in the former Yugoslavia, former Polish Prime Minister Tadeusz Mazowiecki. Mr. Mazowiecki is known as a thoughtful and principled man; his dedication to human rights is evident as much in his resignation as it was in his acceptance of this position 3 years ago. I would like to submit that statement for the RECORD as well, Mr. Speaker, and let me quote a few lines from it:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders. The reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa. . . Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual. . . I would like to believe that the present moment will be a turning point in the relationship between Europe and the world toward Bosnia. The very stability of international order and the principle of civilization is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

These words, Mr. Speaker, reflect the frustration of many of us who see the conflict in Bosnia for what it is, and know what needs to be done to stop it. This is not a civil war based on ancient hatreds. This is not simply about Bosnia. This conflict is about aggression and genocide, and we must beware the massage which the international community is sending should give to those around the world willing to use force to achieve their political ends.

In responding to crises and conflicts, we must remain objective, and attempt to see things as they really are, without bias. That means we must abandon an artificial neutrality. We must instead identify aggressor and stand with the victim of aggression. Just as these 27 nongovernmental organizations and Mr. Mazowiecki have taken that step, so must

this Congress and this country, Mr. Speaker. We must take a stand. It's a matter of principle, and of lives.

JOINT POLICY STATEMENT ON BOSNIA

The international community's half-measures and evasions have not ended three years of ethnic slaughter in Bosnia. It is time for leadership and action. Bosnia is not a faraway land of no concern to our ''national interest.'' At stake is the global commitment to fundamental human values—the right not to be killed because of one's religious or ethnic heritage, and the right of civilians not to be targeted by combatants.

The U.N. General Assembly, the U.N. Commission on Human Rights, the World Conference on Human Rights, and the International Criminal Tribunal for the Former Yugoslavia have all decried the slaughter in Bosnia as genocide, one of the most heinous crimes known to humanity. The international community has a moral and legal duty to prevent genocide (Convention on the Prevention and Punishment of the Crime of Genocide, Art. VIII) and to see that its instigators and those responsible for parallel war crimes and crimes against humanity are brought to justice.

The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

We represent 27 different human rights, humanitarian, religious and professional organizations. So far, our organizations have worked individually to end the atrocities in Bosnia. Today, in an effort to end the paralysis, we join together. We urgently call on President Clinton and the leaders of the other major powers to take the following steps:

Protect civilians in all ''safe areas.'' The major powers, through their votes on the Security Council, established the six ''safe areas'' in Bosnia. Tens of thousands of Bosnians, many of whom had been driven from their homes elsewhere in the country, entrusted their lives to the international forces. Instead, in Srebrenica and Zepa, they have been abandoned. The major powers' recent vow to retaliate forcefully against Bosnian Serb forces if they advance on Gorazde is not enough. It should be extended to all remaining ''safe areas''—Bihac, Sarajevo and Tuzla, as well as Gorazde—and triggered not only if troops advance on those havens but also if their civilians are shelled. Any military action by intervening troops should comply strictly with international humanitarian law.

Insist on immediate access to all detainees from Srebrenica and Zepa. Thousands of men who had taken refuge in Srebrenica and Zepa have now been detained by Bosnian Serb forces or face imminent detention. Reports of brutality in Srebrenica demonstrate that these detainees face an all-too-real threat of murder. To prevent further massive loss of life, the major powers should insist that international humanitarian organizations are given immediate access to all detainees and demand that their safety and well-being are ensured.

Ensure the delivery of humanitarian supplies to civilians in the ''safe areas.'' The major powers must ensure the delivery of humanitarian supplies to the ''safe areas,'' if necessary by employing military force in response to the obstruction of those supplies. For instance, the major powers should secure the passage of supplies to Sarajevo over the Mt. Igman road and ensure the delivery of supplies by airdrop to enclaves that are not accessible by land. Deployment of the rapid reaction force on Mt. Igman has begun, but we remain concerned by the major powers' continuing unwillingness to insist on the right to deliver humanitarian supplies in the absence of Bosnian Serb assent.

Stigmatize those who direct, assist and supply abusive troops. The major powers should publicly name the senior political and military leaders who are presiding over atrocities. Details of their crimes should be made public and provided to the International Criminal Tribunal for the Former Yugoslavia. The major powers, and particularly the U.S. government, should also disclose all available information, including intelligence, that implicates Serbia in supplying, assisting or directing Bosnian Serb troops. The major powers should also strengthen the regime for monitoring external support to Bosnian Serb forces.

Do not lift, suspend or weaken sanctions against Belgrade until it cooperates fully with the investigation and extradition of suspected and indicted war criminals. The creation of the International Criminal Tribunal for the Former Yugoslavia is an historic opportunity to demonstrate that genocide, war crimes and crimes against humanity cannot be committed with impunity—a message that was reaffirmed with last week's indictment of Bosnian Serb political and military leaders Radovan Karadzic and Ratko Mladic. The Tribunal promises justice for victims, deterrence against further abuse, and a basis for eventual peace and reconciliation by substituting individualized guilt for the assumptions of collective ethnic guilt that now fuel the conflict. In recognition of the need for the Serbian government's active support to secure the presence of defendants for trial, the U.S. government had insisted throughout much of 1994 that sanctions against Belgrade would not be eased until it cooperated in the investigation and extradition of suspected and indicted war criminals. But to date, Belgrade has blocked Tribunal investigators and done nothing to secure custody of Bosnian Serbs under indictment. We are deeply disturbed that the major powers are nonetheless now offering Belgrade an opportunity to suspend sanctions in return for political concessions that have nothing to do with the Tribunal. That offer should be withdrawn, and Belgrade's active cooperation with the Tribunal should be made a prerequisite for any new suspension, lifting or easing of the sanctions.

Signed by: The American Jewish Committee; The American Jewish Congress; American Nurses Association; Anti-Defamation League; Arab-American Anti-Discrimination Committee; B'nai B'rith; Center for Civil and Human Rights; Center for Constitutional Rights; Equality Now; Human Rights Watch; Institute for War and Peace Reporting; International League for Human Rights; International Human Rights Law Group; International Human Rights Law Institute, DePaul University, College of Law; Jacob Blaustein Institute for the Advancement of Human Rights; Lowenstein International Human Rights Clinic, Yale Law School; Minnesota Advocates for Human Rights; National Association of Arab Americans; National Jewish Community Relations Advisory Council; Physicians for Human Rights; Refugees International; Saferworld; Travelers and Immigrants Aid of Chicago; Union of American Hebrew Congregations; Women's Refugee Project (Harvard Law School); World Vision (Andrew Natsios, Executive Director and Bob Seiple, President); U.S. Committee for Refugees.

UNITED NATIONS OFFICE AT GENEVA,
CENTRE FOR HUMAN RIGHTS,
CH 1211 Geneve 10,July 27, 1995.

His Excellency TAN SRI DATO MUSA HITAM,
Chairman of the Commission on Human Rights, Xuala Lumpur.

DEAR MR. CHAIRMAN: Events in recent weeks in Bosnia and Herzegovina, and above all the fact that the United Nations has allowed Srebrenica and Zepa to fall along with the horrendous tragedy which has beset the population of those ''safe havens'' guaranteed by international agreements, oblige me to state that I do not see any possibility of continuing the mandate or special rapporteur entrusted to me by the commission on human rights.

On accepting the mandate which was given to me for the first time in August 1992, I declared unequivocally that my goal would not simply be writing reports but helping the people themselves. The creation of ''safe havens'' was from the very beginning a central recommendation in my reports. The recent decisions of the London conference which accepted the fall of Srebrenica and resigned itself to the fate of Zepa are unacceptable to me. Those decisions did not create the conditions necessary for the defense of all ''safe havens''.

These events constitute a turning point in the development of the situation in Bosnia. At one and the same time, we are dealing with the struggle of a state, a member of the United Nations, for its survival and multiethnic character, and with the endeavour to protect principles of international order. One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders, the reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa.

Human rights violations continue blatantly. There are constant blockades of the delivery of humanitarian aid. The civilian population is shelled remorsely and the ''blue helmets'' and representatives of humanitarian organizations are dying. Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

The character of my mandate only allows me to further describe crimes and violations of human rights. But the present critical moment forces us to realize the true character of those crimes and the responsibility of Europe and the international community for their own helplessness in addressing them. We have been fighting in Poland against a totalitarian system with a vision for the Europe of tomorrow. How can we believe in a Europe of tomorrow created by children of people who are abandoned today?

I would like to believe that the present moment will be a turning point in the relationship between Europe and the world towards Bosnia. The very stability of International order and the principle off civilisation is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

Mr. Chairman, please understand the motives behind my decision and convey them to the members of the Commission on Human Rights. I will submit my final eighteenth report based on my recent mission to Tuzla to the commission in the near future.

Please accept, Excellency, the assurances of my highest consideration.

Tadeus, Mazowiecki,
Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

TRIBUTE TO DR. ALICE WALKER-DUFF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DIXON. Mr. Speaker, I am pleased to have this opportunity to salute the outstanding contributions made by Dr. Alice Walker-Duff to the children of Los Angeles. As executive director of Crystal Stairs, Alice presides over one of the largest nonprofit and most enduring child care resource and referral providers in California. She has earned a well deserved reputation as an indefatigable advocate for comprehensive, quality early child development services as an essential ingredient to helping children mature into successful, productive adults.

Alice's career with Crystal Stairs began nearly two decades ago. It was not, however, the career she had envisioned but one that she came to out of a desire to help her good friend and Crystal Stairs' founder, Karen Hill-Scott. In the early 1970's, in a venture that would serve as the precursor to Crystal Stairs, Alice and Karen had teamed together to found the Childcare Resource and Referral Service. The program was the sole African-American alternative program in California. It offered working parents, most often single mothers, with quality child care development services, affording many the opportunity to return to school or to the employment roles.

In the mid 1970's, while supervising a classroom project in one of her urban planning classes at UCLA, where she taught, Karen discovered there was a paucity of information available at the city and county level regarding available day care providers located in the urban areas of Los Angeles. Armed with this information, she applied for and received funding from the State of California to establish an agency that would address this shortage. Thus was born Crystal Stairs, a nonprofit agency incorporated in 1980 that supervises and certifies affordable, safe, and reliable child care development providers in the African-American community of southern California.

Alice agreed to help Karen by managing the day-to-day operation and management of Crystal Stairs. Karen was still a professor at UCLA and she needed an individual who was smart, politically savvy, and above all, knowledgeable about early childhood development. Although the initial agreement had Alice remaining at Crystal Stairs for just 8 short months, 2 years ago, when Karen stepped down as executive director to serve as a consultant in children's television programming, Alice settled in as the agencies executive director.

During her nearly 20 years of dedicated service and commitment to Crystal Stairs and the children of Los Angeles, Alice has been instrumental in expanding the agency's outreach to include a comprehensive array of services, including child-care research, a food program in Los Angeles, Orange, and Riverside Counties; parenting classes, and employment training programs.

Last year, Crystal Stairs added one more jewel to its crown with the opening of SAGE, a child-care center in the Nickerson Gardens public housing development. The center offers a range of afterschool classes, including instruction in computer skills and math and art classes. SAGE is providing a tangible resource to the children of Nickerson Gardens by helping to enhance their development and offering a beacon of hope for a future that is too often viewed as hopeless.

Mr. Speaker, I am proud and honored to salute the outstanding accomplishments of Dr. Alice Walker-Duff to the Los Angeles community. Her career has been marked by a level of excellence that is worthy of the accolades she receives this day. She has labored nobly and steadfastly in her quest to ensure that children receive the appropriate day care and essential nurturing to which all children are entitled. Please join me in commending her for her contributions to the children of Los Angeles, and in extending to her, her husband attorney Joe Duff, and their two daughters Gingi and Laura, our appreciation and best wishes for continued success in the future.

HONORING VETERANS OF THE KOREAN WAR

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mrs. KENNELLY. Mr. Speaker, as we remember the 42d anniversary of the armistice of the Korean war, and as we dedicate the new Korean War Veterans Memorial on the Mall, I want to commemorate the patriotism of the 1.5 million Americans who served, the courage of those who were wounded or taken prisoner-of-war, and the sacrifice of the more than 54,000 who did not come home. These soldiers, including many from my congressional district and the State of Connecticut, have made an indelible contribution to our nation and to our world by exemplifying America's uncompromising devotion to freedom.

The soldiers who fought in Korea were the first American servicemen and women to directly contest a Communist army. Their bravery in combat against North Korea and China proved that the United States would not appease Communist aggression. Their defense of freedom in one corner of the world gave hope to millions of people under Communist rule in other corners that the democratic nations had not forgotten their plight. Korea was the first volley in the battle that was won when the Berlin Wall came down and the Soviet Union crumbled.

Our Korean war soldiers also demonstrated to the world that we were ready and willing to help even our smallest and most distant allies fend off foreign aggression. While no one questioned America's strategic interest in defending Europe during the world wars, our commitment to our friends in Asia was not as certain. But in the summer of 1950, the United States spoke loud and clear: we would stand up for freedom anywhere it was threatened by tyranny. That message still resonates today.

But our soldiers did not merely engage in battle against international aggression; it was a contest between democracy and totalitarianism. In Korea, our soldiers proved that Americans did not just talk about the importance of democracy—they would risk their lives for it. The march of American soldiers up the Korean peninsula from Pusan to the 38th Parallel was a remarkably brave demonstration of our commitment to lead by example. Today, as nations on every continent strive towards democracy, they rightfully look to us for moral guidance.

By fighting side-by-side with soldiers from around the world, American soldiers also demonstrated that multi-national coalitions can bring about peaceful ends. When we contemplate the awesome success of Desert Storm 4 years ago, we can look back to Korea as the prototype.

Through these accomplishments, the soldiers of the Korean war left an indelible mark on the modern world. Sadly, Korea is at times called the forgotten war. But the freedom and security it brought the world will long be remembered.

Were it not for the courage of our soldiers, South Korea would not be a free and prosperous nation, one of our most trusted and valuable allies in the Pacific rim.

And were it not for the fortitude of our neighbors, relatives and friends in uniform who joined the battle against North Korea, the fall of Communism in Eastern Europe and in Central America would have been far less assured.

Most importantly, were it not for the selflessness of American servicemen and women who triumphed over dictatorship in a country many had never even heard of, the guiding light of democracy we extend to other nations would not be nearly as bright.

We still live in a dangerous, unpredictable world. But the heroic, selfless efforts of Americans in places like Inchon, Chosin, and Pusan have ensured that future generations of Americans will live in a world where freedom is cherished and tyranny is repelled. For that, we owe the veterans of the Korean war our eternal gratitude.

I commend the Korean war veterans from the First District of Connecticut and from around the United States on the occasion of the 42d anniversary of the end of the Korean war.

CLEANING UP BROWNFIELDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DINGELL. Mr. Speaker, I rise with my colleagues from Ohio, Mr. BROWN, and my colleague from Missouri, the distinguished minority leader, Mr. GEPHARDT, to introduce legislation which, if enacted, will promote the cleanup of lands containing abandoned or under used industrial facilities where legal, environmental, and financial barriers prevent redevelopment.

Contaminated, often vacant industrial sites, known as brownfields, pose significant economic and environmental challenges for communities throughout southeastern Michigan. These challenges are formidable, but not insurmountable. I will explore the issues which determine how to succeed in converting our brownfields in Downriver and Detroit back to engines of economic progress.

Industrial properties, contaminated from years of use, are very difficult to redevelop. Even ongoing operations may be difficult to sustain. Cleanup costs are high and liabilities for past contamination scare potential purchasers, developers, and lenders. However,

not cleaning and reusing these sites means that sites with the potential to contribute to local economic development and job creation sit dormant, and pollution remains unchecked. The lack of usable properties in long-term manufacturing centers like those in metropolitan Detroit and other cities encourages builders and investors to look for more distant locations for development.

The bill which I am sponsoring with my colleagues will address these concerns by providing more than $100 million over 3 years so that local governments can choose and develop the sites which have the best chance of success if they are cleaned up. The grants will be used to assess the environmental conditions and economic potential of a site. Loans will allow cities and other development authorities to finish the job. Perhaps most important, current Federal laws would be amended to reduce fears of liability for purchasers and lenders. Together with the enhanced public funding, it is hoped that these steps will leverage additional private investment in brownfields.

I am pleased to say that local governments in my congressional district are not waiting for this legislation to get started on these efforts. However, organizations like the Southeast Michigan Council of Governments [SEMCOG] and the Port of Monroe assure me that this legislation should help guarantee success.

Mr. Speaker, I look forward to working with my colleagues on the Commerce Committee to see how this legislation fits with efforts to reauthorize the Superfund.

BROWNFIELD BILL—SECTION-BY-SECTION ANALYSIS

SECTION I. FINDINGS

SECTION II. FINANCIAL ASSISTANCE

Purpose

Provide financial incentives that encourage redevelopment efforts of brownfield sites.

Help create a more level playing field relative to the more desirable ''greenfields''.

Aid with the expenses involved with cleanup activities at brownfield sites.

Summary

Provides grants to local governments for site investigations to assess the level of contamination; authorizes $15 million each fiscal year from the Superfund trust fund.

Provides interest-free loans to local governments for cleanup activities. Such loans are to be repaid within 10 years to be deposited back into the Superfund trust. Authorizes $30 million each fiscal year from the Superfund trust fund for such purposes.

Establishes a 3 year sunset for authorization of funds.

Permits local governments to submit to EPA an application for a grant or loan for specific redevelopment project(s).

Specifies criteria by which applications are ranked; includes: Stimulation of economic development (eg. job creation, increased revenue); extent local community participates and supports remediation and development; financial involvement of State and local governments (in lieu of matching requirement); extent the local community supports the redevelopment project(s); and extent health and environmental risks (or threat of) are reduced.

SECTION III. LENDER LIABILITY

Purpose

Encourage lenders to help finance brownfield redevelopment efforts by reducing liability fears induced by unfavorable court interpretations. The US v. Fleet Corp. court ruling inflicted uncertainty among lending institutions regarding liability.

Clarify activities that lenders can perform without being held liable under Superfund.

Summary

Upholds EPA's 1992 Lender Liability rule which was invalidated by a court ruling:

Species lender's activities that give rise to potential liability. These include undertaking responsibility for hazardous substance practices and day-to-day decisionmaking with respect to environmental compliance and operational functions.

Specifies activities that do not give rise to liability. Includes: Mere capacity to influence or unexercised right to control facility operations; actions to require environmental inspection and/or cleanups; work out' activities (eg. preventing foreclosure by restructuring terms).

To remain exempt from liability after foreclosure, a lender must sell, re-lease, or otherwise divest itself of the property in a reasonably expeditious manner.

SECTION IV. PURCHASER LIABILITY

Purpose

Protect new purchasers and redevelopers from liabilities for past problems.

Under N.Y. v. Shore Realty, the court held the current owner responsible for response costs; it reasoned that CERCLA unequivocally imposes strict liability on the current owner of a facility from which there is a release without regard to causation.

Summary

Exempts prospective purchasers from liability when acquires ownership of a facility and establishes each of the following:

All active disposal of hazardous substances at the facility occurred before that person acquired the facility.

Person made all appropriate inquiry into the previous ownership and uses of the facility and poverty.

The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

The person exercised appropriate care with respect to hazardous substances found by stopping on-going releases and preventing future releases of hazardous substances.

SECTION V. FIDUCIARY LIABILITY

Purpose

Reduce banks' fears of liability in their capacity as a fiduciary. Fiduciaries are wary of accepting real estate into their trust portfolios due to unfavorable court decisions.

Summary

Limits the liability of fiduciaries (trustees) to the value of the assets of the trust or estate unless: Person undertakes fiduciary status to avoid preexisting personal liability; fiduciary is personally, causing or contributing to release of hazardous substance; fiduciary participates in planning and implementing a scheme to evade CERCLA; and fiduciary fails to comply with requirements set by EPA.

Fiduciaries undertaking or directing others to undertake a response/cleanup action under CERCLA are precluded from liability.

IN SUPPORT OF SUPERFUND REFORMS TO PROMOTE THE REDEVELOPMENT OF ''BROWNFIELDS''

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GEPHARDT. Mr. Speaker, I join today with Mr. BROWN of Ohio, Mr. DINGELL, Mr. STOKES, Mr. BORSKI, Mr. RUSH, Mr. KLINK, Mr. MANTON, Mr. TOWNS, and Ms. FURSE in introducing legislation to redevelop abandoned or underutilized industrial sites. As many as 500,000 sites that once sustained industrial or commercial activities now lie vacant or idle across the country in our rural and urban areas. Returning these sites to productive use must be an important national goal.

This legislation is intended to promote the cleanup and redevelopment of such abandoned properties, commonly referred to as ''brownfields.'' Too often the private sector is deterred from redeveloping such brownfields because of their high cleanup costs and the potentially open-ended liability associated with undiscovered contamination. Likewise, cities have lacked the resources to assess contamination levels at abandoned sites or to help finance cleanups.

Like many cities across the country, St. Louis has hundreds—perhaps thousands—of abandoned sites that sit idle and need to be reused. In many cases, private owners have simply given up on their properties, allowing them to revert to the public domain; the municipality of St. Louis owns more than 40,000,000 square feet of abandoned property and buildings. But many other underused sites remain in private hands as well.

St. Louis has seen some neighborhoods deteriorate as investment and jobs have gone elsewhere. Many times it has been more attractive for businesses to invest in untouched property that does not carry with it potential environmental liability and expensive cleanup costs. Thus, many sites—the old Carondelet Coke plant in south St. Louis City, areas along the Mississippi riverfront, and the former National Lead site in St. Louis County—remain unused.

Our goal is to encourage the cleanup and reuse of brownfields for productive uses, thus bringing new job opportunities to blighted areas. This bill contains provisions to encourage private sector investment in redevelopment and provide cities with the resources to coordinate site characterization and promote cleanups. There are three major objectives.

First, this legislation provides cities new resources necessary to promote the cleanup of sites. Developers or purchasers often find capital out of reach when potentially costly environmental liabilities are present. In addition, cities often have difficulty in obtaining the necessary resources to assess the extent of toxicity of individual sites, the first step in brownfield redevelopment.

To help provide funding that the private sector cannot always provide, the bill authorizes the EPA to provide funds from the Superfund trust fund for cleanup activities. Local government entities, such as the St. Louis community development agency, would be able to apply and compete for interest-free loans or grants to perform site assessments and cleanup activities. The grants and loans would be competitively awarded based on their capacity to create new jobs, as well as the amount of local participation and financial support.

The cities have emphasized that site characterizations and assessments are extremely useful in marketing contaminated sites to prospective buyers or developers. After determining the level of contamination, parties are more inclined to invest in brownfield properties since the projected cleanup costs are better known. This bill authorizes the EPA to provide

up to $15 million annually from the Superfund to local governments to perform such assessments. Furthermore, to facilitate cleanups, the bill authorizes the use of up to $30 million annually in loans to finance remediation activities.

Second, this legislation clarifies the lender liability issue in order to encourage private sector investment. The Fleet Factors case obscured the intent of Superfund's secured-lenders exemption. This confusion has made many lenders reluctant to become involved in potentially contaminated properties. Bankers now often fear that their interest may make them subject to cleanup liability for newly discovered or released contamination. The bill makes it clear that lenders who are merely performing a lending function and not managing a site's daily operations or contributing to the contamination can lend for redevelopment purposes without fear of incurring large environmental liabilities. The bill also provides protections to lenders who act in their capacity as fiduciaries.

Third, this legislation provides protection for good faith prospective purchasers. To protect innocent landowners from Superfund liability when they acquire property subsequently found to be contaminated, the bill exempts prospective purchasers from such liability if certain precautionary measures are taken. Under Superfund, the owner of a contaminated tract of land may be held responsible for cleaning it up even if the pollution was created by the prior owner. Thus, potential purchasers are often deterred from investing in sites with potential contamination. This provision allows a purchaser who checks the site carefully before purchase to avoid liability if contamination is subsequently discovered.

This legislation is the result of our discussions with many leaders on this issue. St. Louis Mayor Freeman Bosley, Jr., cochair of the U.S. Conference of Mayors' Brownfields Committee, has been committed to finding solutions to problems associated with brownfields. We have also worked closely with St. Louis lenders, environmentalists, and the St. Louis Regional Commerce and Growth Association. Finally, I am pleased that this bill has the support of the National League of Cities. Their contributions helped us focus on the most critical problems and develop solutions that are workable in an era of fiscal limits.

This legislation does not solve all aspects of the brownfields redevelopment problem. The solutions require a comprehensive reform of the Superfund bill, of the sort that nearly passed the House last year. There are also other aspects of the problem—such as those involving the treatment of leaking underground storage tanks—that must be addressed as well.

Generally, this legislation begins us on the way toward confronting the most important factors that have blocked the redevelopment of communities throughout urban and rural America. I thank all of my colleagues, particularly Mr. BROWN and Mr. DINGELL, for their hard work in developing this bill.

A BROWNFIELDS CLEANUP PROGRAM

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BORSKI. Mr. Speaker, I am pleased to join today with the gentleman from Ohio [Mr. BROWN], the gentleman from Michigan [Mr. DINGELL], the ranking Democratic member of the Commerce Committee, and the Democratic leader, Mr. GEPHARDT, to introduce legislation to help cities attract jobs by cleaning up brownfields sites.

This initiative will bring jobs to Philadelphia and every other city that has been facing inflexible environmental laws.

This bill is necessary because Superfund has become an obstacle to the economic redevelopment of our cities. Superfund has become a job-killer in our Nation's cities and that has to be changed.

Mayor Ed Rendell of Philadelphia, America's mayor, made revision of the Superfund brownfields program a prominent part of his new agenda for urban America.

The current Superfund Program has required America's cities to fight the battle for jobs with one hand tied behind their backs. Cities must be able to attract jobs—new jobs—if they are going to be able to expand their tax bases and provide funds for all the other services that are essential in urban areas—schools, housing, transit and many others. Cities cannot survive without new jobs.

In Philadelphia, the city is attempting clear away the more than 30,000 abandoned buildings that dominate far too much of the city. They want to clear the lots for development but they have run into a stone wall because no developers want to touch land that poses the threat of Superfund involvement.

Our Commissioner of Licenses and Inspections, who is in charge of this effort, testified before the Subcommittee on Water Resources and the Environment about an atmosphere of fear among prospective developers.

It is clear that we must take the steps that are necessary to dispel the atmosphere of fear that pervades our cities.

This bill that we are introducing today will help Philadelphia and all the other cities with the same problem a small measure of help by setting aside Superfund money to be used just for these sites.

During the next 3 years, $45 million would be available for grants to cities for preliminary site characterization work and $90 million would be provided for loans to cities for cleanup.

The bill also includes protection for prospective purchasers—people who want to buy property but may be scared away by the potential liability.

Under this bill, prospective purchasers who have no connection with the waste disposal will be shielded from liability.

The brownfields problem has a major impact on communities across the country. Experts have estimated as many as 500,000 contaminated sites that could be available for productive industrial development if the liability issue was settled.

EPA Administrator Carol M. Browner has done a good job moving this program in the right direction with her brownfields action agenda, especially removing 25,000 sites from the CERCLIS list.

That removal eliminates the taint of a Superfund listing from sites that don't belong on a Superfund list.

More must be done legislatively to focus attention on the brownfields problem.

As the ranking Democratic member on the Water Resources and Environment Subcommittee, I am prepared to offer this bill during the Superfund debate in the Transportation and Infrastructure Committee.

Thursday, August 3, 1995

Daily Digest

HIGHLIGHT

House passed Labor–HHS–Education Appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S11227–S11351

Measures Introduced: Six bills were introduced, as follows: S. 1115–1120. **Pages S11323–24**

Measures Passed:

Alaska Native Claims Settlement Act: Senate passed H.R. 402, to amend the Alaska Native Claims Settlement Act, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S11342–47**

Warner (for Stevens) Amendment No. 2110, to amend section 7(i) of the Alaska Native Claims Settlement Act to exclude net operating losses from the definition of ''revenues''. **Pages S11345–47**

Department of Defense Authorizations, 1996: Senate continued consideration of S. 1026, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows: **Pages S11227–S11321**

Adopted:

(1) McCain Amendment No. 2091, to limit the total amount that may be obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines. **Pages S11297–98**

(2) Dodd Amendment No. 2092 (to Amendment No. 2091), to propose an alternative limitation on the amount that may be obligated for procurement of the Seawolf class submarines. **Pages S11297–98**

(3) By 69 yeas to 26 nays (Vote No. 358), Cohen Amendment No. 2089, to express the sense of Congress on the missile defense of the United States. **Pages S11282–83, S11304–07**

(4) Warner (for Chafee) Amendment No. 2095, to improve the section establishing uniform national discharge standards for the control of water pollution from vessels of the Armed Forces. **Pages S11307–08**

(5) Nunn (for Pryor/Feinstein) Amendment No. 2096, to make funds available for the Troops to Teachers program and the Troops to Cops program. **Pages S11308–10**

(6) Warner (for Dole) Amendment No. 2097, to ensure the preservation of the ammunition industrial base of the United States. **Page S11310**

(7) Warner (for Thurmond) Amendment No. 2098, to modify the authority to transfer funds regarding foreign currency fluctuations so that the authority does not apply to appropriations for fiscal years before fiscal year 1996. **Pages S11310–11**

(8) Nunn (for Akaka) Amendment No. 2099, to provide a substitute for section 543, relating to military intelligence personnel prevented by secrecy from being considered for decorations and award. **Pages S11311–13**

(9) Nunn (for Akaka) Amendment No. 2100, to require the Secretary of the Army to review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service in the Army during World War II to determine whether the award should be upgraded to the Medal of Honor. **Page S11313**

(10) Warner (for Coats) Amendment No. 2101, to revise section 723, relating to the applicability of CHAMPUS payment rules to health care provided by CHAMPUS providers to members of the uniformed services enrolled in a health care plan of a Uniformed Services Treatment Facility. **Page S11314**

(11) Warner (for Coats) Amendment No. 2102, to change an enrollment date from January 1, 1995 to October 1, 1995 relating to TRICARE Uniform Health Benefits by Uniformed Services Treatment Facilities. **Page S11314**

(12) Warner (for Nickles/Inhofe) Amendment No. 2103, to provide for a General Accounting Office analysis of a Department of Defense Depot Maintenance Policy Report. **Pages S11314–15**

(13) Warner (for McCain) Amendment No. 2104, to make various amendments to the provisions relating to the Naval Petroleum Reserves.

Pages S11315–18

(14) Nunn (for Feinstein) Amendment No. 2105, to extend the fiscal year 1993 project authorization for the JP–8 fuel facility at the Los Alamitos Reserve Center, California. **Page S11318**

(15) Warner (for Thurmond) Amendment No. 2106, to make the authority under section 648 (Annuities for Certain Military Surviving Spouses) subject to the availability of appropriations.

Pages S11318–19

(16) Warner (for Kyl) Amendment No. 2107, to require a review and report on United States policy on the security of the national information infrastructure. **Pages S11319–20**

(17) Warner (for McCain) Amendment No. 2108, to provide for Iran and Iraq arms non-proliferation measures. **Page S11320**

(18) Warner (for Thurmond) Amendment No. 2109, to provide funding for the activities of the Defense Base Closure and Realignment Commission for the remainder of 1995. **Pages S11320–21**

Rejected:

(1) Dorgan Amendment No. 2087, to reduce the amount authorized to be appropriated under Title II for national missile defense. (By 51 yeas to 48 nays (Vote No. 354), Senate tabled the amendment.)

Pages S11227–39

(2) Levin Amendment No. 2088, to strike language that: (1) makes it U.S. policy to deploy a multiple-site national missile defense, (2) expresses the sense of the Congress that the President should not try to change the ABM treaty until after a Congressional review, and (3) sets standards for assessing compliance with the ABM treaty. (By 51 yeas to 49 nays (Vote No. 355), Senate tabled the amendment.)

Pages S11246–82

(3) By 30 yeas to 70 nays (Vote No. 356), McCain Amendment No. 2090, to delete funding for procurement of a third Seawolf submarine, and to prohibit expenditures of fiscal year 1996 funds and prior fiscal year funds for procurement of such submarine. **Pages S11283–96**

(4) By 41 yeas to 58 nays (Vote No. 357), Bumpers Amendment No. 2094, to strike provisions concerning Defense Export Loan Guarantees.

Pages S11298–S11303

A unanimous-consent time agreement was reached providing for further consideration of the bill and amendments to be proposed thereto on Friday, August 4, 1995. **Page S11304**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

The Exchange of Notes Relating to the Tax Convention with Kazakhstan (Treaty Doc. No. 104–15).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Page S11342

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled ''Empowerment: A New Covenant With America's Communities''; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–72). **Page S11322**

Nominations Received: Senate received the following nominations:

John David Carlin, of Kansas, to be an Assistant Secretary of Agriculture.

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

Bonnie O'Day, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

1 Marine Corps nomination in the rank of general.

Routine lists in the Army.

Routine list in the Navy. **Pages S11347–51**

Messages From the President: **Page S11322**

Messages From the House: **Page S11322**

Petitions: **Pages S11322–23**

Statements on Introduced Bills: **Pages S11324–29**

Additional Cosponsors: **Pages S11329–30**

Amendments Submitted: **Pages S11330–35**

Notices of Hearings: **Page S11335**

Authority for Committees: **Pages S11335–36**

Additional Statements: **Pages S11336–41**

Record Votes: Five record votes were taken today. (Total–358)

Pages S11239, S11282, S11296, S11302–03, S11307

Recess: Senate convened at 9 a.m., and recessed at 11:28 p.m., until 9 a.m., on Friday, August 4, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S11347.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nomination of Jill L. Long, of Indiana, to be Under Secretary of Agriculture for Rural Economic and Community Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation, after the nominee, who was introduced by Senator Coats and Representatives Roberts and de la Garza, testified and answered questions in her own behalf.

AUTHORIZATION—ENDANGERED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Drinking Water, Fisheries, and Wildlife resumed hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, receiving testimony from Carl B. Loop, Jr., Florida Farm Bureau Federation, Jacksonville, on behalf of the American Farm Bureau Federation; R.J. Smith, Competitive Enterprise Institute, James M. Sweeney, Champion International Corporation, Michael J. Bean, Environmental Defense Fund, and Steven P. Quarles, on behalf of the Endangered Species Coordinating Council and the American Forest and Paper Association, all of Washington, D.C.; Michael White, Hecla Mining Company, Coeur d'Alene, Idaho; Sherl L. Chapman, Idaho Water Users Association, Inc., Boise; George E. Meyer, Wisconsin Department of Natural Resources, Madison; Murray Lloyd, Black Bear Conservation Committee, Shreveport, Louisiana; Brian Loew, Riverside County Habitat Conservation Agency, Riverside, California; Charles E. Gilliland, Texas A&M University, College Station; Randy Scott, San Bernardino County Planning Department, San Bernardino, California; Elliot Parks, San Diego Association of Governments, San Diego, California; and Lindell L. Marsh, Siemon, Larsen & Marsh, Irvine, California.

Hearings were recessed subject to call.

IRAQ SANCTIONS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the effects of United Nations sanctions imposed on the Iraq economy, after receiving testimony from Madeleine Albright, Permanent Representative to the United Nations; Omar A. Duwaik, Reema International Corp., Denver, Colorado; and Rend Rahim Francke, Iraq Foundation, and Phebe Marr and Patrick Clawson, both of the Institute for National Strategic Studies/National Defense University, all of Washington, D.C.

IRAQ ATROCITIES AGAINST THE KURDS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the extent of Iraqi war crimes against the Iraqi Kurdish population, after receiving testimony from Kathryn Cameron Porter, Human Rights Alliance, Fairfax, Virginia; Alan O. Makovsky, Washington Institute for Near East Policy, Washington, D.C.; Kenneth Roth, Human Rights Watch, New York, New York; Najmaldin O. Karim, Kurdish National Congress of North America, Silver Spring, Maryland; Douglas Layton, Servant Group International, Mount Juliet, Tennessee; and numerous other public witnesses.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 627, to require the general application of the antitrust laws to major league baseball; and

The nominations of Joseph H. McKinley Jr., to be United States District Judge for the Western District of Kentucky, and Evan Jonathan Wallach, of Nevada, to be a Judge for the United States Court of International Trade.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Terence T. Evans, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit, James M. Moody, to be United States District Judge for the Eastern District of Arkansas, William K. Sessions III, to be United States District Judge for the District of Vermont, Ortrie D. Smith, to be United States District Judge for the Western District of Missouri, and Donald C. Pogue, of Connecticut, to be a Judge of the United States Court of International Trade, after the nominees testified and answered questions in their own behalf. Mr. Evans was introduced by Senators Kohl and Feingold, and Representative Thomas Barrett, Mr. Murphy was introduced by Senators Hatch and Bennett, and Representative Orton, Mr. Moody was introduced by Senators Bumpers and Pryor, and Representative Dickey, Mr. Sessions was introduced by Senators Leahy and Jeffords, and Mr. Smith was introduced by Senators Ashcroft and Bond and Representative Skelton.

MEDICARE HMO's

Special Committee on Aging: Committee concluded hearings to examine the adequacy of Federal oversight of Medicare health maintenance organizations and how to assure quality of care for Medicare beneficiaries who enroll in HMO's, after receiving testimony from Sarah F. Jaggar, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; June Gibbs Brown, Inspector General, and Bruce C. Vladeck, Administrator, Health Care Financing Administration, both of the Department of Health and Human Services; Geraldine Dallek, Center for Health Care Rights, Los Angeles, California; Jesse Jampol, Health Insurance Plan of Greater New York, New York, New York, on behalf of the Group Health Association of America; Helen Imbernino, National Committee for Quality Assurance, Washington, D.C.; and Suzanne C. Mercure, Southern California Edison, Rosemead.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, receiving testimony from Thomas E. Castleton, Special Assistant to the Assistant Attorney General, Department of Justice, former Special Assistant to the Counsel to the President; Carolyn C. Huber, Special Assistant to the President and Director of Personal Correspondence; Stephen R. Neuwirth, Associate Counsel to the President; and Clifford M. Sloan, Wiley, Rein & Fielding, Bethesda, Maryland, former Associate Counsel to the President.

Hearings will continue on Monday, August 7.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 2177–2190, 2192; 1 private bill, H.R. 2191; and 2 resolutions, H. Con. Res. 92, and H. Res. 210 were introduced. **Pages H8360–61**

Report Filed: One report was filed as follows: H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, amended (H. Doc. 104–229). **Page H8360**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Waldholtz to act as Speaker pro tempore for today: **Page H8311**

Committees To Sit: The following committees and their subcommittees received permission to sit today during the proceedings of the House under the 5-minute rule: Committees on Commerce, Government Reform and Oversight, International Relations, National Security, Resources, and Small Business. **Page H8315**

Labor–HHS–Education Appropriations: By a yea-and-nay vote of 219 yeas to 208 nays, Roll No. 626, the House passed H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996. **Pages H8315–59 (continued next issue)**

Agreed to the committee amendment in the nature of a substitute. **(See next issue.)**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith containing amendments that sought to strike language relating to striker replacements; strike language that prohibits OSHA from promulgating or issuing any guidelines regarding ergonomic protection or reporting related occupational injuries and illnesses; and strike language relating to the National Labor Relations Board salaries and expenses (rejected by a yea-and-nay vote of 188 yeas to 238 nays, Roll No. 625). **(See next issue.)**

Agreed To:

The Moran amendment that provides that $7.5 million of the funds made available to the Office of the Director of the National Institutes of Health (NIH) be made available for the Office of Alternative Medicine; **Pages H8329–30**

The Goodling amendment that increases by $4.9 million in funding for vocational and adult education, earmark that amount for the National Institute for Literacy and offset that by reducing the funding for the Department's education, research, statistics, and improvement account; **Pages H8344–45**

The Hastert amendment that changes language concerning the criteria institutions of higher education must follow in demonstrating a history and continuing practice of program expansion for members of the underrepresented sex with respect to

gender equity in order to use funds available from the Department's Office of Civil Rights;

Pages H8345–48

The Cunningham amendment that strikes language computing basic support payments and construction payments for impact aid programs;

Pages H8357–58

The Gordon amendment that prohibits use of funds for Pell Grants to students at a institution of higher education ineligible to participate in a loan program as a result of a high default rate determination; **(See next issue.)**

The Lazio of New York that increases by $13.793 million funding for the National Senior Volunteer Corps; **(See next issue.)**

The Emerson amendment that prohibit use of funds for the Electronic Benefits Transfer Task Force; **(See next issue.)**

The Johnson of Texas amendment that increase funding for School Improvement Programs and Vocational and Adult Education by $50 million and $100 million respectively; **(See next issue.)**

The Kleczka amendment that prohibits use of funds used by the Bureau of Labor Statistics to implement a change in the consumer price index except when the House of Representatives and the Senate have authorized a change based upon a comprehensive revision of the market; and **(See next issue.)**

The Ewing amendment that prohibits use of funds to conduct audits of banks participating in the student loan program that have loaned $5 million or less in student loans. **(See next issue.)**

Rejected:

The Hoekstra amendment that eliminates funding for the Corporation for Public Broadcasting in fiscal year 1998 (rejected by a recorded vote of 136 ayes to 286 noes, Roll No. 218); **(See next issue.)**

The Kolbe amendment that sought to strike language that allows States sole discretion in deciding on abortion funding (rejected by a recorded vote of 206 ayes to 215 noes, Roll No. 619); **(See next issue.)**

The Ganske amendment that sought to delete language that prohibits Federal financial assistance to support to graduate medical education programs that accreditation programs that require abortion training to be accredited (rejected by a recorded vote 190 ayes to 235 noes, Roll No. 620); **(See next issue.)**

The Blute amendment that sought to provide $1.2 billion in funding to the LIHEA program and offset that increase by reducing by 2 percent discretionary spending in each account on a pro rata basis (rejected by a recorded vote of 53 ayes to 367 noes, with 3 voting "present" Roll No. 621);

(See next issue.)

The Skaggs amendment that sought to delete language in the bill that prohibits the use of Federal funds for political advocacy (rejected by a recorded vote 187 ayes to 232 noes, Roll No. 622);

(See next issue.)

The Solomon amendment that sought to prohibit use of funds by any institution of higher education if compulsory student fees at that institution are used to support any group or organization for public policy influence or political campaigns (rejected by a recorded vote of 161 ayes to 263 noes, Roll No. 623); and **(See next issue.)**

The Sanders amendment that sought to prohibit use of funds by the NIH to convey exclusive license or patent rights for a drug; release on an exclusive basis drug testing information derived from NIH animal tests or human clinical trials; or enter into a cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 and provide that these restrictions could be waived when it is determined that a reasonable pricing clause is not in the public interest (rejected by a recorded vote of 141 ayes to 284 noes, Roll No. 624). **(See next issue.)**

The following amendments were offered but subsequently withdrawn:

The Lowey amendment that sought to increase by $4 million funding for student financial assistance; and **Pages H8349–54**

The Saxton amendment that sought to reduce by $10 million funds made available for the Center for Disease Control and Prevention disease control, research and training general fund; reduce by $25.691 million funds made available for the Administration for Children and Families refugee and entrant assistance; and increase by $25.691 million funds made available for Impact Aid. **(See next issue.)**

Points of order were sustained against the following amendments:

The Kolbe amendment that sought to strike language that allows States sole discretion in deciding on abortion funding and insert language that states that the Federal medical assistance percentage applicable with respect to medical assistance consisting of abortions furnished where pregnancy is the result of rape or incest; and **(See next issue.)**

The Menendez amendment that sought to prohibit the payment of salaries to government officials who accept for personal benefit tax exempt funds from any tax-exempt organization. **(See next issue.)**

The Clerk was authorized to correct section numbers, cross references, punctuation, indentation, and to make any other technical and conforming changes as may be necessary in the engrossment of the bill.

(See next issue.)

Meeting Hour: House agreed to meet at 8 a.m. on Friday, August 5. **(See next issue.)**

Legislative Program: It was made in order that when the House convene on Friday, August 4 that further consideration of H.R. 1555, Communications Act of 1995 in the Committee of the Whole, pursuant to H. Res. 207, shall be governed by the following order: (1) immediately after the Pledge of Allegiance, the House shall resolve into the Committee of the Whole for the further consideration of H.R. 1555 pursuant to House Resolution 207 without intervening motion; (2) consideration in the Committee of the Whole shall proceed without intervening motion except the amendments printed in the House Report 104–223, except one motion to rise, if offered by Representative Bliley; (3) that any amendment adopted in the Committee of the Whole shall be deemed as having been adopted in the House; and (4) that Representative Conyers shall have permission to modify amendment numbered 22.

(See next issue.)

Presidential Message—National Urban Policy: Read a message from the President wherein he transmits the Administration's National Urban Policy Report—referred to the Committee on Banking and Financial Services. **(See next issue.)**

District Work Period: House agreed to H. Con. Res. 92, providing for the adjournment of the two Houses. **(See next issue.)**

Committees To Sit: The following committees and their subcommittees received permission to sit Friday, August 5 during the proceedings of the House under the 5-minute rule: Committees on Agriculture, Appropriations, Banking and Financial Services, Budget, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, the Judiciary, National Security, Rules, Science, Small Business, Standards of Official Conduct, Transportation and Infrastructure, Veterans' Affairs and Ways and Means. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on page H8311.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8361–62.

Quorum Calls—Votes: One yea-and-nay vote and six recorded votes developed during the proceedings of the House today and appear on pages (see next issue). There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned on Friday, August 4, at 1:25 a.m.

Committee Meetings

ADMINISTRATION'S REVISED BUDGET

Committee on the Budget: Held a hearing on the Administration's Revised Budget. Testimony was heard from June E. O'Neill, Director, CBO; and Alice M. Rivlin, Director, OMB.

FUTURE OF THE MEDICARE PROGRAM

Committee on Commerce: Subcommittee on Health and the Environment concluded hearings on the Future of the Medicare Program. Testimony was heard from public witnesses.

LOCAL EMPOWERMENT AND FLEXIBILITY ACT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on H.R. 2086, Local Empowerment and Flexibility Act of 1995. Testimony was heard from Senator Hatfield; Judy A. England-Joseph, Director, Housing and Community Development Issues, GAO; Charles Griffiths, Director, Intergovernmental Liaison, Advisory Commission on Intergovernmental Relations; and a public witness.

COMMITTEE BUSINESS

Committee on House Oversight: Met and approved pending Committee business.

ANDERSON V. ROSE

Committee on House Oversight: Task Force on Contested Election assigned to the Seventh Congressional District of North Carolina approved Representative Rose's motion to dismiss the *Anderson* v. *Rose* case.

The Task Force also approved a motion to refer the report of the Task Force on this case to the Department of Justice for further investigation.

REPUBLIC OF CHINA (TAIWAN'S) PARTICIPATION IN THE UNITED NATIONS

Committee on International Relations: Held a hearing on H. Con. Res. 63, relating to the Republic of China (Taiwan's) participation in the United Nations. Testimony was heard from Representative Solomon; Kent Wiedemann, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

FRIENDLY FIRE SHOOTDOWN OF ARMY HELICOPTER OVER NORTHERN IRAQ

Committee on National Security: Subcommittee on Military Personnel held a hearing on the friendly fire shoot down of Army helicopters over Northern Iraq in April 1994. Testimony was heard from the following officials of the Department of Defense: Brig. Gen. Jeffrey S. Pilkington, USAF, Vice Commander, Air Intelligence Command; Capt. Michael Nye, USA, Helicopter Pilot; Maj. Gen. James G. Andrus, USAF, Commander, Third Air Force, U.S. Air Force Europe; RAdm. James A. Lair, USN, Director for Operations (J–3), U.S. European Command; Maj. Gen. Jared L. Bates, USA, Vice Director for Operations (J–3), the Joint Staff; and Maj. Gen Nolan Sklute, USAF, The Judge Advocate General, Headquarters, U.S. Air Force; and public witnesses.

TECHNOLOGY FOR SAFETY AND SURVIVABILITY

Committee on National Security: Subcommittee on Military Research and Development held a hearing on technology for safety and survivability. Testimony was heard from the following officials of the Department of Defense: Anita K. Jones, Director, Defense Research and Engineering; Jim Hicks, Director, Information Systems Technology, U.S. Army Safety Center; Richard F. Healing, Director, Safety and Survivability, Office of the Secretary of the Navy; and Brig. Gen. Richard R. Paul, USAF, Director, Science and Technology, Headquarters, U.S. Air Force Materiel Command.

ARCTIC COASTAL PLAIN

Committee on Resources: Held a hearing regarding leasing of the 1002 study area of the Arctic Coastal Plain to oil exploration and development. Testimony was heard from Senator Stevens; John D. Leshy, Solicitor, Department of the Interior; John Shively, Commissioner, Department of Natural Resources, State of Alaska; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full committee action the following bills: H.R. 1253, to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; H.R. 2005, to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources Systems; and H.R. 2160, Cooperative Fisheries Management Act of 1995.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 2107, to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program; and H.R. 2025, Park Renewal Fund Act. Testimony was heard from Gray F. Reynolds, Deputy Chief, Forest Service, USDA; Roger Kennedy, National Park Service, Department of the Interior; and public witnesses;

VIEQUES LANDS TRANSFER ACT; AMERICAN SAMOA WHITE-COLLAR CRIME ASSESSMENT

Committee on Resources: Subcommittee on Native American and Insular Affairs approved for full Committee action H.R. 2159, Vieques Lands Transfer Act of 1995.

The Subcommittee also held a hearing on the American Samoa White-Collar Crime Assessment. Testimony was heard from Mark M. Richard, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Allen P. Stayman, Deputy Assistant Secretary, Territorial and International Affairs, Department of the Interior; and the following officials of American Samoa: A. P. Lutali, Governor; Malaetasi Togafau, Attorney General; Wendell Harwell, Territorial Auditor; and Savali Talavou Ale, Speaker of the House.

IMPLEMENTATION OF FEDERAL ACQUISITION STREAMLINING ACT

Committee on Small Business: Concluded hearings regarding the implementation of PL 103–355, Federal Acquisition Streamlining Act of 1994, with emphasis on H.R. 1670, Federal Acquisition Reform Act of 1995. Testimony was heard from Ronald W. Berger, Associate General Counsel, GAO; Steven Kelman, Administrator, Federal Procurement Policy; OMB; Jere W. Glover, Chief Counsel for Advocacy, SBA; Derek J. Vander Schaaf, Deputy Inspector General, Department of Defense; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

EXAMINE MALFUNCTIONS IN THE DISABILITY PROGRAM

Committee on Ways and Means: Subcommittee on Social Security continued hearings to examine malfunctions in the disability program. Testimony was heard from Jane Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 4, 1995

(Committee meetings are open unless otherwise indicated)

Senate

No committee meetings are scheduled.

House

Committee on Commerce, Subcommittee on Telecommunications and Finance and the Subcommittee on Energy and Power, joint hearing on the SEC's June 19, 1995 report entitled ''The Regulation of Public Utility Holding Companies,'' 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, hearing on H.R. 1855, to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights, 9:30 a.m., 2318 Rayburn.

Committee on International Relations, hearing on the Future of the Department of Commerce, 10:30 a.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, to mark up H.R. 699, to amend the Mineral Leasing Act to provide for a royalty payment for heavy crude oil produced from the public lands which is based on the degree of API gravity, 10 a.m., 1324 Rayburn.

Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 1713, Livestock Grazing Act; and H.R. 1280, Technical Assistance Act of 1995, 10:30 a.m., 1334 Longworth.

Committee on Small Business, to mark up H.R. 2150, Small Business Credit Efficiency Act of 1995, 9:30 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 10 a.m., HT–2M Capitol.

Next Meeting of the SENATE

9 a.m., Friday, August 4

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1026, Department of Defense Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

8 a.m., Friday, August 4

House Chamber

Program for Friday: Consideration of H.R. 1555, Communications Act of 1995.

Extensions of Remarks, as inserted in this issue

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(House proceedings for today will be continued in the next issue of the Record.)

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