

## BOXER AMENDMENT NO. 4360

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.**

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out "on a cost-reimbursable, space-available basis" and inserting in lieu thereof "on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate".

**MOSELEY-BRAUN AMENDMENT NO. 4361**

Mr. NUNN (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.**

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408."

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408."

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking

"Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

**THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997**

**BURNS AMENDMENT NO. 4362**

Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 2, line 13, strike out "\$37,323,000" and insert in lieu thereof "\$20,723,000".

On page 3, line 11, strike out "\$53,709,000" and insert in lieu thereof "\$44,809,000".

On page 6, line 24, strike out "September 30, 2001." and insert in lieu thereof "September 30, 2001: Provided, That of the amount made available under this heading, \$10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction."

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, to conduct a markup of S. 1317, the Public Utility Holding Company Act of 1995.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, June 26, 1996, session of the Senate for the purpose of conducting a hearing on S. 1726, the Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1996.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 26, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1804, a bill to make technical and other changes to the laws dealing with the territories and freely associated States of the United States; over-

sight considering the law enforcement initiative in the Commonwealth of the Northern Mariana Islands; and S. 1889, a bill to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

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

**COMMITTEE ON FINANCE**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 26, 1996 beginning at 10 a.m. in room SH-215, to conduct a markup on S. 1795.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 2 p.m. to hold a hearing.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 10:30 a.m. to hold a business meeting to vote on pending items.

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

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 9:30 a.m. for a markup.

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

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 10 a.m. for a hearing on Senate Resolution 254, sense of the Senate regarding the reopening of Pennsylvania Avenue.

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 9:30 a.m. to conduct a hearing on amendments to the Indian Child Welfare Act [ICWA]. The hearing will be held in room 485 of the Russell Senate Office Building.

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

**COMMITTEE ON LABOR AND HUMAN RESOURCES**

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources

be authorized to meet in executive session during the session of the Senate on Wednesday, June 26, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on FEC reauthorization, oversight, and campaign finance reform.

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

#### ADDITIONAL STATEMENTS

##### FEDERAL MINERAL WITHDRAWAL IN THE COOKE CITY, MT AREA

• Mr. BURNS. Mr. President, I rise today to bring to the attention of the Senate two thoughts. No. 1, which is the inconsistency with which the present administration deals with land use policy decisions. No. 2, the concept of balance in dealing with land use policy.

Earlier this month the Bureau of Land Management and the Forest Service announced that they propose to withdraw from mineral entry approximately 19,100 acres in the area surrounding Cooke City, MT. This follows a pledge made by the President to disallow mineral entry into this area for a period of 2 years.

This is an area that is surrounded by lands which already protect the land in question. Congress has previously acted to create a National Park and a Wilderness area to protect the fragile lands in this area. Now the Secretary of the Interior wants to put more land in Montana out of reach for the people of Montana.

In the statement that the Secretary included with the proposal, he has stated in numerous locations that it is the policy of Federal agencies to foster and encourage private enterprise in the development of stable domestic mining. The document also discusses that there will not be any effect on valid existing claims, referring to the New World Mine site presently under study by the Federal land management agencies and the States of Montana and Wyoming.

The purpose of this proposal is exactly the opposite. Before the States can finish their purposed action on mining in this area, the Federal Government steps in to say that they know what is best for everybody. They state that they will consult with local communities on the process. Yet when it comes to the final process they give little or no credit to the words and thoughts of the people that will be most directly impacted by their actions.

All this is stated very clearly in a letter written by Mr. David Rovig of Montana. His letter sets forth a precise

description of the inconsistencies in the proposal put forth by Secretary Babbitt.

Mr. President, I ask that the letter by Mr. Rovig be printed in the RECORD following my statement.

In recent years our Government has fallen prey to the actions of special interest groups that seek to exempt others of the future they are so privileged to have lived. If we are to increase the stability of our country and to develop our future we need to open our minds and eyes to balance, and not close the door on development. We need to be prepared to use our resources to protect the land. These are the aims that the Government needs to seek. It is the goal of the State of Montana to find sound science in the development of the resources my State has been so blessed with.

Work is being done in Montana to protect the future and the land. What Montana seeks is work and jobs to move into the future.

The letter follows:

ROVIG MINERALS, INC.,  
Billings, MT, June 21, 1996.

Senator CONRAD BURNS,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR CONRAD: I am writing this letter on behalf of the Montana Mining Association in my position as President.

I was recently made aware of a Bureau of Land Management and Forest Service action (see attachments) whereby they propose to withdraw from mineral entry approximately 19,100 acres in the Cooke City area. This administrative action is purportedly being undertaken at the request or direction of Secretary Bruce Babbitt of the Department of the Interior. It follows on the heels of President Clinton's promise, catering to the environmental community, that this area would be suspended from mineral entry for a period of two years. I think you know the history of this hoax—the President flew over the area at 10,000 feet and then determined in a secret meeting with multiple environmental groups that he would save the area from the nasty miners.

The continued effort now being foisted on us by the Bureau of Land Management and the Forest Service is a very expensive attempt to appease environmental groups with taxpayer money while in reality accomplishing nothing. Cooke City sits in the middle of a multi-million acre area of previously withdrawn wilderness and national parks. The 19,000 or 20,000 acres represented is one of the very few areas in this gigantic enclave where any degree of free enterprise can be pursued. The Bureau of Land Management, the Forest Service, the Secretary and the environmental community keep trying to portray the Cooke City area as a forgotten or overlooked part of their personal preserve. The reality is that the New World Mining district was specifically excluded when Yellowstone Park was formed by virtue of the fact that it was an active mining district. Furthermore, in the 1970's when the Absaroka-Beartooth Wilderness Area was formed, it was again specifically excluded by virtue of its intense mineral potential. That mineral potential still exists today as demonstrated by the reserves recently drilled out by Crown Butte Mines, Inc.

In the government support information, the following statement was made, "The withdrawal has been proposed by the Secretary of the Interior to maintain, to the ex-

tent practical, resource values in the area and on adjacent lands in Yellowstone National Park and the Absaroka-Beartooth Wilderness Area." It is obvious from this statement that the Secretary has redefined resource values to exclude mineral resources. Yet in the accompanying information sheet dated June 1996, we see the following paragraph: "Under the Mining and Mineral Policy Act, it is the policy of all Federal agencies to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries; and the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs."

There are many other inconsistencies in the government's position such as the statement: "The withdrawal would not affect those lands in the area for which there are valid existing rights of mineral entry or any other associated rights, such as access to private land or existing mineral claims."

This is inconsistent since the very concept of mineral entry allows for the staking of mill site claims to help develop a mining claim. Under Babbitt's proposal new mill site claims would not be allowed thus denying owners of valid existing mineral rights, their other associated rights. The information sheet makes the absurd statement that: "The New World Mine proposal, being analyzed by the Gallatin National Forest, is not considered as a 'connected action' to the withdrawal proposal and will not be considered in the analysis. The New World Mine proposal applies to an area for which there were valid rights established prior to the proposed withdrawal."

Anyone who has followed the proposed development of the New World Mine knows very well that the withdrawal issue would never have arisen were it not for Clinton's secret meeting with the environmentalists. Of course, the New World Mine proposal should be considered a connected action, and the very fact that its multi-volume Environmental Impact Statement has been written to cover the very heart of the proposed withdrawal demands that it be considered as a connected action, thus proving the district's mineral viability.

Even if you accept the position that this proposed activity will not affect existing mining activities and claims, then you must seriously question why the government wants to take this very expensive multi-year action to withdraw the surrounding ground. Another major consideration is the concept of administrative withdrawals on our ever dwindling mineral resource locales. The prospector and the wildcatter cannot find their minerals where no minerals exist. We must be allowed to look in those places where geologic conditions allow for the presence of commercial minerals. Already thousands of acres of highly prospective mineral locations have been lost to the bureaucratic procedures that simply do not recognize the incredible importance of minerals to this country's past, present and future. There are no great nations that do not have near self-sufficiency for their mineral needs.

I hope that through the budget process, or some of the other magic that goes on in Washington, you can stop this wasteful and unnecessary proposal but, if not, I plead for you to work with us to ensure that a degree of logic and common sense is incorporated in the procedure. This would include review of the studies by the United States Bureau of Mines, the United States Geological Survey and various states agencies. It must also consider how small this area is when compared to the vast wilderness and park system