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House of Representatives

The House met at 10 a.m., and was called to order by the Speaker pro tempore [Ms. GREENE of Utah].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 1996.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We remember with gratitude and appreciation, O God, the members of our Armed Forces who serve in our land and in distant places. We recognize their commitment and faithfulness and they are with us in our prayers. On this day we specially remember those who faced violence and death in places of service so many miles from home. We reach out to their families and those they love asking that the power of Your promises and Your abiding strength will be with them in their need. May those whose joy has been turned to sorrow sense our prayers for them and may Your peace be with them, now and evermore. 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 Pennsylvania [Mr. KLINK] come forward and lead the House in the Pledge of Allegiance.

Mr. KLINK led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1–minute speeches on each side.

IN MEMORY OF D. PRESCOTT GRIFFITHS

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

Mr. BARR of Georgia. Madam Speaker, D. Prescott Griffiths, known to friends as ''Don'' or ''Grif,'' was an outstanding example of the American Hero. He lived in Douglasville, in the Seventh District of Georgia, where he recently passed away. Born in New York City during the Great Depression, Don grew up in an atmosphere of family devotion, decency, and service.

Enlistment in the U.S. Army brought him to combat service in Korea, where after being shot down over enemy territory and wounded, it was discovered he had been underage at enlistment in order to serve his country. Later, he was recruited to hold an important post in counterintelligence with the Army C.I.D. in England, and he continued to give honorable service until his retirement. His absolute and complete memory recall made him one of the best counterintelligence agents of the cold war era.

His international and political contacts were legion, and he could always be counted on for encouragement and friendly advice.

Perhaps his memory can best be summed up in his own words. He said:

Life is a slice of time, brief and brutal. It is important to know love, to be loved, and to give love. And that's what it's all about.

To his country, which he deeply loved, D. Prescott Griffiths gave his all. He will be sorely missed and fondly remembered.

EXPRESSION OF SYMPATHY TO THE FAMILIES OF THE VICTIMS OF THE BOMB EXPLOSION IN DHAHRAN, SAUDI ARABIA

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

Mr. MONTGOMERY. Madam Speaker, on behalf of the minority leader, Mr. GEPHARDT, who cannot be here this morning, and myself, I wish to express sadness to the families who have lost their loved ones in the bomb explosion in Saudi Arabia. Not only Americans were killed, but others from France and from Great Britain probably were killed or hurt.

Now, Madam Speaker, this has to be a terrorist attack, in my opinion. Who did it, we do not know. But only 7 months ago, a car bomb explosion killed 5 Americans in Riyadh, Saudi Arabia. You know, we are really there in these countries for no other reason but to help these people and to bring peace in these areas. Why do these bad people hurt our innocent victims that are only doing their jobs? The President has sent FBI teams to help the Saudis to find out who did this heinous crime.

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THE WORKING FAMILIES FLEXIBILITY ACT

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

Mr. BALLENGER. Madam Speaker, anyone watching the news this week would have been impressed with the President's sudden commitment to promoting workplace flexibility, but my question is this: Where was the President last year when I introduced the Working Families Flexibility Act; a bill that would allow an employee to choose between cash wages or paid time off for overtime work—a valuable opportunity to spend more time with family. Not only did the President oppose this bill—at the request of the Washington union bosses who are spending $35 million to run false and misleading campaign ads against Republicans—but his Chief of Staff, Leon Panetta, calls it a poison pill. Why the sudden change of heart?

Madam Speaker, my guess is the President's army of political hacks and spin gurus suddenly discovered in their polling that American women overwhelmingly support the Republican Working Families Flexibility Act, and they had better do some good ole stump proposals just to cover their electoral bases. While Washington pundits might praise the President's ability to hijack important issues for political gain, this kind of gamesmanship only hurts the American people and their ability to balance the conflicting pressures of work and family—especially working women. This is hardly a formula for election year success.

EXPRESSING SYMPATHY TO THE FAMILIES OF VICTIMS OF BOMB EXPLOSION IN SAUDI ARABIA

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

Mr. VENTO. Madam Speaker, I rise today to recognize the loss of life that took place in Saudi Arabia, those United States troops and soldiers serving a peacekeeping mission, an important peacekeeping mission. Nearly 2,500 United States troops, mainly Air Force, are still stationed in Saudi Arabia today. I want to extend my sympathies and that of this House to those in uniform that are serving and the families that have experienced this loss of life, as well as the civilians and other loss of life that occurred. Nearly 150, perhaps more, were injured. We know at least 24 have lost their lives in this tragic accident.

The President rightly has put a top priority on this in terms of investigating and trying to deal with the forces within Saudi Arabia, even as we are doing peacekeeping, that are politically unstable and causing serious problems and outrageous actions and issues that we face. I think it is important to remember that any time anyone puts on a uniform, whether in war or in peacekeeping, obviously their lives are at risk. And it is enormously important as the U.S. Nation assign duties and responsibilities and assume the role that we do, that leadership consider the security, safety, and mission risks that our Armed Forces experience in the important and changing role that they fulfill.

ATTEMPTING TO REACH AN AGREEMENT WITH THE CLINTON ADMINISTRATION ON HEALTH CARE REFORM

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

Mr. GINGRICH. Madam Speaker, I just rise to report again to my colleagues that we are trying to reach an agreement with the Clinton administration on health reform so that every working family that has health insurance would be able to change jobs, would be able to continue their insurance without any worry about a precondition.

We think it is very, very important that every American know that once they are in the insurance system, they are there for the rest of their life. I have had personal experience in my family, I think every Member has either family or friends who have had the experience of not being able to buy health insurance because of a precondition.

We can reach an agreement this week before we go home. It is good for America. It is important for America. This House has voted to go to conference. We should pass health reform to guarantee that every family in America has access to health insurance without regard to preconditions, and we should do it before we go home this week. I hope the Clinton administration will reach an agreement with us today to have that kind of health reform for all Americans.

HORROR IN SAUDI ARABIA

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

Mr. HASTINGS of Florida. Madam Speaker, like my colleagues previously, I rise to offer my heartfelt condolences to the families of the victims and the injured survivors of the bombing in Dhahran, Saudi Arabia. Also, Madam Speaker, on behalf of the minority of this House, I would like to thank them for recognizing this as the priority issue of the day in allowing the first few of us to speak to this concern.

Terrorism and extremism know no territorial boundary. We must, here in this House, engage the international community in working vigilantly to identify and eradicate the perpetrators of terrorism at their cancerous roots. We in this body must give our law enforcers the tools they need to infiltrate terrorist organizations, deport terrorists and choke their funding mechanisms.

As President Clinton said yesterday, whoever harms an American anywhere in the world will pay. The difference, however, between us and the perpetrators of this kind of crime is that we resolve our disputes in a legal fashion using the rule of law and not of the jungle or desert.

LIBERALS WANT TO SCUTTLE HEALTH CARE REFORM

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

Mr. STEARNS. Madam Speaker, I wish to follow up on Speaker GINGRICH's comment on health care.

It is very simple to see what is going on here. Liberals lost the battle over nationalizing health care. Now they want to scuttle any health care plan that does not make the Government bigger. It is a shame. It is a shame because millions of American families would benefit from the health care reform bill being held up by the liberals in the Senate. Millions of people would be able to establish medical savings accounts. Many others would be forced to remain in job lock because they have a prior condition.

Madam Speaker, the health care reform bill now before Congress has bipartisan support. In fact, last week, 25 Democrats sent a letter to President Clinton urging him to support these commonsense reforms that the American people have been demanding for years. They do not want more government. They want portable, available, and affordable health care.

Madam Speaker, let us pass the health care bipartisan reform bill now.

WHITE HOUSE USE OF SECRET FBI AND IRS FILES

(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, the White House use of secret FBI files was bad. The White House use of secret IRS files is even worse. After all this, FBI Director Freeh said it is an honest mistake and Secretary Rubin blamed it on a junior detailee. Beam me up.

Who in God's name gave the White House the power to snoop into our private lives? Who at the FBI has the right to violate the Privacy Act? Who at the Internal Revenue Service has the right to violate their oaths and betray American taxpayers? These are not honest mistakes. They are looking day in and day out. Looks like a crime to me.

When Congress allows the White House to act like the KGB, Congress allows the Government of Jefferson and

Lincoln to stink just like the governments of Stalin and Franco. Think about that.

NO APPEASEMENT OR MFN FOR BEIJING

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Madam Speaker, appeasement of dictators is always bad policy. When Neville Chamberlain left Munich after meeting with Adolf Hitler, he said we have ''peace in our time.'' Appeasement is a sign of weakness which only whets the appetite of dictators. Now we want to appease the Communist Chinese dictators once more, and we will lose because of it. I know, I saw first-hand the United States appease Ceausescu when I lived in Communist Romania for 6 years.

After last year's MFN, Beijing's human rights record is even worse. Persecution of Christians has increased. Nuclear weapons transfers are taking place, and slave labor continues.

Are we getting hurt in the trade relationship? We are really getting hurt. It mainly benefits Beijing. In 1995, the United States exported $11.7 billion of goods to China and we imported $45.6 billion in return, a colossal trade deficit of $33.9 billion.

In North Carolina, textile mills and other companies are closing down and people are losing jobs because of slave labor produced goods being dumped on the U.S. market. It is time to look out for America's interest in jobs. No MFN for Communist China.

GRANTING TAX BREAKS TO CORPORATIONS

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

Mr. KLINK. Madam Speaker, we the people of the United States grant tax breaks to people in corporations who donate money to nonprofit organizations. Nonprofit status is granted so that services can be provided to the public. That means the public at large and where need occurs, with no regard to what political party you may or may not belong to.

Well, now this week there comes evidence in virtually every major newspaper in this country that the Speaker of the House of Representatives may have also manipulated a half dozen nonprofit organizations. They say it was in order to funnel $6 million toward helping the Republican Party gain control of our Government.

□ 1015

The question is, Is the Speaker guilty of criminal wrongdoing? We do not know, but we do know this. The Committee on Standards of Official Conduct had knowledge of this evidence, in this case, for many months, and they have not taken action.

Now, to our embarrassment, Congress, it is the news media that has taken action, where we in Congress have taken none. The time has come for Congress to clean its own House.

GOVERNMENT IS ALWAYS THERE WHEN IT NEEDS YOU

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

Mr. HEFLEY. Madam Speaker, today I call to your attention a study released yesterday by the U.S. Chamber of Commerce regarding the effects of Federal regulations on business.

The results are overwhelming.

One in six survey respondents reported having to lay off employees in order to offset the cost of Federal regulation compliance like the minimum wage, OSHA, and environmental laws.

Only 1 in 10 respondents said they had ever learned about a new Federal regulation from the agency that enacted it. In other words, ''We'll come up with whatever we want, and it's your job to find out what that is.''

Forty-four percent of the respondents who currently do not offer employee benefit plans said they would if Federal regulations were not so confusing.

Madam Speaker, I commend the U.S. Chamber of Commerce for conducting this study and I look forward to working with them and other Members of this body to get some commonsense reform to our heavy-handed regulatory process.

Some regulation is necessary but we have carried it to ridiculous levels. It is time for a change, Madam Speaker. It is time to unleash the potential of our economic system to create a better life for American workers.

CHARITABLE ACTIVITIES ARE COVER FOR LAUNDERING POLITICAL DONATIONS

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

Mr. BONIOR. Madam Speaker, yesterday, the L.A. Times reported that from 1984 to 1994, GOPAC ran a massive, $6 million tax fraud scheme that used six different nonprofit organizations as cover to defraud U.S. taxpayers and funnel money to its own political machine.

These are organizations that claimed to be involved in charitable activities—like helping inner-city youth and teaching kids to read through programs like Earning for Learning.

But in reality—the L.A. Times says—these were just a cover, part of a conspiracy to launder political donations and fuel a partisan, political agenda.

Madam Speaker, this cesspool has gone on long enough.

First, we had a $10 to $20 million GOPAC slush fund. Now, we have a $6 million tax fraud scheme.

We have got to get to the bottom of this. It's time that the individuals responsible for this fraud on American taxpayers are brought to justice and held accountable for their actions.

SUPPORT H.R. 3715, THE LAM DISEASE RESEARCH ACT OF 1996

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

Mr. CHABOT. Madam Speaker, I rise today to speak about a rare but deadly disease called lymphangiomyomatosis, or commonly referred to as LAM. The disease is so little known, it is commonly misdiagnosed and we, therefore, lose many opportunities to find a cure for this disease. Currently, it is always fatal.

LAM affects only women, primarily women of childbearing age. Abnormal cells are spread throughout the woman's lungs, making breathing more and more painful and eventually causing death. Most victims of LAM die within 10 years of the onset of the disease.

The Federal Government does all sorts of things it should not do and it wastes literally billions of dollars every year on things like paying big corporations to advertise overseas, paying farmers not to grow crops. There is no legitimate Federal role in things like that, but there is an important Federal role in conducting research on killer diseases such as LAM.

Tht is why 15 of us, both Democrats and Republicans, have proposed the LAM Disease Research Act of 1996, devoting $5 million to help fight this disease. We ask our colleagues to join us in supporting this bill.

GOPAC

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

Mr. VOLKMER. Madam Speaker, who ran GOPAC from 1984 to 1994? We all know that it was our autocratic Speaker, NEWT GINGRICH, while as a Member of this body ran this very political Republican organization. Where did he get his money? Well, he got a lot of it from tax-exempt organizations, six of them, which he set up, which he ran. They got donations from the public to go to help children, to help college courses, to help learning disabled, and what did he use it for? He used it to elect the Republicans. That is what the Speaker did. It is pure fraud. And what is being done about it? Nothing.

The Committee on Standards of Official Conduct has permitted the special counsel to look into two of those, but not the other four. Why not? It is a coverup, folks. They are taking care of the Speaker. They do not want the American public to know that the Speaker used tax-exempt organizations, defrauded the people who sent the money down there. They thought it

was going for kids. What did it go to? It went to elect Republicans.

VOTE TODAY TO HELP THE DISABLED AND THE ELDERLY

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

Mr. LAZIO of New York. Madam Speaker, this morning we are going to have an opportunity to stand up for the most vulnerable members of society, the disabled and the elderly. There will be an amendment that was debated on the floor yesterday that will be up for a vote. We will have a chance to step forward and to do something important in terms of providing shelter and housing to give people the ability to have a meaningful life who have disabilities and who are elderly.

Now, when we talk about the word ''disabled,'' it is almost a sanitized word, but let us think about it in terms of the veteran who has returned from the war and who is in a wheelchair and lost his legs, or the 90-year-old grandmother who is in a wheelchair and wants her own home, not a nursing home, or the young girl who has lost her sight, and the young man who was born so mentally challenged that he needs the help that only a community house can provide to him.

In 1996, we were spending about $387 million out of a $30 billion budget for housing for the disabled. We are now talking about reducing funding down to $174 million. Please vote for the Lazio amendment that will restore about $40 million of that.

WEST GEORGIA STATE WILL INVESTIGATE CHARITABLE ACTIVITIES OF SPEAKER

(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, get in line. Even West Georgia State in the Speaker's home State is investigating the charitable activities of Speaker GINGRICH. Newspaper after newspaper, conservative and liberal alike, have questioned the Speaker's activities and his fundraising apparatus.

West Georgia College Foundation oversees the Speaker's reading charity, something called Earning by Learning. That charity pays schoolchildren to read books, and Speaker GINGRICH has said the charity is all volunteer, with all proceeds going directly to children.

But let me quote from Speaker GINGRICH's hometown paper, a paper which has supported him regularly.

> The vast majority of the charity's money was paid not to children but to college instructor Mel Steely and several of his colleagues. Steely, who served as Gingrich's campaign manager in 1986 and a congressional aide in the 1990's, is the charity's coordinator. Some of the work done by Steely and paid for with charitable funds apparently focused on Gingrich's reelection chances and was written on the Marietta Congressman's campaign stationery.

Madam Speaker, that is simply wrong.

CALL FOR APOLOGY TO MEMBERS SERVING ON COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. ARMEY. Madam Speaker, 10 good men and women from this body, 5 from each side of the aisle, have responded to the request of their colleagues and their leadership to serve on the Committee on Standards of Official Conduct, known as the ethics committee. They have taken a responsibility on that most of us would shun, most of us would avoid, and they have done so with integrity, discipline, and the confidentiality required by the rules of the House.

These 10 good men and women deserve to be respected and appreciated. They do not deserve to have their work or their integrity called into question by people who are so full of zeal for vengeance on another of our Members they would ask this committee to violate its own standards.

I have seen a lot of speeches given from the well of the House, but never have I seen speeches that expressed so much disdain and lack of regard and appreciation for those 10 among us who would take on the toughest job we have to do. I would suggest apologies are in order.

MOVE TOTALITY OF COMPLAINTS AGAINST SPEAKER GINGRICH TO INDEPENDENT COUNSEL

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

Mr. STUPAK. Madam Speaker, the Los Angeles Times said Gingrich politics got boosts from nonprofits. GOPAC's use of six tax-exempt agencies raises questions by legal experts and special counsel. Questions by legal experts and special counsel.

With all due respect to the majority leader, this House is under a cloud of suspicion that does not seem to go away because of the actions of the Speaker and GOPAC. As a former police officer, I just cannot understand why the Committee on Standards of Official Conduct has failed to investigate and has failed to refer this matter to a special prosecutor.

Take the totality of the circumstance, the six investigations, and send it to the independent counsel. It is foolish for politicians to be investigating politicians. Let us get it to the independent counsel, let us get to the bottom of these questions by legal experts and other specialists in the field and get it off this floor. Get the cloud off our head. Move it to the independent counsel.

TIME TO REFORM THE ENDANGERED SPECIES ACT

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

Mr. BONILLA. Madam Speaker, it is time to reform the Endangered Species Act and our people have waited long enough. Private property owners are sick and tired of the Federal Government stepping in and taking their land because the ESA cares more about bugs than about people.

There has been a lot of talk in this Congress about reforming the ESA to make it work for people and species. I commend the gentleman from Alaska, Chairman YOUNG, and the gentleman from California, Mr. POMBO, for the tremendous efforts in developing legislation to reform ESA. But this bill deserves our immediate attention. This is why I have chosen to go the extra mile for hard-working farmers and ranchers who have suffered the consequences of a bad law.

Today I am beginning the process of submitting a discharge petition to get much-needed ESA reform to this floor as quickly as possible. The current ESA legislation has failed to recover species. The ESA has saddled property owners with outrageous fines because of Federal designation of critical habitat.

ESA reform establishes a cooperative framework for these landowners to work together with the Government to protect species. The people of Texas want to conserve species and to protect the environment. I ask everyone in this Congress to support me and sign the Bonilla discharge petition.

APPROVE THE PRIVILEGED RESOLUTION AND STOP THE COVERUP

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

Mr. DOGGETT. Madam Speaker, I would say to the gentleman from Texas [Mr. ARMEY], the only apology that is due in this House is one from him for obstructing the investigation which ought to be occurring; an apology that is due to the American people.

I think one of the world's most majestic monuments is that which sits in this city honoring Abraham Lincoln. But apparently not content with that, NEWT GINGRICH and his crowd decided they would erect a second monument to Lincoln. They called it the Abraham Lincoln Opportunity Foundation. It was supposedly created to help poor teenagers, but it was converted into a vehicle to recruit more Gingrichites for Congress.

Political donors to this partisan organization were advised they could

take a tax deduction just as if they were giving to their church or soup kitchen, even though what they were doing was supporting GINGRICH'S GOPAC farm team.

In the name of Lincoln, our tax laws were perverted and our democracy was polluted. It is time for this to end. It is time to explore these misdeeds. Approve the privileged resolution today and get to the bottom of this and stop the coverup.

WOMEN OF AMERICA WANT THE SAME THINGS THE REPUBLICAN CONGRESS DOES

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Madam Speaker, when women back home in my district talk to me about what Congress is doing these days, I tell them that Congress is dealing with the very problems that women are concerned about.

Well, what is it that we women care about? We want opportunity for ourselves and our families. We want some sense that there will be a retirement system we can count on. We want personal safety. We want health care security. We want a homemaker IRA because we know that the work that is done inside the home is every bit as important, if not more important, than that work done outside the home.

I have found that my friends at home care about the very same things that this Republican Congress does, helping families keep more of their paychecks so they can decide how to do more for their children in their communities; saving Medicare for our parents and encouraging local answers as we solve the major problems of crime and education and protecting the environment.

Madam Speaker, our solutions are not complicated and they do not require congressional studies. I have found if I listen to the American woman and respect her advice, the answers are all there.

□ 1030

CALL FOR AN INDEPENDENT COUNSEL

(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, I do agree with my colleague from Texas, majority leader DICK ARMEY, in that the ethics committee members have a tough job, one that a lot of us do not want. But they also need to know when they need to refer it to a higher authority and in particularly a special counsel.

Let me quote today's Los Angeles Times when it says:

In cases involving the Lincoln and West Georgia foundations, money that was intended to support troubled innercity teenagers and at-risk third graders was used instead to benefit GOPAC and to compensate a Gingrich confidant.

Six tax-exempt foundations were used to funnel money for political purposes. I know we have talked about tax cuts in this Congress, but that is the ultimate tax cut before we have even voted on it. We get a tax cut to contribute to political campaigns. Not even average folks can do that. That was taken away a good while back on tax reform.

But I think that is why we need to vote today for these special resolutions, the privileged resolutions by our colleague, the gentleman from Florida, HARRY JOHNSTON, to make sure that we have an independent counsel to investigate this use of the IRS tax deduction.

THE GRAY WHALE

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Madam Speaker, this week the International Whaling Commission is meeting in Scotland. One of the major issues it is considering is whether to allow the Makah Tribe of Washington State to hunt and kill gray whales, which were on the endangered species list just 2 years ago. Incredibly the U.S. delegation to the commission supports the plan, but seven elders of the Makah Tribe strongly oppose the plan. One has questioned the motives of tribal officials, fearing the hunt will become a commercial enterprise.

According to the Seattle Post Intelligencer, one gray whale could fetch as much as $1 million in Japan. Norwegian whaling interests have offered the tribe harpoons and a boat. Thirteen native groups in Canada have already indicated their intention to resume whaling if the Makah Tribe is given a green light by the IWC. The Makah tribal leaders say they want to take only five whales a year; but then how many more would be taken by the other native groups? Where would commercial whaling stop if it is started?

SERIOUS CHARGES AGAINST THE SPEAKER

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

Mr. MILLER of California. Madam Speaker, unfortunately this House has now been presented with prima facie evidence of the serious charges against Speaker GINGRICH and the manipulation of, violations of, some very sacred laws in this country: the laws of how we conduct our elections and elect our people to represent us, the tax laws that protect the taxpayers of this country and try to encourage people to give money to nonprofit foundations to do good works on behalf of our society and the ethics rules of this House.

Those are the basic laws that speak from us to the people of this country. Now we see that the Speaker has been engaged in a widespread conspiracy to intentionally violate those laws. Now we see that the ethics committee is engaged in a widespread coverup of the investigation. The ethics committee must understand what Speaker GINGRICH understood about the ethics committee many years ago. It does not have the ability and has an inherent conflict trying to investigate the most powerful Member of this House. This investigation should be turned over to the special prosecutor.

FBI FILES AND THE WHITE HOUSE

(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 come here in somewhat of a solemn fashion. I represent the Fourth District of Arkansas, the home district of the President of the United States. Because of that, I have studiously avoided publicly criticizing him in any way. Today I want to do that. I want to criticize him. I want to criticize the White House. The way that the FBI files have been handled is a disgrace. It is improper. It is causing unrest among the people of America, and something needs to be done about it.

The White House needs to make corrections in this area. We need to hear the full story and not have it dribbled out one press release and one rumor at a time. Mr. President, I ask you to stop this, to confess what has been done, send those people to the courts who have done these felonies and committed these crimes, and let us get on with the business of America.

THE SPEAKER'S ETHICS PROBLEMS

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

Mr. PALLONE. Madam Speaker, I have never addressed the issue of the Speaker's ethics problems, but I am very concerned about what I read in the Los Angeles Times today. I do believe there is a need for a wider probe of the Speaker's use of nonprofit foundations for political purposes and appointment of an independent counsel.

This information about the Earnings by Learning project which basically was trying to help third grade students read, and now we find out that the majority of the money was actually paid to individuals who were associated with the Gingrich campaign and with the Republican campaign. It is inappropriate to use tax-exempt foundations that are for nonprofit purposes to help children and then turn around and have the majority of that money used for political purposes.

Now we are finding out that this is not just true in one case; this is true

for a number of these tax-exempt foundations that were set up by Speaker GINGRICH and that were associated with him. The time has come for an independent counsel to look into every one of these foundations. Anything less than that is really a betrayal of the American people.

USE OF SURPLUS FEDERAL PROPERTIES FOR PUBLIC SAFETY NEEDS

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Madam Speaker, I want to offer my condolences to the families and loved one of those killed in Saudi Arabia yesterday, another act of terror. Madam Speaker, under current law, the Bureau of Justice may transfer any surplus property which they administer over to the State and local authorities provided that the property is used for the establishment of prisons. I am introducing a bill that would allow State and local authorities to use surplus Federal properties and other public safety needs such as police and firefighting training facilities. This will help prevent terror and lawlessness in our own country. Prisons may still be build under this measure.

This bill provides flexibility to make the best use of these facilities, based on local needs.

This is particularly helpful for communities attempting to reuse closed or realigned military bases. I work closely with the Bureau of Justice on this measure and it has bipartisan support. I intend to introduce this legislation tomorrow. Please join me and cosponsor this important measure.

ETHICS COMMITTEE MUST STOP STALLING

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

Ms. DELAURO. Madam Speaker, the Los Angeles Times details how House Speaker NEWT GINGRICH used six nonprofit foundations to funnel money for his own political profit. I quote:

> From 1984 to 1994, Gingrich and his cadre of key advisers used no fewer than six nonprofit groups to extend the reach of GOPAC, the partisan committee that fueled the successful 1994 Republican drive to gain control of the Congress. Together the foundations were part of a loose network of Gingrich-related enterprises dubbed Newt's world.

This is outrageous, it is unseemly and it is illegal. It violates Federal tax law that prohibits exempt organizations from any, any form of partisan politics. Those are the issues, serious issues. The serious questions are, why has not the Ethics Committee pursued the ethics compliant filed in January 1996 that alleges the misuse of the tax-free foundation called the Abraham Lincoln Opportunity Society? Why has not the committee forwarded these allegations to Special Investigator Cole? Can it be that in NEWT'S world the laws that the average person must abide by do not apply?

FUNDS FOR ELDERLY AND DISABLED HOUSING, SUPPORT FOR THE LAZIO AMENDMENT

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

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in strong support of the Lazio amendment to restore funding for housing for the elderly and disabled. The Lazio amendment would restore $140 million for section 202 elderly housing and section 811 housing for the disabled. This amendment is deficit neutral because it is offset from reductions in HUD's annual contributions fund, HUD's unallocated dollars.

By adding these funds over the life of these buildings, tens of thousands of our Nation's seniors and disabled persons will have housing opportunities they would otherwise not have. These funds not only provide affordable housing; they also provide those key supportive services that mean independence to seniors and our disabled citizens.

Madam Speaker, I strongly urge all Members on both sides of the aisle to support the Lazio amendment.

MORE ON THE ETHICS COMMITTEE

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

Ms. JACKSON-LEE of Texas. Madam Speaker, it is a shame to have used children to raise funds for political campaigns. I believe an independent counsel is needed.

Madam Speaker, I yield to the majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Speaker, I want to respond to the majority leader who came to the floor this morning. We have had repeated stories now, in the Washington Post, the Washington Times, the Atlanta Constitution Journal, the Los Angeles Times, papers all across this country, revealing that, as my colleagues have stated on the floor, there were six separate tax-exempt foundations in which the Speaker's committee GOPAC funneled money to the tune of about at least $6 million through.

We have waited for 6 months for the Committee on Standards of Official Conduct to act on a complaint that I filed 6 months ago. No action has been taken, not even an action to do a preliminary inquiry to investigate. They have not referred it to the outside counsel.

It is incumbent upon them to act in one way or another or to dismiss this case. But to sit there, let the clock run out, idle away the time so they can escape without any consequences by the end of this session is irresponsible. It is disrespectful to this institution.

PARLIAMENTARY INQUIRIES

Mr. DOGGETT. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Ms. GREENE of Utah). The gentleman will state it.

Mr. DOGGETT. Madam Speaker, if no motion to table is filed to immediately cut off debate on the privileged motion this afternoon on this matter about the Speaker's ethics, then will the gentleman from Georgia [Mr. LINDER] and all of his side have an opportunity to speak and ask questions at that time?

The SPEAKER pro tempore. The Chair is not ruling on that at this point. It would be appropriate to bring up at a later time.

Mr. LINDER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Madam Speaker, I have just heard several Members speak on the floor of the House with respect to matters that they claim the Ethics Committee is doing or not doing with regard to claims made against the Speaker. Is it appropriate, under the rules of the House, to refer to matters that are before the Ethics Committee when no one is supposed to know what they are discussing?

The SPEAKER pro tempore. The Chair will respond to the gentleman's parliamentary inquiry as follows:

It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House by way of a report from the Committee on Standards of Official conduct or by way of another question of the privileges of the House. This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special order speeches.

Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to Members of the Committee on Standards of Official Conduct.

Clause 1 of rule 14 is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning in any other place.

On January 27, 1909, the House adopted a report that stated the following:

It is ... the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members—(Cannon's Precedents, volume 8, at section 2497).

This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to members's remarks in debate toward each other.

Mr. DOGGETT. Madam Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOGGETT. Madam Speaker, in view of the Chair's statement, what mechanism exists under the rules for a Member of the House to bring to the attention here on the floor of the House the failure of the Ethics Committee to explore fully and thoroughly ethical complaints that have been pending for over 6 months against Speaker GINGRICH?

The SPEAKER pro tempore. Proper questions of privilege may be brought before the House. This is not now a forum, however, to restate allegations where there is not pending a parliamentary privilege.

Mr. DOGGETT. Madam Speaker, is the privileged resolution that the gentleman from Florida, Mr. HARRY JOHNSTON, has filed for consideration later today regarding the failure of the committee to thoroughly investigate these charges and refer them to a special counsel the type of motion that would be proper for presentation of these matters?

The SPEAKER pro tempore. The Chair will rule on that at the time the resolution is brought to the floor. It is not properly before the House at this time.

POINT OF ORDER

Mr. LINDER. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Madam Speaker, the references by the gentleman from Texas as to whether or not he believes the Ethics Committee has faithfully carried out its duty refers specifically to matters he appears to know are before the Ethics Committee, and I think it is out of order.

□ 1045

The SPEAKER pro tempore (Ms. GREENE of Utah). The Chair again asks all Members to follow the admonition of the Chair to abide by the rules of this House that have been in place since 1789.

MOTION TO ADJOURN

Mr. VOLKMER. Madam Speaker, I have a privileged motion which I send to the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 55, nays 345, answered ''present'' 2, not voting 31, as follows:

[Roll No. 271]

YEAS—55

Barcia
Blumenauer
Bonior
Brown (OH)
Bryant (TX)
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dicks
Dingell
Dixon
Doggett
Engel
Evans
Filner
Frank (MA)
Frost
Gejdenson
Gutierrez
Hastings (FL)
Hilliard
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Klink
Levin
Lewis (GA)
Martinez
McNulty
Miller (CA)
Mink
Moran
Owens
Payne (NJ)
Pomeroy
Rangel
Rush
Slaughter
Stokes
Stupak
Thompson
Velazquez
Volkmer
Waters
Wise
Woolsey
Wynn

NAYS—345

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED ''PRESENT''—2

Pelosi
Sawyer

NOT VOTING—31

Becerra
Browder
Brown (FL)
Chapman
Chenoweth
Coleman
Cubin
Danner
de la Garza
Fattah
Fields (TX)
Ford
Franks (NJ)
Graham
Hinchey
Johnson (SD)
Lincoln
McCrery
McDade
McDermott
Norwood
Peterson (FL)
Pombo
Riggs
Roth
Roybal-Allard
Stockman
Talent
Torres
Torricelli
Wilson

□ 1106

Messrs. LIVINGSTON, NUSSLE, RICHARDSON, ABERCROMBIE,

FLANAGAN, FLAKE, and BISHOP changed their vote from ''yea'' to ''nay.''

Mrs. COLLINS of Illinois changed her vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2740

Mr. CRANE. Madam Speaker, my name was inadvertently added as a cosponsor of H.R. 2740. I ask unanimous consent that my name be removed as a cosponsor of H.R. 2740.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. LAZIO of New York. 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 Banking and Financial Services; the Committee on Economic and Educational Opportunities; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; the Committee on National Security; the Committee on Resources; the Committee on Science; the Committee on Small Business; the Committee on Transportation and Infrastructure; the Committee on Veterans' Affairs; and the Permanent Select Committee on Intelligence.

Madam Speaker, 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 New York?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 456 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. 3666).

□ 1109

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. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 25, 1996, the bill had been read through page 58, line 21.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 456, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York [Mr. LAZIO]; amendment No. 46 offered by the gentleman from Connecticut [Mr. SHAYS]; amendment No. 41 offered by the gentleman from Vermont [Mr. SANDERS]; and amendment No. 15 offered by the gentleman from Colorado [Mr. HEFLEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. LAZIO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAZIO of New York:

Page 19, line 9, after ''$5,372,000,000'' insert ''(reduced by $140,000,000)''.

Page 19, line 19, after ''$800,000,000'', insert ''(reduced by $140,000,000)''.

Page 20, line 18, after ''$595,000,000'' insert ''(increased by $100,000,000)''.

Page 20, line 24, after the dollar amount insert ''(increased by $40,000,000)''.

Mr. LEWIS of California. Mr. Chairman, with almost the entire House present, and with the number of votes that are coming forth, I ask unanimous consent to have 1 minute on my side and 1 minute for the gentleman from Ohio [Mr. STOKES] to briefly outline what these votes are.

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

Mr. LAZIO of New York. Reserving the right to object, Mr. Chairman, we have had a debate on this yesterday. I was kind enough to allow the gentleman from Florida [Mr. CANADY] to go twice out of order. We had to roll the vote until today so that we had the opportunity to live within the context of the agreement with the other side.

If this is an opportunity to debate this issue one more time and spin it in a way against those offering amendments, I would have to press this objection.

Mr. LEWIS of California. Mr. Chairman, I withdraw my unanimous consent request.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 61, not voting 19, as follows:

[Roll No. 272]

AYES—353

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard

Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Sabo
Salmon
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOES—61

Abercrombie
Barr
Barton
Beilenson
Berman
Bilbray
Bliley
Bonilla
Brewster
Brown (CA)
Bryant (TX)
Bunning
Callahan
Coble
Collins (IL)
Conyers
Cooley
Coyne
Deal
DeLay
Dellums
Foglietta
Frank (MA)
Furse
Geren
Hansen
Hastings (FL)
Hilliard
Hobson
Hostettler
Houghton
Istook
Jones
Kennedy (RI)
Knollenberg
Kolbe
Lewis (CA)
Livingston
Lofgren
McCarthy
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Pelosi
Peterson (MN)
Reed
Regula
Sanders
Sanford
Schroeder
Stark
Stenholm
Stump
Vucanovich
Walker
Waters
Woolsey
Yates
Young (AK)

NOT VOTING—19

Becerra
Browder
Coleman
Cubin
de la Garza
Fattah
Fields (TX)
Ford
Hinchey
Laughlin
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Slaughter
Talent
Torres
Torricelli
Wilson

□ 1129

The Clerk announced the following pair:

On this vote:

Mr. Torres for, with Mrs. Cubin against.

Mr. DELLUMS, Mr. MINGE, Mrs. SCHROEDER, Ms. WOOLSEY, and Mrs. COLLINS of Illinois changed their vote from ''aye'' to ''no.''

Messrs. LIGHTFOOT, COMBEST, HALL of Texas, and LEWIS of Georgia, Ms. MCKINNEY, and Mr. FRELINGHUYSEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Chairman, while I intended to vote ''no'' on rollcall vote No. 272, when voting by electronic device, my vote was unfortunately recorded as ''aye.''

AMENDMENT NO. 46 OFFERED BY MR. SHAYS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut [Mr. SHAYS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. SHAYS: In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS'', after the dollar amount, insert the following: ''(increased by $15,000,000)''.

In the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MISSION SUPPORT'', after the last dollar amount, insert the following: ''(reduced by $15,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 236, not voting 20, as follows:

[Roll No. 273]

AYES—177

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Beilenson
Berman
Bilbray
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Burr
Camp
Campbell
Castle
Chrysler
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Durbin
Engel
English
Ensign
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Gonzalez
Greenwood
Gunderson
Gutierrez
Hamilton
Harman
Heineman
Hilliard
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Longley
Lowey
Luther
Maloney
Manton
Markey
Martini
McCarthy
McCrery
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran
Morella
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Porter
Pryce
Rahall
Ramstad
Rangel
Reed
Riggs
Rivers
Roemer
Ros-Lehtinen
Roukema
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Stark
Stokes
Studds
Stupak
Torkildsen
Towns
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Woolsey
Yates
Zimmer

NOES—236

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Brewster
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Frisa
Frost
Funderburk
Gallegly
Gekas
Gibbons
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson, Sam
Johnston
Jones
Kanjorski
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Lucas
Manzullo
Martinez
Mascara
McCollum
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Regula
Richardson
Roberts
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Ballenger
Becerra
Browder
Coleman
Cox
Cubin
Fattah
Fields (TX)
Ford
Hinchey
Lincoln
Matsui
McDade
Peterson (FL)
Roybal-Allard
Slaughter
Talent
Torres
Torricelli
Wilson

□ 1137

The Clerk announced the following pair:

On this vote:

Mr. Torres for, with Mrs. Cubin against.

Mr. MORAN and Ms. JACKSON-LEE of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. SANDERS

The CHAIRMAN. The unfinished business is the demand for the amendment offered by the gentleman from Vermont [Mr. SANDERS] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. SANDERS: Page 37, line 13, after the first dollar amount, insert the following: ''(reduced by $1,411,000)''.

Page 64, line 9, after the dollar amount, insert the following: ''(increased by $1,411,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 358, noes 55, not voting 20, as follows:

[Roll No. 274]

AYES—358

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—55

Baker (LA)
Barton
Bateman
Beilenson
Bliley
Boehlert
Bonilla
Brown (FL)
Chrysler
Clay
Clayton
Combest
Coyne
DeLay
Ehlers
Fields (LA)
Gekas
Geren
Hansen
Hastings (FL)
Hilliard
Hobson
Jackson (IL)
Jefferson
Knollenberg
Lewis (CA)
Lewis (GA)
Livingston
McDermott
Meek
Moran
Morella
Myers
Payne (NJ)
Pryce
Quillen
Radanovich
Rangel
Riggs
Roth
Roukema
Sabo
Schroeder
Serrano
Skeen
Smith (MI)
Stokes
Taylor (NC)
Thomas
Velazquez
Vucanovich
Walker
Waters
Watt (NC)
Zeliff

NOT VOTING—20

Becerra
Browder
Coleman
Cox
Cubin
de la Garza
Fattah
Fields (TX)
Ford
Gephardt
Hinchey
Lincoln
McDade
Peterson (FL)
Roybal-Allard
Talent
Torres
Torricelli
Whitfield
Wilson

☐ 1144

The Clerk announced the following pair:

On this vote:

Mr. Torres for, with Mrs. Cubin against.

Messrs. WELLER, SAWYER, and LAZIO of New York changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Chairman, due to a delay this morning I did not make it to the floor to vote on several rollcall votes. On rollcall No. 274, the Sanders amendment to increase funding for the Court of Veterans Appeals, I would have voted ''yes.'' On rollcall No. 273, the Shays-Lowey amendment on increasing funds for the Housing Opportunities for Persons with AIDS amendment I would have voted ''yes.'' The funding for this program has remained flat for the last 3 years while the number of AIDS cases has increased by an additional one-third in that time and the number of States and cities qualifying for grants has increased by 23 percent. We must do better—this Congress should not be abandoning people with AIDS and having them live on the street.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Page 37, after ''$962,558,000'' insert ''(reduced by $42,000,000)''.

Page 69, line 8, after ''$46,500,000'' insert ''(increased by $20,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes, 157, not voting 16, as follows:

[Roll No. 275]

AYES—260

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bono
Borski
Boucher
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
Dickey
Dooley
Doolittle
Dornan
Doyle

Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Eshoo
Evans
Ewing
Farr
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hinchey
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kelly
Kennedy (RI)
Kim
King
Kingston
Klink
Klug
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Montgomery
Moran
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Pallone
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Ramstad
Reed
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zimmer

NOES—157

Abercrombie
Ackerman
Baesler
Barrett (WI)
Bateman
Beilenson
Berman
Bonilla
Bonior
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Callahan
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Coyne
Cummings
de la Garza
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Durbin
Edwards
Ehlers
Engel
Everett
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hobson
Hoke
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennelly
Kildee
Kleczka
Knollenberg
Kolbe
Lantos
Lazio
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Maloney
Manton
Markey
Matsui
McNulty
Meehan
Meek
Menendez
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Morella
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Parker
Pastor
Payne (NJ)
Pelosi
Pryce
Quillen
Radanovich
Rahall
Rangel
Regula
Rogers
Roukema
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (TX)
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Towns
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—16

Becerra
Browder
Coleman
Costello
Cubin
Fattah
Fields (TX)
Ford
Hilleary
Lincoln
McDade
Peterson (FL)
Pickett
Roybal-Allard
Torres
Wilson

□ 1151

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. MCKEON) assumed the chair.

MESSAGE FROM THE PRESIDENT

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

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

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in order to lay the foundation very briefly for a unanimous consent to inform the Members that we have somewhere in the neighborhood of only 30 or 40 amendments left on this bill. There seems to be some agreement coming together, and some of those hopefully will fall off because of duplication and so forth.

But by way of expediting the time for the Members, I will be asking unanimous consent for a 10-minute time limitation on a series of amendments. So if the Members will bear with me, I ask unanimous consent for a 10-minute time limit on the following amendments: one amendment by the gentleman from Louisiana [Mr. FIELDS]; one amendment by the gentleman from Michigan [Mr. HOEKSTRA]; one amendment by the gentleman from Indiana [Mr. HOSTETTLER]; one amendment by the gentleman from Illinois [Mr. DURBIN]; one amendment by the gentleman from Massachusetts [Mr. KENNEDY]; similarly by the gentleman from New Jersey [Mr. PALLONE]; two by the gentleman from Indiana [Mr. ROEMER]; one by the gentleman from Pennsylvania [Mr. WALKER]; one by the gentleman from Connecticut [Mr. GEJDENSON]; all in title III.

It will be 10 minutes on a side.

The CHAIRMAN. The Chair would ask, the unanimous-consent agreement is for 10 minutes total or 10 minutes on each side?

Mr. LEWIS of California. Ten minutes on a side.

The CHAIRMAN. On each amendment and all amendments thereto?

Mr. LEWIS of California. On each of those amendments mentioned and amendments thereto, that is correct. Mr. Chairman, this will not restrict other amendments being brought forth that have been filed. It is on those specific areas.

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

Mr. STOKES. Reserving the right to object, Mr. Chairman, I do not intend to object, but I would just pose a further question to the gentleman from California. By 10 minutes per amendment, does the gentleman mean each side, a total of 20 minutes on those that we agree upon, is that correct?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, the gentleman is correct. I would almost desperately hope that neither of us would want to take all that time.

Mr. STOKES. Time will also be controlled by the offerer and the chairman, is that correct?

Mr. LEWIS of California. Mr. chairman, the gentleman is correct.

Mr. Chairman, my staff helps me a little. I failed to recognize that on this list as prepared that my own amendment is not on the list and that needs to be included, as well. I think probably my staff wanted to cut me off, but I know the gentleman would not want to do that.

Mr. STOKES. Mr. chairman, I certainly would not want to do that. I would want the gentleman's amendment to be included.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so on behalf of myself, my colleague from New York, Mr. BOEHLERT, in order to engage the gentleman from California, Mr. LEWIS, chairman of the VA–HUD Subcommittee, in a colloquy regarding NASA's Mission to Planet Earth.

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

Ms. HARMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would be happy to engage in a colloquy.

Ms. HARMAN. Mr. Chairman, as you know, Mission to Planet Earth is one

of NASA's most important and relevant programs. It will benefit our environment by providing scientific information on global climate change. It will benefit our economy by providing farmers with a better understanding of how climatic conditions like El Nino can affect their crops. I understand the budget constraints under which the subcommittee must operate and commend the gentleman for the job he is doing within them, but I am very concerned by the proposed $220 million cut in this bill, especially in light of the National Research Council's recent review of the U.S. Global Climate Change Research Program and NASA's Mission to Planet Earth, which stated that further budgetary cuts would hurt Mission to Planet Earth.

Is the gentleman from California aware of this recommendation by the National Research Council and does he agree with it?

Mr. LEWIS of California. If the gentlewoman will yield, first I appreciate the gentlewoman raising this subject.

I am indeed aware of the National Research Council's recommendation which states that the program requires an adequate and stable level of funding. I would like to ensure the gentlewoman and the House that I agree with this recommendation and believe that Mission to Planet Earth must have sufficient fiscal year 1997 funds to succeed.

As the gentlewoman knows, there is strong bipartisan support for Mission to Planet Earth and its programs in the Senate. When we go to conference with the Senate on the VA–HUD bill, I expect to spend a lot of time dealing with this program.

Ms. HARMAN. Mr. Chairman, I appreciate those remarks, and as the chairman knows, I am particularly concerned about the near-term components of the Earth observing system, EOS, including the P.M.–1 and CHEM–1 missions.

□ 1200

Does the chairman agree with the National Research Council that these near-term components should be implemented without delay?

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

Ms. HARMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I agree with the NRC that the program's first group of components should not be delayed. Neither this bill nor its accompanying report instructs NASA to terminate or delay these very important missions.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from New York, and I commend him for his bipartisan leadership on issues such as this.

Mr. BOEHLERT. Mr. Chairman, like the gentlewoman from California, I strongly support NASA's Mission to Planet Earth. I view this program as a crucial piece of our Nation's commitment to environmental research and development. I would like to emphasize that Mission to Planet Earth is truly about science. As the chairman knows, the National Research Council stated that the science underlining the U.S. Global Climate Change Research Program and Mission to Planet Earth is fundamentally sound.

Does the chairman agree with this assessment?

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

Ms. HARMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I agree with the National Research Council that the program is scientifically sound. I believe that we need Mission to Planet Earth to provide us with better scientific understanding of global climate change. I believe that this remote sensing data will help regulatory agencies make sound, scientifically based risk assessments.

As I stated earlier, I support Mission to Planet Earth, and I will keep this program in the forefront of my mind when we go to conference with the Senate. I commend the gentlewoman from California [Ms. HARMAN] and the gentleman from New York [Mr. BOEHLERT] and many others on both sides of the aisle for their work in support of Mission to Planet Earth.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I thank my friends for their comments.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, for agreeing to enter into this colloquy on a very important matter.

Mr. Chairman, I would like to seek clarification of the committee's intent with regard to the Clean Lakes Program. I note that the committee report designates $100 million for the Clean Lakes Program and specifically for section 319 projects under the Clean Water Act. I would like to know if it is the intent of the committee to allow section 314 projects to be funded from the $100 million designated for section 319?

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

Mr. BARR of Georgia. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, it is the committee's intent to allow for section 314 projects under the Clean Water Act to be funded with the $100 million designated for the Clean Lakes Program.

In fact, the State is authorized to use any portion of the $100 million under the State and tribal grants heading for section 314 projects. It is vital that we allow States to set their own priorities for specific lake water projects and, in fact, last year we granted States the flexibility to set their own priorities for pollution control projects most critical to that individual State.

Mr. BARR of Georgia. Mr. Chairman, reclaiming my time, would the chairman be willing to incorporate this clarification in report language as the bill emerges from conference?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I would be happy to work with the gentleman to incorporate into the conference report a clarification of the committee's intent.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to engage in a colloquy with the gentleman from California, Chairman LEWIS, about the air quality crisis in the Hunts Point area of the South Bronx, NY, where there is a concentration of waste transfer and sewage treatment facilities.

Mr. Chairman, I have been working closely with the Environmental Protection Agency and the regional authorities about this air quality crisis at Hunts Point over the past year. Over 43 waste transfer facilities are located in the Hunts Point community area, and over 70 percent of New York City's sludge is processed in this area. Asthma and respiratory illness in Hunts Point are higher than the city average. Over 25 percent of the 1,100 students at Public School 48 have asthma and are frequently hospitalized. In one first grade class alone 47 percent of the students have asthma and 33 percent have been hospitalized.

Would the chairman agree that the Environmental Protection Agency should continue to commit resources and work closely with my congressional office and State and local officials to continue to identify and, if possible, mitigate any environmental causes of this problem?

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

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

Mr. LEWIS of California. Mr. Chairman, to my colleague from New York I say that these types of local problems must be addressed, and EPA can offer particular expertise and guidance in providing solutions. I strongly urge, EPA to continue to work closely with him, as well as with State and local officials, to resolve this problem as quickly as practicable.

Mr. SERRANO. Mr. Chairman, reclaiming my time, it would be helpful if the Environmental Protection Agency made an effort to evaluate and correlate the very specific air emissions that are present at the time that health problems affecting the children in my congressional district actually take place.

Would the chairman agree that the Environmental Protection Agency should conduct air quality testing in conjunction with the occurrence of specific health incidents during the next phase of testing?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield further, the relationship between air quality problems and its impact upon people's health is fundamental to all of

these efforts. The situation you describe certainly seems to fall within EPA's particular expertise, and again, I join the gentleman in encouraging EPA to review this matter and to bring to bear its own expertise and resources along with the expertise resources of the State and the local governments.

Mr. BASS. Mr. Chairman, I move to strike the last word to enter into a very brief colloquy with my distinguished colleague from California, the chairman of the subcommittee.

The gentleman and I have had numerous discussions about the plight of the Johns Manville site in Nashua, NH. This is an abandoned asbestos manufacturing plant that poses a serious threat to the health and public safety to the city of Nashua. The danger was evidenced when one of the buildings on the site experienced a partial collapse of its roof. Fortunately, the weight of the snow on top of the building prevented the release of asbestos. Nevertheless, a recently issued report indicates that any further collapse or fire at this site could necessitate a full-scale evacuation of the area's residents.

Unfortunately, the cleanup cost analysis included in the recent report was not available in time to seek funding for this project through the normal committee process. The new report indicates that the site should qualify for emergency funding and may require up to $5.3 million for the cleanup.

From previous conversations, I know the chairman understands the importance of the project to my district. Therefore, I would like to ask him if he and the committee can work with me to address this dire situation.

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

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

Mr. LEWIS of California. Mr. Chairman, I must say to the gentleman that he certainly made me aware of this project and its problems and I commend him for his hard work on this issue.

The committee is very much concerned and aware of the situation that the gentleman from New Hampshire [Mr. BASS] has described and we are willing to pursue whatever avenue is available to address it.

Mr. BASS. Mr. Chairman, reclaiming my time, I thank the gentleman very much for his willingness to work on this matter.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I seek recognition in order to engage the distinguished chairman of the appropriations subcommittee in a colloquy.

I want to inquire of the subcommittee chairman with regard to the bill before us, the VA–HUD and Independent Agencies Appropriations Act of 1997. Specifically, I am inquiring as to the committee's commitment to alleviate the disproportionate financial burden on families and businesses on the North Shore of Massachusetts due to the cost of complying with the federally mandated Clean Water Act.

My district includes communities within the South Essex Sewage District, known as SESD, which is in the midst of a funding crisis. Families will soon face water and sewage rates in excess of $2,000 a year to pay for federally imposed clean water mandates. The effects of these rates on families will be devastating, and the rate of increase may force some businesses to relocate elsewhere.

Also, the communities of Gloucester, Amesbury, Manchester By-the-Sea, Rockport, Essex, Ipswich, Salisbury and Lynn are facing similar funding crises.

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

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

Mr. LEWIS of California. Mr. Chairman, the gentleman from Massachusetts has been diligent in making the subcommittee aware of the severity of the water and sewer rates on the North Shore of Massachusetts. To say the least, the gentleman does not exactly twist my arm, but I am very aware of these problems.

Complying with the Clean Water Act is a costly endeavor. I would assure the gentleman this committee is committed to alleviating the financial burdens associated with the Clean Water Act which are passed down from the Federal Government to families and businesses throughout the country, but particularly in his area the severity of this challenge is great.

Accordingly, we have placed $1.35 billion in the State revolving fund. Due to budget constraints, the subcommittee was challenged to provide minimum funding this year, let alone funding for new starts.

Mr. TORKILDSEN. Mr. Chairman, reclaiming my time, I wish to thank the chairman for his leadership on this issue. I am concerned, however, whether the subcommittee's policy precludes the chair from working with the other body in the conference committee to secure additional funds for some worthy new starts.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will further yield, I would answer your question by saying it simply indicates how serious the gentleman is about pursuing this matter.

Clearly, the other body is entitled to raise whatever issues it chooses in our upcoming conference, and I expect the Clean Water Act mandate funding to be addressed. When the issue be raised, I can assure my colleague I will work with the gentleman to find a solution to the problems of water and sewer mandates on the North Shore of Massachusetts.

Furthermore, I will recommend to the conference committee that should additional funds become available priority be given to water and sewer projects, including SESD and the others the gentleman has made reference to on the North Shore of Massachusetts.

I thank the gentleman from Massachusetts for bringing this issue to the committee's attention and in particular the personal time he has spent write me.

Mr. TORKILDSEN. Reclaiming my time, Mr. Chairman, I want to thank the distinguished chairman, and my friend and colleague for clarifying this most important point. I look forward to working with him in the upcoming conference.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations in a colloquy regarding language to encourage the establishment of an outpatient VA clinic in Gainesville, GA.

This is an area located in rural Hall County, and there are close to 10,000 veterans who must travel over 200 miles to receive services at the VA hospital in Atlanta. This language was included under an amendment No. 4 to the statement of the managers in the conference report on VA–HUD appropriations in fiscal year 1996, that being H.R. 2099.

I would ask the distinguished chairman if the committee would continue to encourage the outpatient VA clinic be established in Gainesville, GA?

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

Mr. DEAL of Georgia. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am pleased to join with my colleague from Georgia in this colloquy, and I want to say to the gentleman that I am very sensitive about the problems in Gainesville as well as the problems of veterans who live in rural America.

The gentleman may know that my own district is very much a rural district. In fact, in the desert portion of my territory we can comfortably fit four Eastern States, so I am acutely aware of the distances veterans must travel for care.

Please be assured that the committee continues to want to help veterans in rural areas and will continue to encourage the VA to establish an outpatient clinic in Gainesville, GA.

Mr. BUNN of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from California.

Mr. Chairman, I would first like to applaud the chairman of the subcommittee for the excellent work he has done in crafting a very balanced bill. However, I am concerned that this year's bill before the House does not include funding for the wastewater operator training grants under section 104(g) of the Clean Water Act.

As the chairman knows, this is a program that provides assistance to small communities to help them comply with the demands of the Clean Water Act. I have supported this program in the past and continue to be supportive. I ask the chairman, is it his intent that the administration should continue this program within the funds provided in this bill?

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

Mr. BUNN of Oregon. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the answer is yes, it is my intent that the administration continue with this program.

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification.

If the other body specifically includes funding for the program, would the distinguished chairman consider accepting the other body's recommendation?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I very much appreciate the gentleman bringing forward this colloquy, and I want to assure the gentleman that I will not oppose funding for the program if the other body provides it. We are working very closely with the committee in the other body on this matter and matters that are similar.

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, I thank the chairman for his assistance on this issue. It is greatly appreciated.

□ 1215

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all I want to thank the distinguished subcommittee chairman and my good friend, the gentleman from California [Mr. LEWIS], and the other members of the subcommittee for their hard work and tireless dedication to producing a bill that is fiscally responsible and good for America's veterans.

This 1997 VA, HUD appropriation bill fulfills a bipartisan commitment, a long-standing bipartisan commitment to the northern California veterans who served our country in the armed services. Specifically, the bill provides for phased construction of a replacement VA medical center at Travis Air Force Base located in Fairfield, CA, in my congressional district. As the gentleman, Mr. LEWIS, knows, there is a great need for an additional acute care medical facility in northern California as a result of the closure of the veterans medical center facility in Martinez, CA, after the 1989 earthquake. Northern California veterans should be able to obtain the necessary medical care within their designated catchment area, and that northern California catchment area includes 400,000-plus military veterans.

Currently the same veterans have to drive up to 8 hours to the nearest medical facility. Last year in the face of severe budgetary pressures and in view of our commitment as the new congressional majority to balancing the Federal budget in 7 years or less, the Congress appropriated $25 million for a state-of-the-art outpatient clinic at Travis Air Force Base to be located adjacent to the David Grant Medical Center Air Force Hospital.

I viewed these funds as a place holder, an adequate first step that would provide a foundation for additional funding for phased construction of the replacement hospital. The VA will build the replacement hospital adjacent to the existing military hospital at Travis Air Force Base and it will be a coventure between the VA and the Department of Defense. The plan is innovative and an ideal choice since much of the infrastructure is already in place and these two facilities will be able to share medical technology and other high-cost services.

As a veteran myself, I wholly understand the sacrifices made by veterans and their families while serving our country. The replacement VA medical center at Travis represents the fulfillment of a 6-year-old commitment spanning the last two Presidential administrations. The effort to replace the Martinez facility has enjoyed broad bipartisan support in the Congress.

At this time I would like to confirm my understanding with the distinguished subcommittee chairman that funding for phased construction of the replacement VA medical center at Travis Air Force Base in the fiscal year 1997 VA, HUD appropriations bill is at $57.1 million and that would be the $25 million from fiscal year 1996, reprogrammed for the replacement hospital, plus an additional $32.1 million in this bill.

I also wish to confirm that this will provide the Veterans' Administration with full first-year funding to begin phased construction of the hospital.

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

Mr. LEWIS of California. Mr. Chairman, I must say to the gentleman, I very much appreciate the opportunity to enter into this colloquy with him regarding this very important matter.

The gentleman may be aware of the fact that over 20 years ago, as a result of another earthquake, a major VA hospital that collapsed in southern California. The replacement hospital is located in an area that serves both my district and the district of Congressman GEORGE BROWN and others in southern California. This facility is very important to veterans who live in rural communities, similar to the long distances that Mr. DEAL was talking about earlier.

It is important for the gentleman to know that, the House as well, to know that there is indeed $57.1 million between the fiscal year 1997 and 1996 VA, HUD appropriations bills to begin phased construction of the replacement hospital at Travis Air Force Base. This subcommittee remains and will continued to be committed to fully funding and completing construction of the replacement Travis Hospital.

I also want to emphasize to my colleague that funding for this hospital at Travis is included in this bill because, to say the least, Mr. RIGGS has been waging a highly intensive campaign on its behalf. Furthermore, that full-phased construction of the Travis Hospital would not be possible, if a place holder for funding had not been adopted by way of a clinic, as we did our work in 1996.

This is a very, very difficult time in terms of funding availability. Earthquake replacement hospitals seem logical but, nonetheless, my colleague has had to struggle because of very scarce dollars. Yet those people who we are committed to serve, especially in rural areas, to deserve this kind of response. I salute the gentleman for his tenacity and dedication as a tireless advocate for his district and northern California veterans.

Mr. RIGGS. I thank the gentleman, Mr. Chairman.

I include for the RECORD a newspaper letter to the editor entitled Saluting the Real Heroes in the Drive for a VA Hospital.

[From the Vacaville Reporter, June 22, 1996]

SALUTING THE REAL HEROES IN THE DRIVE FOR A VA HOSPITAL

REPORTER EDITOR: This is in response to a letter to the editor (The Reporter, June 1) in which the writer states he is not one of Kelli Eberle's veterans and that Congressman Frank Riggs was not effective in obtaining funding for the Department of Veterans Affairs Hospital at Travis Air Force Base.

Few have worked longer or harder at securing funding for the VA hospital than Frank Riggs and his efforts at securing funding within his own party have finally been successful.

I would like to ask the writer the following questions:

When is the last time you wrote a letter or called your representative in support of the VA hospital?

When was the last time you attended an Operation VA meeting?

In addition to his efforts in Congress, Frank Riggs has also been in constant contact with Solano County veterans.

The real heroes are: Art Jarrett and Robert Fletcher of the American Legion, who have written thousands of letters and made hundreds of phone calls to veterans organizations and representatives, lobbying for the VA hospital; the city of Fairfield, for having the courage to spend money in support of this project; and the people of Operation VA, who have spent the last four years working and lobbying for the VA hospital.

For the record, one of the most active advocates of the VA hospital is Kelli Eberle. I, and the 30-plus signers of this letter, am proud to have Kelli refer to me as one of ''her veterans.''

JEFFREY L. JEWELL,
President, United Veterans Memorial Association, plus 30-plus signers.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. HOSTETTLER] be permitted to offer amendment number 54 on page 64, line 4, a portion of the bill not yet read.

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

There was no objection.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. 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. HOSTETTLER: Page 64, after line 4, insert the following new item:

ELIMINATION OF FUNDING FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Each amount appropriated or otherwise made available by this title for ''Corporation for National and Community Service'' is hereby reduced to $0.

The CHAIRMAN. Pursuant to the order of the committee of today, the gentleman from Indiana [Mr. HOSTETTLER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER].

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

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

Mr. HOSTETTLER. Mr. Chairman, first of all, I want to thank the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies and the distinguished ranking member for allowing me to proceed out of order.

Mr. Chairman, I rise today on behalf of taxpayers and concerned citizens in my district and across the country, to appeal to my colleagues to help me defend a wasteful bureaucracy. In addition, there is an even more basic principle at issue here that I will touch on in a moment.

Mr. Chairman, I am offering an amendment to eliminate funding for AmeriCorps and its office of inspector general.

Now before I go any further in explaining my amendment, I want to remind everyone in this Chamber of a very important fact. When the VA/HUD appropriations bill came to the floor last year—it came without any funding for the AmeriCorps Program.

In fact, the VA/HUD appropriations bill also passed the Senate—without any funding for the AmeriCorps Program. It was only in the final omnibus appropriations bill, which was passed and signed into law, that we funded AmeriCorps.

Let's not allow our appropriations bills to be held captive again in order to fund a program that goes against the best interests of this country's fiscal health and our children's future.

I would also like to remind the Members in this Chamber and the American people, that when President Clinton signed into law the National and Community Service Trust Act of 1993, he created one of the largest so-called volunteer service bureaucracies in history—that is, AmeriCorps.

Not only does this program compete with depression-era programs in size, it also competes with the Pentagon in examples of outrageous spending, such as $900 hammers, and the NEA in ludicrous granting of funds.

AmeriCorps was founded upon President Clinton's idea of a new kind of public-private partnership—whereby the Government splits community service costs with the private sector. However, a 1995 GAO audit found that the agency received little support from the private sector, and instead relied heavily upon public support.

Less than 12 percent of the program's per-participant costs were leveraged from the private sector.

The remaining 88 percent, $309 million in 1994, was funded by the taxpayers.

The same GAO report shows annual costs can range from about $22,200 to as high as $66,715 per participant.

It isn't surprising then that the GAO audit finds volunteers working for Federal agencies cost the public an average of $31,000 each.

I find it quite a paradox that we are paying individuals to volunteer for the Federal Government.

I would also like to share with the rest of America what they don't always get to hear: That is, AmeriCorps promotes a politically correct agenda, earning it the name ''P.C. Corps'' by the Washington Monthly.

Taxpayers may be shocked to know that AmeriCorps recruits volunteers such as former gang members and ex-convicts to engage in activities such as teaching sex education to children, providing HIV courses to sixth-graders, and using methods such as a soft-core porn novel to teach character development.

Moreover, after my colleague, Mr. HOEKSTRA, discovered in congressional hearings that much of AmeriCorps' books were unauditable, the House Opportunities Committee began to investigate.

Oddly enough, the committee found a number of questionable grants, including a $400,000 grant to the AFL–CIO to provide financial management training to AmeriCorps grantees.

And although the act which established the program clearly states that no funding or participant shall be used to directly benefit any partisan political organization, AmeriCorps has predictably funded liberal advocacy groups.

I wonder if the people know that part of a $1.2 million grant to a local coalition in Denver was used to require AmeriCorps members to distribute campaign-related leaflets opposing a city councilman's re-election bid? Fortunately for the taxpayers, this grant was withdrawn after reports surfaced.

Such flagrant use of taxpayers' dollars does not even take into account that AmeriCorps volunteers often can be seen at administration photo-ops and media events, bearing their now familiar grey AmeriCorps T-shirts and cheering for President Clinton and Vice President GORE. It's no wonder that the President supports this program, Mr. Chairman.

But there is a larger issue at work here, too. How long do we allow the Federal Government to wrestle away the power of the people to join together out of civic virtue in order to meet our communities' needs?

At what costs to society and liberty do we allow the Federal Government to demean the entire ideal of citizenship by paying workers to volunteer?

My friend, Balint Vazsonyi says, ''The spirit of voluntarism is being choked by coercion.'' Mr. Chairman, I couldn't agree more. Our Government wants to replace active civic compassion with coercive community service programs.

We need to support the kind of civic virtue that promotes private voluntarism—not the kind that is bought with Federal tax dollars by a government that crushes the spirit of citizenship and undermines the value of personal and civic responsibility.

Finally, with soaring budget deficits and a more than $5 trillion national debt, I am standing up for the taxpayers who cannot support such a proposition any longer.

I believe it was Representative HOEKSTRA who wrote in regard to AmeriCorps: ''Like many Washington programs, good intentions and bad philosophy equal wasted money and disappointing results.'' Mr. Chairman, AmeriCorps boils down to nothing more than a Federal jobs program. It must be eliminated on the basis of economics and principle.

That is why I am asking all of my colleagues to support this amendment to eliminate AmeriCorps funding.

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

The CHAIRMAN. Is there a Member who seeks recognition in opposition to the amendment?

The gentleman from Ohio [Mr. STOKES] is recognized for 10 minutes.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to yield half of my time to the chairman of the subcommittee, the gentleman from California [Mr. LEWIS].

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

There was no objection.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment to take all of the money out of the AmeriCorps program. I think we made substantial progress this year by putting this money in and avoiding the veto that we received last year of this legislation. This is a program that the President has initiated. It is a program that he feels is a national program to help the young people of this Nation be active in terms of the kind of jobs that they perform on behalf of the Nation, and they proceed to acquire their educations.

I think it is important for us to look at the fact that this is a bipartisan program. I think AmeriCorps takes a great deal of pride in the fact that it is bipartisan. Two-thirds of the AmeriCorps programs are chosen by governor-appointed State commissions, three-fifths of which are headed by Republicans to address local needs.

It is a program that works. An evaluation of the AmeriCorps programs found that just one-tenth of AmeriCorps members taught 23,641 students, tutored 24,867 individuals, mentored 14,878 youth, helped 2,551 homeless people find shelter, planted more than 210,000 trees, collected, organized, and distributed 974,103 pounds of food and 5,000 pounds of clothes, developed and distributed 38,546 sets of information about drug abuse, street safety, health care, and other issues.

□ 1230

They also ran violence prevention, after-school programs for 49,632 youth, performed energy audits for more than 18 million square feet of buildings, levied 69,369 hours of service by unstipended volunteers.

In additional to it, I think one of the factors that is very important is that a recent 1995 GAO report concluded that AmeriCorps almost tripled the amount it was required to raise from noncorporation sources in its first year. Congress directed AmeriCorps programs to raise $31 million. They raised $91 million. Of this amount, $41 million, a figure more than the amount required from all sources, came from the private sector alone. We think this financial support proves that leaders at the local level across the country feel that AmeriCorps is an effective way to meet the needs of their communities.

Mr. Chairman, I do not know of any greater investment that we can have than the amount of money we are putting into investing in the young people of this country. They are the future of this country. As we move into the year 2000, the 21st century, it seems to me that we ought to be doing more to equip our young people for the future leadership that we are going to give them for this country.

I would urge the Members to reject the gentleman's amendment and vote ''no'' on the gentleman's amendment.

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

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

My colleagues, I must say that this is the first occasion, at least in my recollection, that I have seen the gentleman from Indiana [Mr. HOSTETTLER] present an amendment on the floor, at least on one of my bills. I must say, as I was watching him make that presentation, he reminded me of one of my brothers, and I wondered what he was doing here, a younger brother, I might mention, Mr. HOSTETTLER. Unfortunately, for that and other reasons, I rise reluctantly to oppose the amendment by my colleague.

I do realize that not all the Members of the House support the AmeriCorps program. There are a couple of other potential amendments that would impact funding of the corporation as well. I know that Members may differ as to why they do not support the AmeriCorps program.

I personally have felt from our first involvement in this program that we needed to carefully evaluate its effectiveness. We are in the midst of trying to continue to move forward on that evaluation at this very moment. I believe the program has merit and deserves a chance to prove itself. I am also very sensitive to some of the questions that have been raised by my colleague. He particularly mentioned one that involved campaign activity, which I must say, if it did actually take place, would be against the law. I am sure the corporation is not advocating that sort of activity. However, some young person could have found themselves in excess, and we want to review that sort of activity with great care.

As stated in a committee report, there is need for a further independent evaluation of this program. But lack of further evaluation does not warrant eliminating the program, at least at this point.

I also believe that Senator Wofford, who is making beneficial modifications to the program, has provided a good deal of energy and time, not just working on the program, but communicating to us about his efforts. Zeroing out the funding for the Corporation for National and Community Service simply ignores the experience of this past year. There is no way that I can see where this bill can be signed into law without funding for the corporation. I mean it made the bill veto bait doing the fiscal year 1996 debate.

So let me suggest to my colleagues that there are two points here. First, the House has been very responsive to the work of the committee dealing with a very, very difficult series of Federal responsibilities, balancing one program or agency against another. At this point in time, I don't believe that we should inject an item that would very likely lead to a veto of all this work. It does not matter to me specifically in terms of the level of funding, but indeed to zero out the program would help none of us in the final analysis.

We have been down this road before; I do not wish and do not believe the leadership wants to have last year's fight all over again. Mr. Stokes and I both want this bill to be signed. I think it is a bill the President will be able to sign when we get through the conference, and so I urge the Members on that basis and others to vote ''no'' on this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. TIAHRT].

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

Mr. TIAHRT. Mr. Chairman, this is a program that, I think, is a little misguided. It is a failed Government program. It does follow the liberal mantra of the need for perceived voluntarism in America. Whenever there is a problem, let us come up with a program, and once again we have done that with our Federal Government. But it sends such a confusing message.

The American College Dictionary says a volunteer is someone, and I quote, someone who does charitable work or helpful work without pay, end of quote. Well, AmeriCorps pays people even while there are 89.2 million Americans, according to the independent survey conducted in 1994, 89.2 million Americans 18 and over volunteer about 4.2 hours per week, and yet we have a program here that pays volunteers $31,000 per year. That is $15.65 per hour. It includes health insurance; it includes a stipend to go to college. It is not the type of voluntarism that is the American tradition.

It also takes money away from programs that could be very valuable like Pell grants or like money for volunteers. People have actually risked their lives for this country, and yet they get better benefits by being a paid volunteer. And where do these people work? Well, 1,200 of these AmeriCorps volunteers are at the Department of Ag, 525 are at the Interior Department, 210 at the Justice Department, 135 at the EPA, 60 at the National Endowment for the Arts.

Another example is the political activity during the Summer of Safety, quote unquote, program in San Francisco. They were out there campaigning against the three strikes and you're out provision in the crime bill.

This is what President Clinton called citizenship at its best. I think most taxpayers disagree.

Although I respect the goals of the young men and women who are involved in the AmeriCorps, I admire the other 89.2 million Americans who truly volunteer without pay. They volunteer their time, they volunteer their energy and their spirit. Let us not fool ourselves and the American people into believing that AmeriCorps has anything to do with true voluntarism or true citizenship.

Mr. Chairman, this amendment is a commitment to both true spirit of voluntarism and to reducing the Federal deficit. I support its adoption.

Mr. STOKES. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] has 1½ minutes remaining, the gentleman from California [Mr. LEWIS] has 1½ minutes remaining, and the gentleman from Indiana [Mr. HOSTETTLER] has 2½ minutes remaining.

Mr. STOKES. Mr. Chairman, I ask unanimous consent that we be given 10 additional minutes to be equally divided.

The CHAIRMAN. Five minutes on each side?

Mr. STOKES. That is correct, Mr. Chairman.

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

There was no objection.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, the idea of terminating AmeriCorps is perhaps appealing if one does not know the issues, but it is very dangerous and unwise if the facts are analyzed which are involved here.

Thousands of young Americans have been educated and benefited by this; enormous public good has been achieved by the program. The program is cost effective. It pays back better than $1.54 to $3.90 for every dollar that is invested. It has generated thousands of volunteer hours by nonparticipants. It has come in well below the costs per participants, better than a thousand dollars less per participant. It raised $41 million in the private sector during the first year alone.

This is something which appeals to Republican Governors. Governor Engler, Governor Weld, Governor Wilson, Governor Merrill all support AmeriCorps. Religious groups, the Catholic Network of Volunteer Service, the Episcopal Church, Aguda Israel of America and more support AmeriCorps. Corporations like General Motors, IBM, Microsoft, American Express, Nike, Tenneco, Bell South, U.S. Health Care, Home Depot support AmeriCorps. Even the wives of our Presidential candidates, Hillary Clinton and, to my Republican colleagues I would observe, Elizabeth Dole, support this program.

In Michigan alone it has stimulated the creation of some 13 major programs. Better than 400 participants a year are involved in this, and the work on behalf of the State of Michigan has been productive indeed.

Why then would we want to terminate a program which is showing such tremendous success on behalf of the people? Why would we want to terminate a program which has such widespread beneficial consequences and such enthusiastic support of prominent and responsible Americans? I cannot conceive of a reason. Perhaps someone can better that.

I urge rejection of the amendment.

Mr. HOSTETTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I rise in support of the amendment because I strongly support balancing the Federal budget by ending wasteful Government spending.

Mr. Chairman, the AmeriCorps Program is just that, a wasteful Government program. The Hostettler amendment will end the boondoggle that the AmeriCorps Program has stood for, and I believe it will end it once and for all.

We have worked very hard to balance the budget these last 2 years, and I do not believe that we have a dime to spare for the feel good programs that do not really have any purpose. Ending AmeriCorps is the right thing to do.

Let us look at the facts. AmeriCorps costs the U.S. taxpayer a breathtaking $600 million a year. That is over $21,000 a year per volunteer, with more than half the money drained away by the bloated administrative costs.

What do grantees get out of this? Well, besides a very heartwarming experience they could do for free, they get $5,000 toward their college education. Well, I am all in favor of encouraging college education, which is why my Republican colleagues and I voted to increase the student loan program, but AmeriCorps manages to spend $21,000 to give young people a $5,000 grant for college. Well, would it not make more sense just to hand over the $5,000 without spending the other $16,000? Instead, President Clinton, instead of cutting this program, he wants to expand it. Yes, he would like to spend $6 billion over the next 5 years expanding this program.

Well, Mr. Chairman, the Corporation for the National Service, which oversees the AmeriCorps Program, spends millions of dollars for contracts to provide, quote, training to its grantees. Who does that training? Well, a $400,000 contract to the AFL–CIO, the big Washington labor bosses who provide the financial management training. Well, how interesting. From this program alone our Nation is handing out $400,000 to the labor bosses who are trying to buy Congress for themselves and the liberals that they favor. No wonder the President and his liberal followers enjoy the AmeriCorps Program so much. It doles out money to liberal groups that lobby for his reelection and for his liberal policies.

An editorial entitled ''AmeriCorps Programs Should End,'' in my local paper, the Omaha World-Herald, put it best. It says the program will teach a new contingent of young Americans the glories of landing on the public payroll, thereby carrying on a Democratic tradition of more Government, more benefits, and more make-work jobs. That is the editorial out of the Omaha World Herald, July 18, 1995.

The article is as follows:

[From the Omaha World Herald, July 18, 1995]

AMERICORPS PROGRAM SHOULD END

Sen. Charles Grassley of Iowa has looked again at the numbers behind President Clinton's AmeriCorps program and come to an inescapable conclusion: The program should be ended.

It is a costly boondoggle. It costs an average of $27,000 for each volunteer, Grassley said, using figures from the General Accounting Office. More than half the spending is on administration.

The five-year program consumers $600 million a year, Grassley said, and involves 20,000 ''volunteers,'' who are paid a salary and provided medical benefits, child care and tuition waivers. They are assigned to government agencies or nonprofit organizations. Clinton has said he wants the program to expand every year until 100,000 people are enrolled. He has estimated the cost at $6 billion over five years.

All that to deliver a college-tuition certificate worth less than $5,000 to each participant. If the goal were merely to hand out tuition money, it could obviously be achieved more efficiently by putting the money in an envelope and mailing it to anyone who managed to be accepted by a college or university.

As government programs go, this one is spectacularly inefficient and breathtakingly expensive.

Defenders contend that the program has much more to it than merely the distribution of tuition assistance. It is intended to ''re-knit community,'' they contend, although exactly how the program will re-knit anything has yet to be explained. More probably, the program will teach a new contingent of young Americans the glories of landing on the public payroll, thereby carrying on the Democratic tradition of more government, more benefits and more make-work jobs.

But taxpayers seem to be getting tired of all that. Witness what happened Nov. 8 to the make-up of both the House and the Senate. So Congress may have a better idea about whether re-knitting communities with a national service corps should be among the highest priorities.

Facts such as those highlighted by Grassley provide effective ammunition against the program. It only remains for Congress to consider again the message that voters conveyed so emphatically last November—and then act on it.

Mr. Chairman, I support this amendment because it makes the right choice in ending a wasteful Government program. That is the necessary step in our fight for a balanced budget.

As my colleagues know, it would be nice to turn volunteers back into what they originally were meant to be, and that is a volunteer, and as the gentleman from Wichita, KS [Mr. TIAHRT] said, a volunteer is someone who works without pay.

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Mr. STOKES. Mr. Chairman, I yield such time as he may consume 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 rise in opposition to the Hostettler amendment.

Mr. Chairman, my colleague's amendment is misguided and shortsighted. We should be engaged in expanding AmeriCorps, not in its elimination.

Almost 3 years ago, when Congress created the AmeriCorps Program, we expected great things from national service. The Congress expected AmeriCorps to help communities meet their public service needs with real results.

We expected AmeriCorps to unite individuals from different backgrounds in the common effort to improve our communities.

We expected AmeriCorps to encourage its members to explore and exercise their responsibilities to their communities, their families, and themselves.

Today, almost 2 years after the first 20,000 AmeriCorps members hit the field in over 1,000 communities across the country, the Corporation for National Service and its AmeriCorps Program has met every one of these expectations. And in many cases, it's exceeded them.

The essence of the Republican opposition lies in the fact that they don't want to support something so closely identified with President Clinton, especially something that's been proven as successful as AmeriCorps. Mr. HOSTETTLER, and the rest of my Republican colleagues know that the President will veto this bill if this amendment passes.

I believe that the attacks on AmeriCorps are not based on merit. In 1995, the General Accounting Office reported on the status the National Service programs.

In the GAO's year-long review of AmeriCorps the GAO confirmed the corporation's statements about its funding for each AmeriCorps member.

The GAO said that the corporation's resources total about $17,600 per member. In testimony before the Congress earlier this year, the corporation projected its costs at approximately $18,800 per member. This is precisely in line with what the Congress directed the program to spend. The GAO also saw accomplishments that are consistent with the purpose of the national service legislation, concluding that AmeriCorps is fulfilling the mission we gave it in all of its detail and complexity.

Finally, the GAO's figures show that the AmeriCorps programs have far exceeded anyone's expectations regarding their ability to raise nontaxpayers' dollars to support their programs. Congress told AmeriCorps that it had to meet our commitment to national service with $31 million in locally based matching funds this year. From the private sector alone, the AmeriCorps programs raised $41 million. Every cent of this money came from private donations—not taxpayer dollars—from individuals and over 600 companies and foundations. The decision on whether or not to continue national service will tell us a lot about ourselves. We should put partisan politics aside. Let's work together to continue to provide young people an opportunity to help themselves, as they help our communities and learn service as a way of life. AmeriCorps has kept its promise to the American people. The Congress should, too.

Mr. STOKES. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, I rise in opposition to this amendment. I think it is noteworthy that this is being sponsored and spoken for primarily by the freshman Republicans in this House of Representatives. Those who have followed their agenda over the last year and a half will not be surprised that they would come out for an amendment to end AmeriCorps.

This amendment is mean-spirited. This amendment is cynical. This amendment says to young men and women who are willing to give a year or two of their lives in public service for the lowest wages, with the chance at the end of it that they will get a $5,000 scholarship, they are saying that this is wasteful. Wasteful. Wasteful, that these young men and women would take the personal responsibility for their own lives and futures, and be willing to give back to this country?

Mr. Chairman, this is the same spirit that motivated the Peace Corps under President Kennedy, to say to young men and women, step forward, serve your country, do something, and we will be proud of you, and you will be proud of your experience. But these freshman Republicans will hear none of that. For them, it is a liberal boondoggle. They have forgotten, many of them, how many times they have had to turn to the Government for college student loans.

We should vote against this amendment and stand up for the idealism that this program represents.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

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

Mr. HOEKSTRA. Mr. Chairman, the gentleman from Michigan, asked us to give one reason why AmeriCorps should be eliminated. I can think of many. Perhaps let us go back to what the President said he was going to give us when he promised us AmeriCorps: a well-run, businesslike program; a national service corporation which will run like a big venture capital outfit, not like a bureaucracy.

This year we had oversight hearings. We had oversight hearings because we asked Arthur Andersen, the auditors who took a look at AmeriCorps, to tell us what they found. Over $300 million of taxpayer funding per year. The auditors came back and said this corporation that was going to be the benchmark for the private sector, the corporation lacks strong management controls, the corporation lacks data integrity, the corporation lacks data security, the corporation has failed to segregate accounting duties, the corporation lacks budgetary controls, the corporation could not prepare reliable financial statements. The bottom line: The benchmark of Government service is a program whose books are not auditable.

Mr. Chairman, stopping a program like that is not mean-spirited; it is realistic, and it is being good stewards of the taxpayers' dollars. The problem with AmeriCorps is, yes, those radical Republican freshmen, they have a vision for service. They know what makes America great. The authentic American spirit is, in 1993, 89.2 million American adults volunteered in this country. They gave on an average of 4.2 hours per week, or 19 billion hours of total service, with an estimated value of $182 billion.

Americans also contributed $126 billion in charitable causes. This is in addition to the $324 billion the American people spent on assistance to the poor in Federal, State, and local taxes. We have a great volunteer spirit.

The problem in Washington, Mr. Chairman, is that we think Washington defines voluntarism. We believe that the bureaucracies on Independence Avenue, which is more like Dependence Avenue, that they are better equipped to define volunteers; that this faceless bureaucrat in Washington can better define what needs to happen at the local level in voluntarism; that we ask American taxpayers not to send money to charities directly, because they cannot make that decision, send it to Washington so we can make that decision for them, so we can be the bureaucrat that says, ''This charity in your community deserves support. This one does not.''

End this program. Move decision-making back to where it should be, back to the local citizens, back to the taxpayers. Let them decide which charities to support, not the Federal Government, which cannot even keep its own books.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise in order to offer a different perspective on the same set of hearings we just heard commented about. The amendment, which would eliminate funding for AmeriCorps, ignores the steps that have been taken to answer the concerns that have been raised and that were investigated at that series of hearings. We heard about the progress to correct the shortcomings. While I initially shared many of the concerns we have heard discussed here about cost overruns or potential political abuses, we have found that even the strongest critics from the other body have worked out a 10-point program which the director presented at these hearings to deal with the AmeriCorps Program and to strengthen its administration, based on its start-up experience.

We had hearings on the financial standards, and in fact the director came in and made a commitment to working with the inspector general, with the auditors, Arthur Andersen and Williams, Adley, to correct its financial weakness. In fact, one of the opponents to this, one of the critics of the program from the Financial Executives Institute at this hearing gave away his time and decided not to use his prepared statement after hearing the director's testimony. Instead, he offered his assistance to the Corporation for National Service, based on the trust that he had seen pledged there.

''I think there is a sincere desire to do this now,'' he said, to work this out, ''and I will pledge whatever resources my committee and FEI has to help the organization achieve what is within reach,'' and that is a clean audit. But do not leave it to me to suggest this.

Let me just close by suggesting what the Governor of Massachusetts, Republican Bill Weld, said of AmeriCorps: ''It

is a fine deal all the way around, and possibly one of the most intelligence uses of taxpayer dollars ever.''

In the words of Republican Governor John Engler of Michigan, he said, ''AmeriCorps captures the promise found in all citizens, young and old, who see the problem in their communities and work together to solve those problems.'' This is community-driven, community decisionmaking, and community problem-solving from the grass-roots up. We should do no less with AmeriCorps itself. I urge that we reject the amendment.

The CHAIRMAN. For clarification purposes, the Chair would like to indicate, for the dividing of time, since the unanimous-consent request for the additional 5 minutes on both sides was made by the gentleman from Ohio [Mr. STOKES], the Chair granted the additional 5 minutes to the gentleman from Ohio and to the gentleman from Indiana [Mr. HOSTETTLER].

That being the case, the gentleman from Ohio [Mr. STOKES] has 1½ minutes remaining, the gentleman from California [Mr. LEWIS] has 1½ minutes remaining and the gentleman from Indiana [Mr. HOSTETTLER] has 1 minute remaining. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. HOSTETTLER. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, a few minutes ago I met with a number of high school students out on the House steps. They had a lot of questions, particularly as it pertained to the deficit. I reminded them about my record and I told them about my priority: Education. I was a cosponsor of this bill when it first came up several years ago. It sounded like a wonderful idea.

But we have spent more than $1 billion so far and it just has not worked. In fact, the statistics have come out and said that it is an average of about $26,000 a student. That is not worth it. As we look at education, the needs for parents today to send their kids, sons and daughters, on to higher education, it is important that those doors are open, but not at $26,000 a student. We can find a lot of Pentagon coffee pots to buy before we buy a pig in a poke like this program here. I would just urge my colleagues to support this amendment. We have tried it for a couple of years. It has not worked.

As I have talked to my students and families in higher education institutions, there is not a lot of love for this program. It does not work. We need to be surgeons here, particularly with the deficit we have today. We need to weed out programs that do not work. I urge my colleagues to vote ''yes''.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I rise in opposition to the Hostettler amendment. In just 2 years, AmeriCorps has made it possible for thousands of young people to realize the dream of an affordable college education. AmeriCorps participants earn part of their tuition by working in their communities.

In my district, AmeriCorps members are protecting the environment in the Berkshires, under the direction of those Berkshire County communities. They are tutoring low-income students in Gardner, and they are working with the police department on community policing and elder abuse protection, the Triad Program, in Holyoke. At a time when college costs are skyrocketing, AmeriCorps presents a good way for students to earn money to pay their tuition while working in their communities.

To quote again from the Republican Governor of my State, and I quote, ''The Federal Government shouldn't pass up the opportunity national service represents to help people help themselves.'' I urge a no vote on the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Indiana [Mr. HOSTETTLER] to close.

Mr. HOSTETTLER. Mr. Chairman, I just want to close by pointing out a few things. A vote for this amendment is not a vote against volunteerism. Let me highlight what the American Heritage College Dictionary says that a volunteer is. A volunteer is a person who performs or offers to perform a service of his or her own free will, or to do charitable or helpful work without pay.

It was alleged earlier that weaknesses have been taken care of as a result of some work done inside the corporation, but I need to point out that since that hearing, that there has only been action to take care of 9 of 33 material weaknesses in the corporation. Usually with one of those situations, any other corporation would be out of business.

It was also alleged earlier that for some reason freshmen of the House, of the Republican side of this House, have offered this initiative. The fact is that we are freshmen, and by the very nature of that term, we have been out in the real world before we came to Congress, before we came to this Capitol Hill address. We have seen real volunteerism at work. We have seen, and we know the statistics are true, that 90 million Americans every year volunteer. This is a vote for fiscal soundness and not against volunteerism.

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

Mr. Chairman, I urge all Members of the House to defeat this amendment. Some in the well a few moments ago said we need more surgeons here. I disagree with the gentleman. We need to train more of our young people in America today to be surgeons. We need to make a greater investment in the young people in this country.

I would hope that today the Members of this House will show that they have great faith in our young people in this country, and want to give them the chance and the opportunity by defeating this amendment. I urge a ''no'' vote.

Mr. LEWIS of California. Mr. Chairman, I simply ask the Members for a ''no'' vote, and I yield back the balance of my time.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the amendment to decrease AmeriCorps funding.

The AmeriCorps National Service Program gives Americans of all backgrounds the opportunity to serve our country and defray the cost of a college education. It is not a wasteful program, as some critics contend, unless you truly believe that public service and increased educational opportunity are wasteful.

In response to Mr. HOSTETTLER's contention that the AmeriCorps Program represents coercive volunteerism, I remind him that members of the U.S. armed services are also compensated financially and are praised, as they should be, for their volunteer efforts to protect and defend our country.

AmeriCorps members increase volunteerism. Harris Wofford and the Corporation for National Service are committed to maintaining a cost-effective, productive program through public-private partnership.

This innovative program has produced impressive results in increased volunteerism and access to higher education. More than 20,000 AmeriCorps participants each year have met needs in communities while realizing the dream of a college education. This program represents a solid investment in our young people, who represent the future of America.

In a Congress determined to slash education funding, we must recognize the AmeriCorps Program as a student financial aid program that reaps significant rewards for local communities.

Ms. DELAURO. Mr. Chairman, here they go again. As NEWT GINGRICH and his Republican leadership team slash Federal funding in such critical areas as education, the environment, and housing, they often refer to the growing need for nonprofit charitable and religious organizations to take on more responsibility in meeting critical needs in these areas. At the same time they are calling for these institutions to shoulder a greater burden, however, they are intent on destroying one of the newest and most innovative resources such groups have to increase their capacity to handle these additional responsibilities.

The AmeriCorps Program strengthens traditional volunteering. From the Boys and Girls Clubs to the YMCA, America's largest and most respected volunteer organizations all utilize and vigorously support AmeriCorps. Habitat for Humanity, one of Speaker GINGRICH's favorite nonprofits, has become an enthusiastic partner of AmeriCorps. They've experienced first hand how the full-time sustained presence of AmeriCorps members helps them accomplish more, while at the same time teaching them to use occasional volunteers more effectively.

In my congressional district, this partnership was used to create LEAP—Leadership, Education, and Athletics in Partnership [LEAP]. LEAP was designated an AmeriCorps Program by the Corporation for National and Community Service in August. LEAP helps about 1,000 inner-city children build their

learning skills through mentoring and community support.

LEAP is best known for its summer program. During the summer, college and high school students serve as counselors in public housing developments where the kids whom they counsel live. The program has both academic and social components. The kids spend 3 days a week in a classroom environment. They learn things such as swimming, photography, and the like.

Participating college students are from New Haven area colleges. The high school students are all from New Haven public schools and, in most cases, serve their own, or nearby, neighborhoods.

With a grant from AmeriCorps, contributions from individuals, private and corporate foundation and other grants, LEAP's budget has doubled. And for every 900 hours of service to AmeriCorps, students receive $2,300 toward their student loans or college tuition payments.

AmeriCorps enhances the work of traditional volunteer organizations, while allowing them to significantly expand their reach and enhance their accomplishments. Charities and religious institutions—the backbone of the voluntary sector in America—view AmeriCorps as a tool to increase their capacity to deal with social problems.

I urge my colleagues to vote against the tide of funding cuts to programs that help our Nation's kids. Vote against the Hostettler amendment.

Mr. DINGELL. Mr. Chairman, I am certain most of our colleagues remember the bruising fight waged last year in an attempt to end funding for the AmeriCorps Program.

I am equally certain that most of our colleagues remember the loud public outcry and the Presidential veto which occurred once that misguided priority was passed by the Congress.

And lastly, I am perfectly certain that most of our colleagues remember the large bipartisan majority who eventually voted to increase AmeriCorps funding. While some of my colleagues may have voted ''yes'' in an effort to keep the Government open, I voted ''yes'' because I believe AmeriCorps is a vital example of the good work Government can do.

The gentleman from Indiana has offered an amendment to reverse this bipartisan agreement to preserve AmeriCorps. It also would reverse the efforts of the VA–HUD Appropriations Subcommittee and the full Appropriations Committee to provide the funding needed to sustain this program. Both of these committees have voted in support of funding the well-run, highly popular AmeriCorps Program.

I plan on following the recommendations of the Appropriations Committee. I will vote to continue funding for AmeriCorps, with my only regret being that difficult budget circumstances make it unlikely that Congress can provide the full amount this program deserves.

I hope that, at minimum, the 399 Members who voted in favor of increasing AmeriCorp funding in last year's Omnibus Appropriations bill join me once again in support of this worthwhile program.

The question raised by the gentleman from Indiana remains: Can our country afford to reward voluntarism in this period of fiscal austerity? My answer, and the answer of the appropriators is ''yes,'' which is why we have before us a program that will return as much as almost $4 to the taxpayers for every dollar spent.

Investing in AmeriCorps volunteers, produces homes in poor neighborhoods, feeds the hungry, shelters the homeless, cleans the cities and towns, teaches the uneducated.

Investing in AmeriCorp volunteers, produces a core of educated youth who have learned a strong dedication to their fellow Americans with sweat and toil.

Mr. Chairman, with that education, and that volunteer ethic, AmeriCorp participants are going on to make our country a more prosperous, and more compassionate, place to live.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the chairman announced that the nose appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] will be postponed.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I ask unanimous consent to offer an amendment to a portion of the bill not yet read.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. DURBIN: Page 65, line 16, after the second dollar amount, insert the following: ''(reduced by $1,500,000)''.

Page 66, line 8, after the dollar amount, insert the following: ''(increased by $1,500,000)''.

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

Mr. HOEKSTRA. Reserving the right to object, Mr. Chairman, may I just have an explanation? I believe my amendment was up next.

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

Mr. HOEKSTRA. I yield to the gentleman from Illinois.

Mr. DURBIN. Certainly, Mr. Chairman, I thought I had spoken to the chairman of the committee.

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

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

Mr. LEWIS of California. Mr. Chairman, I would tell the gentleman, it is a matter of other business taking place around the Capitol that is very important now. If we have a series of votes now, that will not help that process, so we are going to delay the vote on this and the gentleman's amendment will follow.

Mr. HOEKSTRA. The agreement is my amendment will come up after the vote on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER]?

Mr. LEWIS of California. The logic is that if that should pass, there is not a need for a lot of other amendments.

Mr. HOEKSTRA. I withdraw my reservation of objection, Mr. Chairman.

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

There was no objection.

□ 1300

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

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

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

This amendment which I offer restores $1.5 million for the Environmental Protection Agency for a program known as the Toxic Release Inventory. To put this in layman's terms, we are talking about chemicals. We all understand from our human experience that chemicals are very important. They are important of course in medicine, they are important of course in our commerce, and they are important in our daily lives. But we also realize that chemicals can be dangerous, and toxic chemicals by definition are dangerous in nature.

So in 1988, we said to the Environmental Protection Agency under this Toxic Release Inventory Program that they should monitor the toxic chemicals across the United States to determine whether or not they are being discharged in a way that might cause a serious public health problem.

This was a program which over the years was applauded, not only by those in government, environmental groups, and consumer groups, but even by responsible business groups who realized that they had to be good corporate citizens. They did not want to misuse toxic chemicals and cause cancer, learning disabilities, any type of deformities that might result from their misuse.

It was interesting when we passed this toxic release, community right-to-know law that many of the major chemical companies in the United States announced that they accepted the challenge from the Federal Government: They would announce the release of their toxic chemicals into the environment, and they went a step further, large companies did, and said, we are going to set out to dramatically diminish the release of toxic chemicals.

So, since this program was put in effect in 1988, it has been estimated that the release of toxic chemicals in communities and cities and locals across the United States has been reduced over 40 percent. Why? Quite simply, because many of these businesses faced with disclosure, faced with the requirement to report to the Environmental Protection Agency were much more careful.

This is a good program. It is one which major companies subscribe to and understand to be part of their responsibility as American citizens. Yet,

the Republicans again this year, as last year, come forward in an effort to stop this program, to cut the funds from the Toxic Release Inventory, the community right-to-know program.

I say to my colleagues, this is a mistake; $1.5 million in a bill of this magnitude is a very small amount. This is an effort by a special interest group, and I would say a very selfish special interest group, which does not want to report to the American people what is happening to toxic chemicals in the workplace.

Now, that is not fair. It is not fair to the families which count on this reporting so that they know whether the drinking water which they are using in a community is safe, whether the emissions out of a smokestack near the community are safe; it is not fair to the workers at the place of employment who basically should know whether or not they are being exposed to toxic chemicals every day; and it is not fair to the local units of government who should be advised as to whether or not there are toxic chemicals on the premises. If there is a fire, a hurricane, a tornado, an earthquake, the local mayor, the police department, the fire department have a right to know whether toxic chemicals are being used.

This effort by the Republicans to cut money for this program is very shortsighted. The people across America understand that the era of big government is over, but families across America count on our government to protect them from invisible dangers and threats. Each time we drink a glass of water in our home communities, we expected it to be pure and safe. We hope that some governmental unit is protecting our family to make sure there is not an unseen danger in that drinking water.

This effort, this Republican effort to stop the community right-to-know legislation, to stop the Toxic Release Inventory strikes a dagger at the heart of the relationship between families and their government. We have got to make sure that families have that confidence. I urge my colleagues to support this amendment which restores the money to the Environmental Protection Agency.

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

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman in opposition to the amendment?

Mr. LEWIS of California. Mr. Chairman, I have not made up my mind.

The CHAIRMAN. Under the unanimous-consent agreement, there is 10 minutes reserved on each side, 10 minutes for and 10 minutes against.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to take 5 minutes of the time.

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

There was no objection.

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

Mr. Chairman, I would ask my colleagues to focus just for a moment, for I do not rise in opposition to this amendment. In fact, I intend to suggest to my colleagues that we accept this amendment.

However, before doing that, I would like the gentleman from Illinois [Mr. DURBIN] to note that I had the privilege in my past life to serve in the California State legislature as chairman of an air quality subcommittee. There I led the fight of a very, very important and early environmental battle. It led to the creation of the toughest air quality management district in the entire country, one that has served as a model for the country.

I know from that experience and others that work on behalf of the environment has absolutely nothing to do with partisan politics. I have heard the gentleman today on the floor consistently inject Republican versus Democrat on issues that are critical to the American people and have nothing to do with politics, especially partisan politics.

So, I am very disconcerted by that pattern of the gentleman to try to partisanize almost every issue that comes to the floor.

Having said that, we need effective and adequate reporting. There has been dramatic decreases in the problem we are dealing with here, and it is time to consider readjusting. Timing is the question. I would urge the gentleman to restrain himself in terms of creating polarization around here when the environment is best served by our working together and recognizing that we are all concerned about our environment.

So, I would suggest to the gentleman from Ohio [Mr. STOKES] that I am willing to accept this amendment, if he feels the same.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank my distinguished chairman for yielding to me.

First, I want to express to him my acknowledgment of the fact that even prior to coming to this body, he had an outstanding record in terms of environmental laws which he enacted during the time he served in the California legislature.

Mr. LEWIS of California. I thank the gentleman.

Mr. STOKES. I am quite aware of, and I am sure that other Members of this body are quite aware of, your concerns and your distinguished record in that area.

Mr. LEWIS of California. I thank the gentleman.

Mr. STOKES. I also want to say that in terms of the Durbin amendment, on its merits, I support fully the amendment, and I am pleased to join with the chairman in the acceptance of this amendment.

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

I would like to say to my friend from California, I did not suggest that your record on the environment is at issue here. I do suggest that this provision of the bill of which you are the chairman is at issue here, and I think it is a very important one. And though the gentleman may have an exemplary record, I do not question that you do, I do believe that this amendment is shortsighted, and I believe what it attempts to do really is not in the best interests of protecting our environment.

I hope the gentleman does not take that personally. It is a political difference between us, and the gentleman from California suggested at the outset that he may support my amendment, and I thank him for that. I welcome him aboard.

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

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

Mr. LEWIS of California. Mr. Chairman, I am tempted to say that filling out a form does not do an awful lot necessarily for the environment, but that really is not the point. Indeed, it is my judgment that in this country and often in this body, our very positive work on behalf of the environment has become swept up in the polarization of the entire place. We work best in this subject area when the House comes together and recognizes that all of us care about the air, all of us care about clean water. Hand in hand, working together, we can take this issue out of the hands of the shrill voices, the extremes on the one hand who want to do absolutely nothing, and the extremes on the other hand that would like to use this for some population or no-growth policy of their own.

The environment is most critical to all of our existence, and working together, separate from partisanship, is the most helpful step that I could imagine we could take. I encourage the gentleman to help us participate in that direction.

Mr. DURBIN. Mr. Chairman, reclaiming my time, I thank the gentleman from California [Mr. LEWIS], and I would say that if I misinterpreted the gentleman's position, it may have been because of the vote in the committee. When my amendment came up before the committee, there was not a single Republican supporting the amendment which I have brought to the floor today. It was not a totally partisan rollcall, because some Democrats opposed my position, but not a single Republican supported my position in committee.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, I would suggest to the gentleman that even in committee, if we reserve partisan rhetoric, we get different kinds of results.

Mr. DURBIN. Mr. Chairman, reclaiming my time, I would say to the gentleman that I will reserve all the rhetoric necessary in order to achieve the

results that we are talking about today.

I would just like to say in closing, and I think the gentleman has indicated that he is going to be supportive of this amendment, that we have several things that should be taken into consideration.

There are responsible businesses in this country which support community right-to-know. There are responsible businesses in this country which support the Toxic Release Inventory. When one can have the head of Dow Chemical Co. say of this law that mandatory disclosure has done more than all other legislation put together in getting companies to voluntarily reduce emissions of toxic chemicals, we know this program works. This program should be funded.

We also have comments from Monsanto, and this is an interesting comment: The law is having an incredible effect on industries to reduce emissions. There is not a chief executive officer around who wants to be the biggest polluter in his State. We know that if disclosure is out there, it works.

I hope that my colleague from California and my colleague from Ohio will not only agree to this amendment, but also do their best to preserve this when it comes to conference. This is an important program, important not only for the EPA, but more important for families and for the workers and for the communities who rely upon it.

Mr. Chairman, I yield 45 seconds to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to speak in favor of the amendment offered to restore the funding for the Toxic Release Inventory.

I really believe our constituents and our families and our workers have a right to know what toxic releases are being released into the environment. Some 10 years ago, in reflecting upon what the gentleman from California said, we in Massachusetts adopted a program of right-to-know that passed and has been implemented, and since that time there has been a reduction of millions of tons of toxic chemicals which previously had been emitted into the atmosphere and into the streams. In many instances, the companies have been able to find ways that are cheaper and better, both for the environment and for their company operations to function.

So I certainly support this amendment, and I am glad that the gentleman from California is going to accept it.

Mr. Chairman, I rise in strong support of the Durbin amendment. This amendment is about individual rights and Government of the People. This amendment may provide funding for the EPA, but its really about funding the greatest source of environmental protection we have—an informed citizenry.

The right to know provision was passed in my State of Massachusetts by referendum. The people decided they wanted it—and they got it. But today this Congress is saying that we know better. That it might be bad for business. That its better to keep people in the dark. Well, what justice Brandeis said back in 1913 is just as true today: sunlight is the best disinfectant.

Right to know simply says that the factory down the street ought to be neighborly. Just like a good neighbor puts up a beware of the dog sign, a good neighboring factory ought to inform its neighbors just what's coming out of the smokestack.

Imagine—just yesterday we all agreed that people ought to have the right to know what's in their drinking water, but today this House says they do not have the right to know which chemicals their kids are breathing in their own backyards.

The freedom of speech requires the freedom of information. Rather than causing unnecessary alarm about the unknown—let's allow people to make informed assessments.

Is it too much to ask for industry to be a good corporate citizen? This bill eliminates industry's personal responsibility.

This public disclosure calls for corporations to have some public accountability. This amendment says that corporations have a duty not only to respond to their shareholders—but also to their workers and neighbors.

Furthermore, many companys would be the first to admit that such accounting often leads to their discovering trouble spots and focusing their attention on that which might be otherwise ignored. I believe that most corporations want to be able to address community concerns.

These funds are for Outreach, Data Quality, and Training in the Community Right to Know Program. Companys want this so that the citizenry can make informed statements without relying on the unknown which can often lead to unwarranted mass hysteria.

Often the Right To Know Program has led to corporations voluntarily reducing emissions, often saving money, and exceeding Federal standards.

I urge my colleagues to support the public's right to know.

Mr. DURBIN. Could I ask the Chair if there is any time remaining that has not been yielded back beyond the 45 seconds of my time?

The CHAIRMAN. The gentleman from California has 2 minutes remaining of the 5 minutes. There are still 5 minutes unallocated.

Mr. LEWIS of California. Mr. Chairman, I intend to use my time.

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

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

I had not intended that we have this discussion since we were going to accept the amendment. We obviously are going forward with discussion. So I think it is important to say in response to my colleague that EPA is now moving into phase 3 of their implementation of TRI. Part of this phase is the expansion of the TRI to several more industries and hundreds of additional substances.

□ 1315

The reporting requirements and cost to business for this will be enormous. However, the committee's action to reduce TRI by $1.5 million was not intended to affect this issue.

The reduction was taken to prohibit EPA from moving into the collection of toxic use data which is also part of their phase 3 plans. As we stated in this year's report, in last year's report, and in the 1996 conference report, collection of toxic use data is not authorized by law. The authorizing committees of the House and the Senate agree on this position.

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

Mr. DURBIN. Mr. Chairman, I yield 45 seconds to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, since the chairman, the ranking member and others have all accepted this, I just want to thank them for that. I do believe this is a very important amendment.

I just want to give an example from my State to show that this is not only important to the community at large but also for businesses, because in New Jersey the information from the toxic release inventory has actually been used in order for companies to streamline their permitting process. In cases where we have had, say, 30 permits that had to be granted to a company, sometimes now there is only one because of the information that has been provided. So it is not only good government, if you will, from the point of view of the right to know and the community's right to know, but also for business's right to know because oftentimes they can use that information also to their advantage in terms of streamlining the permitting process.

I just wanted to again thank the gentleman from Illinois for introducing this. I think that every effort that we make to increase right to know is important to this Congress and to the public in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments at this point?

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to offer my amendment 39 to a portion of the bill not yet read. I have talked to both the chairman and the ranking member to accommodate their schedules.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. ROEMER: In the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', after the dollar amount, insert the following: ''(reduced by $75,000,000)''.

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

There was no objection.

The CHAIRMAN. Pursuant to the order of the committee of today, the gentleman from Indiana [Mr. ROEMER] and a Member in opposition will each control 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

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

Mr. Chairman, I have two amendments. One amendment would be to totally eliminate the funding, which is about $2 billion annually for the space station. I have not called that amendment up.

this amendment that I have called up would simply let us save about $75 million out of the $2 billion annually appropriated to the space station in order to have the space station pay some of its fair share of deficit reduction.

Around this place in the U.S. Congress, everybody has some very neat and flowery speeches about how we are going to get to a zero budget, how we are going to balance the budget for the American people, which would give them the single best tax cut possible. That helps them with their mortgage rates, that helps them with their interest payments on their car, that helps them have more confidence that in a bipartisan way we can accomplish some things around the U.S. Congress. Balancing the budget is certainly one of my highest priorities.

However, the space station has been absolutely insulated from any of the pain and sacrifice. The NASA budget continues to go down and will go down from about $18 or $19 billion several years ago to, sometime after the turn of the century, go down to about $11 or $12 billion.

Many good things that NASA accomplishes, the personnel at NASA are doing some wonderful work on Galileo and Clementine and the Hubble, these projects are getting squeezed, they are getting rescheduled, they are getting eliminated, they are being delayed. A host of different good programs that we might be doing in NASA are being put on the back burner or canceled because Space Station is continually protected and insulated from any kind of cut, from any kind of pain, from any kind of sacrifice.

Why is that? One might even say the Space Station is doing a great job, they should not get any kind of cut. Well, the space station was first designed in 1984 to cost $8 billion. My colleagues might ask me, how much is that space station today? GAO estimates about $90 billion—$8 billion to $90 billion, and we are trying to balance the budget in the next 6 years.

Maybe one might say we are getting great science out of the space station. No, the scientific objectives on the space station have gone from about $8 billion in 1984, including platforms to study the environmental problems on the Earth, platforms to study space, and a docking station to repair broken satellites. It cannot do any of that anymore. Now all it can do is help us study the gravitational effects on men and women in space. For $90 billion? And all it can do is help us study the gravitational effects on men and women in space. For $90 billion? And Congress does not want to cut 3 percent of that $2 billion annual appropriation?

Come on, Mr. Chairman. If we are going to get to a balanced budget, if we are going to do it in a bipartisan and in a fair manner, space station should be on the table for a $75 million, 3 percent cut out of its budget.

One might ask, too, NASA in doing many good things is also cooperating with the Russians on this program. Are the Russians paying their fair share on the Space Station? No. We send our tax dollars to Russia to help them do their work on the Space Station. We will send them $100 million out of the NASA budget this year, $100 million of hardworking taxpayer money next year.

This all goes straight from the United States taxpayer over to Russia for them to do what they should be doing for their participation in what is so-called international space station. It seems to me it is a U.S. space station when we are sending our money around the world to buy and coerce international cooperation.

The Russians in the last few months have indicated that they might want to renegotiate the contract. That could cost the U.S. taxpayers even more money in terms of scheduling delays and whether or not this hardware that they make and produce and manufacture is going to fit together with our hardware.

Mr. Chairman, for many reasons, for good science, for sound and fair deficit reduction, all I am asking my colleagues to do is to vote for a 3 percent reduction in the space station budget.

Finally, we hear from some that the space station is economic and world leadership for us, that it is the crowning jewel of economic and world leadership for the United States of America.

I think what we should be looking at to determine if the United States is actually the leader in the world, actually the best country in the world, which we are, it is not whether we can build a $90 billion space station which is $82 billion over budget. It is how we get to a balanced budget in a fair manner, and can we do that in a bipartisan way. It is how we treat our children, where 20 to 25 percent of our children are being born into poverty in the United States of America. It is how we educate our children, and whether our children have access to student loans. That is going to determine world leadership, not a space station that has moved from $8 billion in cost to $90 billion, and then nobody wants to cut even 3 percent from that $90 billion budget.

So I would encourage my colleagues, I would encourage the distinguished chairman from California, I would hope he would accept this amendment of a 3-percent cut in a $2 billion annual appropriation. I am not offering the elimination of the space station amendment, Mr. Chairman, because we have had this vote. We had this vote on elimination a few weeks ago. The House has spoken on that particular matter.

We actually offered this amendment as well, too, and we were defeated on this particular matter. But that does not mean, Mr. Chairman, that I do not think that this is the right thing to do in order to get to a balanced budget, and in order to get shared sacrifice, and in order to get good science and to protect NASA from itself. I think that we should see some pain and sacrifice, and not see the rest of the NASA budget squeezed and eliminate good programs that are working very, very successfully and being implemented by the hardworking men and women at NASA.

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

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] rise in opposition to the amendment?

Mr. LEWIS of California. I do, Mr. Chairman.

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

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

Mr. Chairman, I rise in very strong opposition to the gentleman's amendment. My colleague from Indiana [Mr. ROEMER] suggests that he does not have this amendment to kill the space station or to even do serious damage to manned space flight or serious damage to NASA's mission. Nonetheless, with great consistency my colleague has demonstrated opposition to the fundamental work that NASA is doing and especially man's venture in space.

In the past, we have had these discussions within our subcommittee. We have talked a lot on the floor about the difficulty of these competing accounts, having housing competing with money against veterans' medical care and against EPA and, indeed, competing with NASA. When dollars get tighter and tighter, it is extremely tough competition. In the past the committee even made the decision to eliminate a station, for example.

What my colleague fails to recognize is the general public knows often a little better than we know, either in committee or on the floor. For when that occurred in the past, literally Members, many of whom were not very active in terms of the committee work here, came to the floor in support of man's mission in space. They provided an amendment on the floor to return money in funding for the space station in the face of committee opposition. The public's will was heard by sizable margins, and moneys were put back into this very bill in order to make sure that we continue with what is a part of the American pioneer spirit.

There is no question that the public supports our work of man's presence in

space. The gentleman's relatively small amendment would not have very much effect but it would significantly impact the upgrades and maintenance of space shuttle. It would significantly affect the flights of space shuttle. We need to have funds available to make sure as we go forward with this work, we do it with all of the equipment that is necessary.

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

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. ROEMER. I would say to the gentleman, being on the Science Committee, the Science Committee that authorizes many of these same programs that the distinguished gentleman from California works on, what we are worried about, quite frankly, is precisely that fact, that when we continue to insulate and protect the space station from any kind of cut, we have seen devastating cuts in the space shuttle program and we are very concerned.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman.

Mr. ROEMER. Would the gentleman engage in dialogue here. We are very worried about the safety of the shuttle.

The CHAIRMAN. The gentleman from California controls the time.

Mr. LEWIS of California. This amendment addresses $75 million and does not eliminate all the funding for space station. But clearly the House has spoken in that connection and it almost is in a separate category. We have on a bipartisan basis struck an agreement that provides very significantly broad-based support for an annual amount for space station. We are going forward with that. We have international agreements that take us forward with that. But this amendment addresses the shuttle specifically and in my judgment could in a very significant was impair the process and the work that we are doing there.

□ 1330

Mr. Chairman, I urge the Members to recognize what this amendment is in terms of its real purpose; that is, to undermine the mission of NASA, to undermine man's presence in space and, indeed, it would undermine what has been the past will of the House as it reflects the will of the American people for us to continue on this pioneering effort in space.

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

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

Mr. Chairman, I would just say in response to the gentleman, I would be happy to yield some of my time to the gentleman to engage him in a debate about the space shuttle safety. That is precisely one of the reasons why we are interested in seeing that the space station have some of the cut put to their program, rather than continue to decimate the shuttle safety program, science programs in the NASA account, see cancellation of other programs take place within the NASA budget. We are seeing the NASA budget go down from 15 and 15 and 17 billion to about 11 or 12 billion in the next century. And the space station is a 16-ounce Texas steak that is being jammed into a sardine can of a shrinking and squeezed NASA budget.

Now, I am very worried about what that does to space shuttle safety. The shuttle, we are very concerned about it. We have had a couple NASA former employees say they are very concerned about it. We had a resignation at NASA, saying one of the reasons, he said that one of the things he was very concerned about was shuttle safety. I am very concerned about shuttle safety.

I would also say to the gentleman, this amendment is not anti-NASA. It is anti-space-station. I do not like the space station. But I think NASA does some wonderful things in other areas. Marie Antoinette once said let them eat cake. I think what we say in protecting the space station from any kind of cut is let NASA eat crumbs. They do not get anything else, and the space station gets everything.

Mr. Chairman, this amendment is to protect NASA. This is not to let the space station cannibalize the rest of the NASA budget.

With that, Mr. Chairman, I think I have said my piece on this particular amendment. I feel very strongly about it. I sincerely respect the gentleman from California. He and I agree on a host of different issues. But I think that this will really endanger the safety of the shuttle if the space station continues to cannibalize other programs. I think that the space station should have its fair share of deficit reduction and this is 3 percent in terms of a cut. I also think that if this is really international leadership, we should not be paying the Russians $100 million a year for their participation. Let them pay rubles and let them do their fair share, not have hard-working taxpayers in Indiana send $100 million a year over to Russia.

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

Mr. LEWIS of California. Mr. chairman, far be it from me to stand and defend the Russians' role in this international partnership. We asked them to participate with us and we sought the partnership as much as anybody. We have allies in Europe who are very much involved and committed to this partnership. Canada, the same. The Russians, for example, do contribute some 250,000 pounds of hardware to this project. That is a lot of rubles.

In the meantime, there is not any doubt in my mind that the vision of America of man in space very much is intrigued with man's presence in space by way of a space station. Much of the public support for the work of NASA would indeed be on a very thinly based glacier of ice if it were not for that vision of man in space.

Space station is a very important part of our international partnership that affects peace, but it also is fundamental to America's support for this kind of scientific as well as space activity. I urge a very strong no vote to the gentleman's amendment.

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

Ms. PELOSI. Mr. Chairman, I rise today in support of the Roemer amendment to cut $75 million from the Space Station Program. I support the concept of space exploration, and in better fiscal times would support the space station, but the time is now, Mr. Chairman, and the space station raises a question of priorities.

We are all in agreement that Federal dollars need to be stretched farther and work harder. The only question is which programs we choose to fund and which we choose to cut or eliminate. The United States can no longer afford to fund a budget-busting project which has run out of control.

Mr. Chairman, the VA–HUD appropriations bill before us provides $2.1 billion for the Alpha Space Station for fiscal year 1997. This money is in addition to the $16.5 billion taxpayers have already spent since 1984. The General Accounting Office [GAO] indicates that the final bill for the space station will be in excess of $94 billion, a 1,075 percent increase from the original $8 billion price tag.

How are we to pay for the space station? The Republican majority has passed a budget bill which freezes NIH funding until 2002 at $11.9 billion per year. The total NASA budget for fiscal year 1997 is nearly $20 billion. What does it say about our national values that we prioritize space exploration over medical research? Mr. Chairman, the question is simple: Can we afford a $94 billion project at this time?

We still have too many people without adequate housing, food, and medical care to be funding soda fountains for astronauts. This Congress cannot pay for space exploration when so many more pressing needs remain unmet here at home.

I urge my colleagues to support the Roemer amendment to reduce funding for space station alpha. I hope that the day will come when we will be able to fund a space station, but not at the expense of our poor, our sick, our elderly, and our children. It is clear, Mr. Chairman, that if we choose to look at the stars, we must first make sure we have our feet firmly on the ground.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was rejected.

Mr. HOKE. Mr. Chairman, I move to strike the last word in order to engage in a colloquy with the chairman.

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

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

Mr. LEWIS of California. Mr. Chairman, I am happy to join in a colloquy with my colleague from Ohio.

Mr. HOKE. Mr. Chairman, as you know, for the past several years, NASA has been proposing a number of various plans to consolidate research support aircraft from various NASA centers around the country to the Dryden Flight Research Center in California. Since 1993, the agency has conducted 12

different financial and management analyses of these consolidation proposals and still has not been able to show convincingly that the consolidation is going to save NASA money or that it is programmatically wise.

In fact, NASA's own inspector general, the agency's last line of defense against questionable policies, has repeatedly warned that the proposed consolidation is ''neither cost effective nor programmatically sound.''

Just 3 weeks ago, on June 4, the IG recommended in a widely circulated draft report that, ''NASA should reevaluate its decision to implement the current aircraft consolidation plan because it is not cost effective.''

Mr. Chairman, in the June 4 draft report, the IG has estimated that it will take 72 years to break even on the aircraft consolidation plan, even though the agency believes that it can save money on the plan. That, of course, does not even take into account the catastrophic impact on the agency's research or the scientific community that it helps support.

Mr. Chairman, I yield such time as he may consume to the distinguished chairman, the gentleman from California [Mr. LEWIS], for his thoughts.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding and involving me in this colloquy. I hope my colleagues, know just how intensely the gentleman from Ohio has worked on this matter. Indeed, he has insisted that it be at the top of the subcommittee's priority list. Although there is not a lot of money involved, Mr. HOKE is doing a very effective job of making sure that we focus upon this important question to him and to his district.

The committee has been pushing NASA, to take a number of steps to help consolidate programs, to reduce personnel, to emphasize on efficiency in every possible way. the debate last year flowed around the potential of closing entire centers. This was really an effort to get everybody to pay attention to the need for efficiency in NASA and other Federal agencies.

In connection with that, NASA is responding to suggest that the aircraft consolidation proposal was a high priority for the agency in its zero-based review plan released in 1995. It is my intent that NASA and the NASA inspector general reach a meeting of the minds so they both would make the same recommendation with respect to these aircraft, regardless of the final finding.

The gentleman reports correctly on the preliminary work of the IG. The agency would then review the preliminary report and respond to it. Then the IG will come forth with a final report. I am willing to take a hard look at whatever the recommendation is and hope that we get a unanimous recommendation coming from all the sources involved.

Mr. HOKE. Mr. Chairman, I really appreciate the comments from the chairman, and I think, as you know, I certainly want consolidation plans to go forward that make sense, that make sense programmatically, that make sense financially. We all want our Government to work as efficiently as it possibly can. But we have to also take into account reports that show something very much to the contrary, and that is why I am delighted that the chairman is concerned to make sure that these things be harmonized.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the gentleman for yielding, and I would like to join him in expressing concern that the consolidation plan be a sound one which is truly cost effective and certainly that it be programmatically sound.

I have looked at this issue over many months and have been very concerned that programmatically it does not seem to pass the commonsense test. I am not an accountant. I am not a cost accountant, but I know that the comptroller of NASA has questioned the original premise that said consolidate all these aircraft at any particular single center. I also know of the IG's report, on an earlier occasion, who was asked then to go back and reexamine it. They reexamined it and again found that it is not cost effective from their analysis.

Like the chairman and everyone else, I look forward to seeing what NASA headquarters' reaction to the IG report is. But certainly I would hope that when all the evidence is in that we in the Congress will do that which is necessary, if it becomes necessary, to see that a sound judgment is ultimately made with this issue.

Mr. HOKE. Reclaiming my time, I appreciate the gentleman's comments. I would just say one thing with respect to the commonsense test as to the programmatic issue. I happen to have the privilege of living in what is known as the frost belt where one of these research planes does deicing research in northeastern Ohio. Somehow, somebody missed the point about sending deicing research aircraft to the middle of the California desert where it is going to be a very difficult challenge to find some ice to do the research on.

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

Mr. LEWIS of California. Mr. Chairman, I am tempted to lightly say we are just looking for some rain.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to offer an amendment on page 67, a portion of the bill not yet read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: On page 67, line 17, strike the number ''$2,200,000,000'' and insert in lieu thereof the number ''$2,201,200,000'';

On page 67, line 18, strike the number ''$1,950,000,000'' and insert in lieu thereof the number ''$1,951,200,000''; and

On page 68, line 24, before the period add the following new proviso:

'': *Provided further,* That $1,200,000 of the funds appropriated under this heading shall be used by the Agency for Toxic Substances and Disease Registry to conduct a health effects study of the Toms River Cancer cluster in the Toms River area in the State of New Jersey''.

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

There was no objection.

The CHAIRMAN. The Chair would question, is this the amendment of the gentleman from California in which there was a time agreement reached?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from California [Mr. LEWIS] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

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

Mr. STOKES. Mr. Chairman, I reserve a point of order against the amendment.

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

Mr. Chairman, the amendment I am offering on behalf of myself and the gentleman from New Jersey [Mr. ZIMMER] is a relatively straightforward amendment and I believe is necessary to address a serious health problem in the Toms River area in the State of New Jersey.

This issue was brought to my attention by my very good friend from new Jersey [Mr. ZIMMER] and his three distinguished colleagues, the gentleman from New Jersey [Mr. FRELINGHUYSEN], the gentleman from New Jersey [Mr. SAXTON], and the gentleman from New Jersey [Mr. SMITH]. It is my understanding that the entire New Jersey delegation representing both sides of the aisle is supporting the intent of this amendment.

The amendment will simply add $1,200,000 of excess budget authority available under the committee's 602(b) allocation to the Hazardous Substance Superfund and then stipulate that these funds are to be used by the agency for toxic substance and disease registry to conduct a health effects study of the Toms River cancer cluster.

Mr. Chairman, I would note that in the committee report, we stipulate that certain studies be conducted by ATSDR using funds available to them. If we had all the necessary details relative to this matter prior to markup, I am confident that we would have included this provision in the report in a similar manner. It has not been our practice to stipulate these health studies in bill language, nevertheless, I am convinced that the health concerns in the Toms River area are so critical that it is absolutely necessary that we take this unusual action of including specific funds for this health study.

I want to mention, Mr. Chairman, that my colleague, the gentleman from

New Jersey [Mr. ZIMMER], has been very effective in articulating the priority of this manner, and for that reason, not only do I bring it to the House's attention and ask for its support, I know of no opposition to the amendment and know of no other Members who are eager to speak on my side of the question.

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

□ 1345

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time and I commend him for bringing this amendment before the House.

In the context of an $84 billion appropriations bill, $1.2 million may seem insignificant, but this additional amount will make a big difference because it will provide critically needed funds to study a cancer cluster that has been discovered in the Toms River area of my State of New Jersey.

I requested this funding, together with the Congressmen from Toms River, the gentleman from New Jersey, JIM SAXTON, and the gentleman from New Jersey, CHRIS SMITH, and the gentleman from New Jersey, ROD FRELINGHUYSEN, who is New Jersey's Representative on the Committee on Appropriations.

Last year a study by the New Jersey department of health found that Ocean County, in which Toms River is located, had 54 cases of childhood brain and central nervous system cancers between 1979 and 1991. This represents 15 more cases of childhood brain and CNS cancers than were statistically expected. In Toms River alone, the rate was 49 percent higher than expected.

The Toms River area includes two Superfund sites which the Agency for Toxic Substances and Disease Registry, known as ATSDR, has previously studied in conjunction with the New Jersey department of environmental protection and the Federal Environmental Protection Agency.

ATSDR has already tapped its fiscal year 1996 discretionary funds to respond directly to the increased incidence of childhood cancer, but it says it cannot complete a thorough, comprehensive study without the $1.2 million provided by this amendment; and without a comprehensive study, we have no real hope of sorting out the factors that may be contributing to this tragic situation.

Mr. Chairman, this study must be done, not only for the sake of the children who are now afflicted but for the many who are not. We need to know, if it is at all possible, within the limits of our current scientific capabilities, what is causing the cancers in the Toms River area. If we can shed light on this mystery, it will have benefits nationwide because this kind of knowledge can help protect children elsewhere who may face similar risks.

The Lewis amendment will finance an action plan that has been developed by the State and the Federal governments and that will be participated in by a volunteer committee headed by Mrs. Linda Gillick, whose own child, Michael, is a cancer victim. This additional funding will help ensure that every tool available to science is brought to bear to identify the cause of these cancers.

Mr. Chairman, no amount of money in the world can guarantee that we will find all the answers, but we must try. We cannot protect our children from a danger we do not understand.

I would like to salute the gentlemen from New Jersey, Congressman SAXTON, Congressman FRELINGHUYSEN, and Congressman SMITH, for their efforts, and I would again like to thank the gentleman from California, Chairman LEWIS, for offering this amendment on our behalf. I urge all Members to support this critical amendment.

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

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] insist on his point of order?

Mr. STOKES. Mr. Chairman, technically, the amendment is a violation of clause 2 of rule XXI because it seeks to earmark funding for an unauthorized program.

With the understanding of the gentleman from California [Mr. LEWIS] that the bill language will be deleted in conference and the issue addressed only in the statement of the managers, I will be pleased to withdraw my point of order.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, I would simply say his understanding is correct.

Mr. STOKES. Mr. Chairman, based upon the representation of the chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Does any Member seek time in opposition to the amendment?

Mr. PALLONE. Mr. Chairman, I would like to speak in favor of the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] controls the time in support of the amendment.

Mr. PALLONE. Mr. Chairman, I ask unanimous consent to speak for 1 minute in favor of the amendment.

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

There was no objection.

Mr. PALLONE. Mr. Chairman, I wanted to say that I believe this is a very important provision on a bipartisan basis for the State of New Jersey. I used to represent Toms River, which was actually part of Dover township before the redistricting. Of course, now it is represented by the gentleman from New Jersey [Mr. SAXTON].

I know the concerns of the people in the area with regard to this cancer cluster or the possibilities that exist in terms of the source of it. So I do believe that the funding to be made available for this health analysis is really crucial not only to Toms River, but something that we need as a delegation in our State to see effected.

So I would like to join with my colleagues, the gentlemen from New Jersey, Mr. SAXTON, Mr. ZIMMER, and others, in support of the amendment and ask that I be considered a cosponsor of the amendment or however they are proceeding.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I would like to express my personal appreciation to the chairman of the subcommittee and to the gentlemen from New Jersey, Mr. ZIMMER and Mr. FRELINGHUYSEN, on behalf of myself, but more on behalf of the constituents that I represent in the Toms River area.

If we can imagine for a minute being in a situation where an inordinate percentage or number of young people have developed brain cancer in a relatively small area among a population of people, it is a heart-wrenching experience for those families and, to a large extent, for me and my staff who have worked with these families and with the Whitman administration and commissioner of health, Lynn Fishman, from New Jersey.

Just briefly, Mr. Chairman, on behalf of the people that I represent, I thank the gentleman very, very much for what he has done here to help us get a handle on this most important problem.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. FRELINGHUYSEN], my colleague from the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Lewis amendment and to thank the gentleman from California, Chairman LEWIS, for offering this amendment and for his leadership and cooperation in working with the Members of Congress from New Jersey, Governor Christine Todd Whitman, and Commissioner of Health Lynn Fishman from New Jersey.

I would also like to thank my colleagues from New Jersey, Congressmen DICK ZIMMER, CHRIS SMITH, and JIM SAXTON, for working on this important issue and for bringing it to my and our committee's attention.

This amendment will for the first time provide the needed funding for the Toms River cancer cluster study. The funding will allow the Agency for Toxic Substances and Disease Registry to begin to look at possible causes for the increased cancer rate around Toms River. We have a responsibility to the people of this area to find out what is causing these cases and this funding will help us find this out.

Mr. Chairman, again, I would like to thank Chairman LEWIS of this subcommittee, most particularly for his

leadership and his cooperation, and urge adoption of this amendment on behalf of all the citizens of New Jersey.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to offer the amendment at the desk dealing with page 77, a portion of the bill not yet read.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: On page 77, beginning on line 1, strike the words ''established for such rates as of June 1, 1996'', and insert in lieu thereof the words, ''authorized by the National Flood Insurance Reform Act of 1994''.

Mr. LEWIS of California. Mr. Chairman, this is noncontroversial and essentially corrects the earlier action of the committee with respect to flood insurance rates. We had inadvertently included language which would freeze the flood rates in place on June 1, 1996, and did not realize this would greatly reduce the flexibility FEMA has to adjust rates up or down in accordance with the provisions of the Flood Insurance Reform Act of 1994.

This amendment merely restores the necessary flexibility needed by FEMA to operate this program successfully. I know of no opposition to this amendment and urge its adoption.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment. This amendment has been cleared with us, and we have no objection to it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to offer an amendment to a portion of the bill not yet read.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 66, line 8, after the dollar amount, insert the following: ''increased by $2,000,000)''.

Page 82, line 7, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank the chairman of the committee and his staff for clarifying some of the issues pertaining to this amendment over the course of the last half hour or so. I appreciate the forbearance and the loud talking that occurred from time to time.

Mr. Chairman, the purpose of this amendment was to deal with the issue of indoor air. Americans spend 90 percent of their time indoors and yet indoor air is a thousand times more polluted than outdoor air. Despite that fact and despite the fact that going back as far as the administrator of the Environmental Protection Agency, Mr. Reilly, who was appointed, I believe by President Reagan, although it might have been President Bush, indicated during his time at the EPA that the No. 1 health problem that we face as a people in this country is the issue of indoor air pollution.

We spend literally billions and billions of dollars that is appropriated in this House to clean up outdoor air and yet we have not a single solitary regulation pertaining to the quality of the air we breathe indoors.

Indoor air causes a myriad of problems. We have seen vast increases in the outbreak of asthma, we see a continuing problem with regard to issues such as the quality of our air in schools. A number of Members of Congress on both sides of the aisle are very familiar with sick-building syndrome.

Even the EPA building here in Washington, DC, has had to be cleared out on a number of different occasions because of the quality of the air indoors. All of us are familiar with the problems of secondary tobacco smoke as well as radon, that is now, I believe, the second leading cause of cancer deaths in this country, second only to cigarette smoke.

The truth is that if we look at how much money we are spending on indoor air, it is a piddling amount in comparison to the size of the problem.

Now, it had come to my attention from the EPA itself that there was overall a reduction in spending this year as compared to years past on indoor air. So I understand, and I would appreciate it if the chairman might work with me on these numbers. As I understand, last year there was about $17 million spent on indoor air pollution. This year, as I understand, there will be about $18 million spent. There is an additional $2 million that will go to the Office of Enforcement and Compliance Assurance, completing a total of about $20 million.

That $17 million that I quoted from last year's spending did not include the Office of Enforcement and Compliance Assurance or it would have brought that up to $19 million plus.

□ 1400

The point here is that the overall amount of funds that has been allocated for this account has some language that is included in the committee print, which suggests that, if there is a funding shortfall, the radon protection programs will be fully protected and that all other programs will have to deal with the funding shortfall that exists.

I think that is a serious potential problem. I hope to work with the chairman of the committee over the course of the next week or two to try and determine what the potential problem is.

My understanding is the chairman does in fact fully support full funding for the indoor air account that was contained in last year's budget and was requested in this year's budget.

Would the chairman engage in a colloquy so that I might understand his intention?

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

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am very happy to engage in a colloquy with the gentleman from Massachusetts. I must say that he and I share interest and concern about the impact and especially the potential health effects of indoor air quality problems.

The data that was just outlined. The dollar amounts appear to be essentially correct. We came close to spending $18 million last year, and this year the proposal is in excess of $20 million. It is a problem that is very real. We tried to confirm these dollar amounts with the budget officer as late as this morning. In the meantime we both know that an individual constituency, like the office that handles indoor air quality, may be more enthusiastic than another office at EPA regarding this.

At this point we do not really see an intense need for additional money other than that program within EPA's proposal and that which we have outlined in the bill. It is an important problem. I would suggest that the gentleman and I continue to communicate with one another. I am sure that we can make progress in that connection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for his comments.

Let me just make clear that, as I understand the real problem here is that, yes, the funding has increased to the $20 million that the gentleman suggests. What I am being told by the EPA in the last few minutes is that the reason why there is a difference in the numbers pertains to the inclusion of this Office of Enforcement and Compliance in this year's $20 million versus last year's $18 million and that that might offer some of the confusion.

The difficulty of course is that, if in fact there is a cut that is included in these numbers, that there is a bent in the language of the report that stipulates that the radon portion of the

funding will be fully protected. And yet all of these other accounts, including sick-building syndrome, including the issues pertaining to a range of other health problems, would have to have the lion's share of the cut.

I would appreciate if the chairman would be willing to work with us, if in fact the numbers do not add up, to work with us to make certain that we are allowing this flexibility to make sure that the funding goes to the programs that are in most need.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I am very concerned that we make certain that we are not adversely affecting one program over another as we proceed in this process. But is has been my understanding that funding as proposed is adequate for indoor air quality.

It seems to be pretty clear that there is not a need for an 11-percent increase over the 1996 level. If, in the meantime, we want to make sure that we are providing adequate funding, if we can work together between now and conference, I am sure that we can be assured together that the numbers are correct and get this job done.

Mr. KENNEDY of Massachusetts. I appreciate the chairman's willingness to work. I take that as a demonstration of his good faith to try to work out the difficulties.

The one issue that I would take issue with is the idea that this is an adequately funded program under any of these scenarios. I am sure the chairman would agree, given the pressures that he is under in order to deal with these four agencies and their needs, this is a very difficult choice for the gentleman to make. But the truth of the matter is that, when we look at the problem of indoor air pollution, $20 million a year spent by the entire Federal Government to investigate it to try to come up with any rules and regulations, to try to come up with ways of mitigating the problem is not near enough.

This is a very serious health issue. It is one that I think in the overall context, even this new report that suggests that was done largely by Members of the gentleman's side of the aisle to determine where excess Government regulation and spending occur, indicates that the one area that we are not spending enough, and there are not significant enough regulations is in fact on indoor air. So I would look forward to working with the chairman over the course of the next few weeks.

Let me finish by thanking my good friend, the ranking member of the Committee on Science, the gentleman from California [Mr. BROWN] who came to the floor to speak in favor of the amendment. Given the shellacking he gave me last night, it does my heart good to know that he was here with me this afternoon.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I ask unanimous consent to offer an amendment to a portion of the bill not yet read.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PALLONE: Strike the last proviso under the heading HAZARDOUS SUBSTANCE SUPERFUND.

Mr. OXLEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Pursuant to the order of the committee of today, the gentleman from New Jersey [Mr. PALLONE] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE].

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

Last Thursday a group of senior Republicans on the Committee on Commerce and the Committee on Transportation and Infrastructure proclaimed that House Republicans are willing to put ''our money where our mouths are'' on the issue of Superfund reform. These same Republicans also said that they were putting more money into the program than the Democrats ever did.

Well, I do not think that is the case, Mr. Chairman. While Republicans say they are appropriating $2.2 billion for Superfund in this bill, I think my colleagues should take a good, hard look at a provision on page 68 of this bill that sets aside $861 million of that appropriation to pay for the Superfund reform. You see, the $861 million is available only if Congress enacts future legislation to appropriate it. So in essence this is future spending that may or may not ever occur.

The amendment that myself and the gentleman from Pennsylvania [Mr. BORSKI] and the gentleman from Massachusetts [Mr. MARKEY] have simply strikes that contingency and would truly fund the Superfund Program at $2.2 billion this year. Our amendment gives the Republicans the chance to make good on their promise. If extra Superfund money really does exist, it should be available immediately and for the purpose it was intended.

Mr. Chairman, if the money is really in the bill, then why should it be subject to a point of order. All we are saying is that if it is there, it should be used now for cleanups and not later. My fear also is that this money will only be available if Congress enacts a Superfund reform bill that allows the money to be given back as rebates to polluters, which is one of the provisions in the Republican Superfund bill that has come before the Committee on Commerce. Mr. MARKEY is going to address this issue later so I will not discuss it now, but the bottom line is if this money is not available this year, then basically we are appropriating about $55 million less than the President requested for the Superfund Program.

I would like to see the money spent this year. The EPA has already told me that they would use the additional money to begin 70 to 90 additional cleanups in communities across the country. They would expand the brownfields program, promote more voluntary cleanups and further fund Superfund administrative reforms. There are 107 sites still left on the national priority list, including 7 in my district. I should say, 9 in my district. And I know that Superfund is serious business, not only in New Jersey but also across the country.

I just want to believe my friends on the other side of the aisle when they say they are committed to funding this program at $2.2 billion. If that is the case, here is your chance to prove it. Vote for our amendment. If you bring this point of order and you have it sustained, then you are admitting that the $2.2 billion figure is not real, that it is a sham. And if this point of order is sustained and the money is not real, then I think you can figure out what that means for Republican Superfund reform proposals. We will not get the money. We will not have additional cleanups or the money is going to be available later as rebates to polluters which certainly is not something that is going to help either the taxpayers or the cause of Superfund reform.

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

The CHAIRMAN. Does the gentleman from Ohio continue to reserve his point of order?

Mr. OXLEY. Mr. Chairman, I continue my reservation of a point of order.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] rise in opposition to the amendment?

Mr. LEWIS of California. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 10 minutes.

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

Mr. Chairman, as you know from previous discussions, as modified by the rule of H.R. 3666, this last proviso is, technically speaking, meaningless. The intent of preappropriating the $861 million contingency on further legislation obviously left open the possibility of the authorizing committee's legislation triggering our preappropriation.

Unfortunately, the reinterpretation of what this language should look like to avoid a BA problem has resulted in

this required change rendering the whole proviso essentially without any meaning.

Neverthless, the proviso still represents a commitment on the part of the committee and the majority to take the necessary appropriation step of providing this $861 million as soon as the program is reformed and reauthorized by the authorizing committees. The money actually awaits in a special seaside in the budget resolution pending this reauthorization. The matter is not all illusory, as opponents would have us believe.

The Chairman, the committee stands ready, willing and able to proceed in an appropriations sense. We have been long waiting the reauthorization that would fix this broken program. We have begun a dialog with the administration regarding their suggested intent that they want to fix the program. If we find ourselves at a place where reasonable reauthorization takes place, we intend to fund this effort.

Mr. BORSKI. Mr. Chairman, I join with the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Massachusetts [Mr. MARKEY] in sponsoring this amendment to bring truth to the superfund section of the bill.

The Pallone-Borski-Markey amendment will get this bill to do what all the Republican press release machinery has said it does—provide an increase in funding for the Superfund Toxic Waste Cleanup Program.

While the Republican press releases say there is an increase in Superfund money, the bill doesn't say that.

For fiscal year 1997, the bill actually cuts funding below the 1996 level and 3.5 percent below the level requested by President Clinton.

Less money than last year—that's a cut.

The majority has talked about an additional $861 million in the bill for Superfund. But the bill requires an additional appropriations act for the money to be spent.

The $861 million in this bill is totally meaningless and misleading. This bill has $1.3 billion for Superfund in 1997—and no more.

The Pallone-Borski-Markey amendment would remove the restrictions preventing the $861 million from being used for toxic waste cleanup.

Adopt our amendment and there will be a real increase in money available for cleaning up toxic waste.

If the amendment is rejected and the bill is left as reported, there will be a cut in toxic waste cleanup money.

With the additional $861 million, EPA projects that an additional 90 sites could be cleaned up in 1997.

The $861 million that would be freed by our amendment would allow communities across the Nation to move forward with the cleanup of toxic wastesites.

Under the committee bill, the $861 million would be kept in the Superfund trust fund to be used for cleanup only when a future appropriations bill allows it.

What are we waiting for? Why don't we use the money now to clean up toxic waste?

We may be waiting for one of the Republican Superfund proposals to come out of committee so the money can be used to pay polluters to clean up the messes they created.

That's all we've seen in the authorizing committees—one proposal after another to let polluters off the hook and reduce cleanup standards.

These proposals to pay polluters and reduce standards are opposed by the States, they're opposed by the communities who desperately want the cleanup and they are opposed by the administration.

If we're waiting for a chance to pay polluters, then we will never see the $861 million.

Mr. Chairman, the Superfund Program needs reforms but not the kind that will reduce cleanup standards and allow polluters off the hook.

We can do a real reform bill that will eliminate the unfairness in the current Superfund Program with a fair share allocation system as we have proposed.

We can exempt the small businesses that only contributed small amounts of waste from Superfund liability.

We can exempt municipalities that transported household trash and limit the liability of those who operated landfills that accepted household trash.

We can get the smaller parties out of the system as quickly as possible.

We can place more emphasis on future land use when deciding on remedies and we can limit the preference to permanent treatment to hot spots only.

We can provide help to cities attempting to clean up their brownfield sites to attract economic development.

We can provide protection for innocent prospective purchasers and lenders so that development projects can proceed.

The adoption of all of these proposals to reform Superfund—which we have made—would produce a program with more fairness, less litigation, lower transaction costs, and faster cleanups.

Mr. Chairman, nobody wants real Superfund reform more than EPA Administrator Carol Browner.

These proposals for real superfund reform have been rejected, however, because of the unrestrained desire of the Republican majority to pay polluters and reduce cleanup standards.

Hard as it is to believe, the Republican proposals would actually create more litigation by allowing the reopening of every decision made since 1980. It would be a lawyer's dream.

Adoption of these proposals would mean the money in this bill would not be used for cleanup but would be used for payments to polluters and for even more transaction costs and litigation.

Nobody wants real Superfund reform more than EPA Administrator Carol Browner.

In 1994, she devoted many long, hard hours to forging a compromise reform package that was supported by industry, States, local governments, and the environmental community.

Charges that she is not serious about wanting reform are simply baseless and unfair.

Under this administration, the Superfund Program has worked better than it ever did in the past. More sites have been cleaned up in the past 3 years than were cleaned up in the 12 years of the previous administrations.

EPA is ready to move forward with cleanups—up to 90 cleanups can be funded if we give them the $861 million.

Instead of talking about the $861 million, let's put our money where our mouth is and use the money for toxic waste cleanup. Then let's do real reform.

I urge support of the Pallone-Borski-Markey amendment to free the $861 million. Instead of a preview of coming attractions that will only happen if another bill is passed, let's make it real money that can be used now.

POINT OF ORDER

Mr. OXLEY. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OXLEY. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act as amended. The Committee on Appropriations filed a subcommittee allocation for fiscal year 1997 on June 17, 1996 (H. Rept. 104–624). This amendment would provide a new budget authority in excess of the subcommittee allocation and is not permitted under section 302(f) of the act.

Mr. Chairman, I ask that the amendment be ruled out of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, again, as I said before, if the money is really in this bill, then why should it be subject to a point of order. All we are saying is that if it is really there, if the money is really there, it should be used now for cleanups and not later for some polluter slush fund which basically gives money back in rebates to polluters. As I said on page 60 of the committee report, it says that the committee is appropriating $2.2 billion for Superfund in fiscal year 1997.

In addition, it claims that they are appropriating almost 861 million more than the President included in his budget. Our amendment simply strikes that contingency and would truly fund the Superfund Program at the 2.2 billion and have the money spent this year.

If the amendment is subject to a point of order, then the money really is not there after all and the Republicans are appropriating about 55 million less than the President requested. So I just wanted to make it clear that by bringing this point of order and having it sustained, they are admitting that the $2.2 billion figure is basically a sham. They are admitting that they funded the program at $55 million less than the President requested and that they have turned this appropriation process into something that we may never see.

The gentleman from Ohio [Mr. OXLEY] and some of the others said last week that Republicans are willing to put their money where their mouths are on Superfund reform. If this point of order is sustained and the money is not real, then I think the bottom line means that the Republicans really do not intend to provide additional money for the Superfund Program and what

they are really up to is trying to provide this fund, this slush fund that ultimately will be used for rebates to polluters when the Superfund reform that they advocate is passed into law or comes up on the floor.

The CHAIRMAN. Does the gentleman from New York, [Mr. BOEHLERT] wish to be heard on the point of order?

Mr. BOEHLERT. Yes, Mr. Chairman, I wish to speak in support of the point of order.

The usually mild-mannered gentleman from New York is incensed by what my mild-mannered friend from New Jersey is saying. He is just at odds with the facts.

The budget resolution creates a Superfund reserve fund. This reserve fund allows the chairman of the Committee on the Budget to increase the committee allocations when the Superfund taxes are extended and the program is reformed. That is what we are all about. We want to reform a program that everyone agrees is broken.

It is deficit neutral, this fund, because it will come from the reauthorized Supefund business taxes. This bill sets the marker for the funding level that will be provided when these conditions are met. We are saying that we are committed, let me repeat that, we are saying that we are committed to fund a reformed Superfund at $2.2 billion and will use the extension of the Superfund taxes for that purpose.

□ 1415

What we have said repeatedly from the beginning of this historic 104th Congress is that we want to reform Superfund. We have a plan; it is falling on deaf ears.

Mr. Chairman, I support the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BORSKI] seek to be heard on the point of order?

Mr. BORSKI. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. BORSKI. Mr. Chairman, I urge that the point of order raised against this amendment be overruled. The Pallone-Borski-Markey amendment does not change any of the monetary figures in the bill. It simply strikes the very unusual language limiting the use of $861 million, language that makes the $861 million totally meaningless. If the $861 million is real and will impact the budget, then our amendment will have no impact whatsoever on the budget. If this point of order is sustained, the ruling will support the contention that the $861 million is meaningless. The $861 million figure in this bill is the most meaningless thing I have seen on this House floor in 14 years.

Mr. Chairman, this bill is like a house of mirrors at an amusement park. First we pass a Budget Act, then we waive the Budget Act. Next we put $861 million in the bill for Superfund, then we include language to make sure that it will not be spent. Then we invoke the Budget Act to keep it from being spent.

Mr. Chairman, I urge my colleagues to reject the point of order so that we can move forward with this amendment to fund the toxic waste cleanup program.

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

Mr. BORSKI. I yield to the gentleman from New Jersey.

Mr. PALLONE. Again on the point of order, what I do not understand, listening to my friend from New York again, is that if in fact we need to have an authorization for the Superfund program and we need to have a——

The CHAIRMAN. The Chair will hear each Member on his own time. Members may not yield on a point of order.

Mr. PALLONE. Mr. Chairman, could I be recognized on the point of order?

The CHAIRMAN. The Chair will again hear the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Just very quickly, Mr. Chairman, again responding to the gentleman from New York. If we need a budget waiver, if we need the authorization for the Superfund Program or the reauthorization, and we need another appropriation, we have to go through that anyway in future Congresses. So there is nothing here. This is a totally unreal situation where they are suggesting that we will do this in the future if we can get it authorized, if we can get an appropriation and if we can get a budget waiver. It seems to me that in the next Congress, or whenever this comes up again, we would have to do all those things anyway to proceed.

So, there is nothing here. As my friend from Pennsylvania said, this is nothing really but a publicity effort or advertising effort to make it look like the Republican leadership is actually doing something. The reality is they are doing nothing on the Superfund Program, and, if anything, it may cause mischief and suggest that somehow, if this money does become available in the future, it might be used for some kind of rebate program, and that is my concern.

But I do not see that we are really doing anything here at all. This is just advertising promotion to make the Republicans feel that they, as my colleagues know, look good or appear that they are trying to do something when they are not.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from New Jersey proposes to strike from the bill the last proviso under the heading ''Hazardous Substance Superfund.'' That proviso states that a specified increment of the amount ostensibly provided in that paragraph of the bill ''shall become available for obligation only upon the enactment of future appropriations legislation that specifically makes these funds available for obligation.''

The Chair is advised that the Committee on the Budget has analyzed this proviso under scorekeeping rule 9 from the joint explanatory statement of managers on the Budget Enforcement Act of 1990, entitled ''Delay of obligations.'' That rule reads in part as follows:

> If the authority to obligate is contingent upon the enactment of a subsequent appropriation, new budget authority and outlays will be scored with the subsequent appropriation.

Thus, pursuant to section 302(g) of the Budget Act, the Committee on the Budget estimates that the incremental amount of funding affected by this proviso is presently attributable to the ''future appropriations legislation'' and not to the pending appropriation bill. Consequently, to strike the proviso would cause the incremental amount of budget authority affected by the proviso to be attributed to the pending bill.

The Chair is further advised that the Committee on the Budget estimates that the bill, as perfected to this point, provides new discretionary budget authority in the approximate amount of $64,327,000,000, and that the pertinent allocation of such budget authority for this bill under sections 302 and 602 of the Budget Act is $64,354,000,000. Thus, an amendment providing new discretionary budget authority in an amount greater than $27 million would breach the pertinent allocation, in violation of section 302(f) of the Budget Act.

Beause the amendment offered by the gentleman from New Jersey would cause the pending bill to provide an additional $861 million in new discretionary budget authority, it violates section 302(f) of the Budget Act.

The point of order is sustained.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. BROWN] be permitted to offer amendment number 10 to a portion of the bill not yet read and that the time be limited to 5 minutes on each side.

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

There was no objection.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. BROWN of California: At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act for the National Aeronautics and Space Administration may be used for the National Center for Science Literacy, Education and Technology at the American Museum of National History.

The CHAIRMAN. Pursuant to the unanimous-consent agreement, the gentleman from California [Mr. BROWN] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

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

Mr. BROWN of California. I thank my good friend, the gentleman from California [Mr. LEWIS], for allowing us this opportunity to take up the amendment which I have offered.

Mr. Chairman, before I unleash a flood of oratory with regard to my amendment, I want to say that I understand that my good friend, the gentleman from California [Mr. LEWIS], the distinguished chair of the subcommittee, and my friend, the gentleman from Ohio [Mr. STOKES], have indicated the possibility that they might consider accepting this amendment, and in light of this fact I will merely state that this amendment was aimed at eliminating an earmark contained in the language of the report having to do with an extremely meritorious museum project in the city of New York.

I have no objections whatsoever to the museum project. However, I spent the better part of the decade of the 1980's lecturing my Democratic friends on the Committee on Appropriations as to the value of authorizing programs of this sort in the appropriate legislation. I do not wish to spend the decade of the 1990's, assuming I live that long, lecturing my Republican friends with regard to the value of authorization. I would merely point out that the chairman of the authorizing committee, in this case the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], and I have historically agreed on the importance of authorization, that we have passed a NASA authorization bill which is in the Senate and is pending action in the Senate and that I am more than willing to work with the distinguished chairman and ranking member on this side and their corresponding Members on the Senate side to include in the authorizing bill in the Senate and within a few days of action, as I understand it, to include the appropriate language that would authorize a museum program.

I would say that I have separately introduced, and I hope I can get a few cosponsors, to make this a permanent authority for NASA to fund on a limited basis science museums which are appropriate to its role, and I will seek to move this bill forward if it is the will of the House to do so. In the meantime, I will do whatever I can, as I say, in cooperation with the gentleman to use an existing vehicle to authorize this program, and if it is so authorized, I will be an enthusiastic supporter of this particular program.

I would like to point out that this will be of no handicap to the New York museum. They have a $300 million reserve fund which could easily finance the whole of what they propose. The interest on that trust fund alone could support the amount of the Federal contribution that they are asking for, and I, therefore, feel that this would not do any substantial damage to the progress of their project, which, as I have said, I am an enthusiastic supporter of, and I appreciate the willingness of my good friends on the House Committee on Appropriations to consider the importance of due process with regard to authorization and the other matters that I have mentioned in connection with this program.

Mr. Chairman, I rise to offer an amendment cosponsored by Mr. ROYCE of California, Mr. MINGE of Minnesota, and Mr. NEUMANN of Wisconsin, to bar funding for one of a rather substantial number of earmarks contained in the report accompanying this appropriations bill. My amendment is a simple one: It is a limitation on NASA funding that would prohibit the expenditure of Federal funds for the American Museum of Natural History's National Center for Science Literacy, Education, and Technology. I would like to explain why I am offering this amendment.

The VA-HUD-Independent Agencies appropriations bill is an important piece of legislation, and crafting a bill that can properly balance all the competing needs represented within it has always been a difficult task. Mr. LEWIS, the subcommittee chair, is to be commended on his efforts to strike a reasonable balance among the various priorities.

As you know, the VA-HUD-Independent Agencies bill contains funding for the bulk of the Nation's civilian scientific research budget, including such agencies such as NASA and the National Science Foundation. When the bill was marked up at subcommittee, I felt that the bill represented a serious attempt to balance competing scientific initiatives, although I also believed that overall funding—as well as funding for some specific research accounts—fell significantly below what was needed.

However, something happened at the full committee markup that compromised the good efforts that had been made in the bill. Specifically, an amendment was adopted to the report language that directed NASA to make a noncompetitive award of $13 million out of existing funds to the American Museum of Natural History in New York to establish a "National Center for Science Literacy, Education, and Technology."

Is this a good idea? I really can't criticize the merits of the proposed project, nor can I praise them. The simple fact is that there is no basis for Congress to properly evaluate the project, because it was never requested by NASA, it was never brought before the authorizing committee for review, it has never been peer reviewed, and it was never offered for authorization when the Omnibus Civilian Science Authorization Act of 1996 was considered by the House only a few weeks ago.

However, I would note parenthetically that the American Museum of Natural History's $300 million endowment could finance the museum's entire $130 million renovation program 2½ times over. In fact, the annual interest alone on that endowment could more than pay for the proposed Federal grant of $13 million.

Mr. Chairman, I am certainly not opposed to the promotion of science education and literacy. Indeed, museums and educational centers all over the country are beginning to focus on this very issue and are struggling to find innovative ways to fund these efforts. Thus, the American Museum of Natural History is not alone in their desire to obtain Federal funds. In past Congresses I have sponsored legislation to establish a competitively based grants program for museums and educational institutions. I reintroduced this legislation yesterday. The problem I was trying to correct with that legislation was the rise in noncompetitive congressional science-related earmarks that was eroding the buying power of our science agencies as well as degrading the integrity of the peer review process.

Unfortunately, the funding that my amendment would remove represents a resurgence of the pernicious practice that members of authorizing committees have protested against in past years. I find it particularly ironic that we are seeing the resurgence of such earmarking in the midst of all the reform rhetoric emanating from the 104th Congress.

I would also note that concern over earmarks such as the one my amendment would remove is not partisan based. H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996, recently passed by the House, contains an antiearmarking provision, and at a 1994 Science Committee hearing on science earmarks, then ranking member and now Chairman WALKER stated: "The bottom line is that most earmarked projects are funded that way because they wouldn't be able to withstand the close scrutiny of peer review or even of authorization, and so therefore they do not represent the best that this nation knows how to do, and we ought not to be funding anything which is not our best effort with the limited resources that we have." [Hearing on Academic Earmarks, Vol. I, June 16, 1994, page 2]

I heartily concur with the assessment of the chairman of the Science Committee.

Finally, like so many other science-related earmarks, the one that my amendment seeks to eliminate is an earmark that would further erode the ability of the affected science agency—in this case NASA—to carry out its authorized science programs. Specifically, this earmark would take $13 million from NASA's Mission to Planet Earth—a research program whose funding already has been cut by more than $220 million in this appropriations bill—and would use it for a completely different activity. That is both bad budgeting and bad policy.

In sum, the earmark that my amendment seeks to remove is noncompetitive, unauthorized, lacking peer review, lacking Authorizing Committee review, and an additional lien on already seriously diminished NASA research funding.

Most of these problems could be easily and quickly removed by an amendment to either the fiscal year 1996 NASA authorization bill, still languishing in the Senate; the fiscal year 1997 NASA authorization bill recently marked up by the Senate Authorizing Committee, or the fiscal year 1997 omnibus civilian science authorization bill, likewise languishing in the Senate. I would hope that such an amendment would address the generic need identified in the legislation I reintroduced yesterday rather than simply aiding a single institution. I would be pleased to assist in such an effort.

I urge my colleagues to support my amendment to remove this earmark.

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

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 5 minutes in opposition.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, the project that this amendment seeks to remove from this bill is an extremely important project. The American Museum of Natural History is raising a total of private funding and local public funding for $135 million investment in a national center for science literacy. What they are going to do is to rebuild the Hayden planetarium and create a brand-new planetarium with the most up-to-date resources, and not only is this going to be the best planetarium probably in the world, and that is all being done with local funds, but the national center for science literacy, which lists $13 million for that fund, will make the resources, the scientific and educational resources of the museum, available to every classroom in the country, to every library in the country, to anyone who could hook into the Internet, to anyone with a computer and access.

So this $13 million is not a local pork project for New York, it is to take a major investment being made by the New York City government and the New York State government and private philanthropy in New York, and this $13 million will make the fruits of this investment available to everyone in the country. Not a dime of the Federal appropriation would go toward construction of anything in New York. All the Federal funds would go toward the development of the exhibits and the computer capability to make those exhibits available to every classroom, to every library in the country, and it is one of the most important investments we can make in scientific literacy in this country, and if we value our productivity and our competitiveness, we had better value scientific literacy.

So, Mr. Chairman, I hope we do not do anything that will jeopardize this project today.

Mr. Chairman, I rise in strong opposition to this amendment. The sponsors of the amendment are seeking to weed out unnecessary projects that have no value to the American people. I support their goal, but differ with them as to the value to the American people of this important program the sponsors wish to eliminate under this amendment. As I said, I share the goal of the sponsors of this amendment of cutting wasteful spending. That is why I have stood on this floor again and again in support of amendments to accomplish this important goal—that is why I have introduced amendments to eliminate funding for wasteful projects within my own Congressional district. But before supporting amendments that claim to cut funding for projects with no merit, we have a responsibility to study carefully the question of whether such programs may indeed have real value to the American people. I believe the education program this amendment seeks to eliminate truly does have value to millions of Americans nationwide, and we would be acting irresponsibly by eliminating these funds. The project is an extremely important project.

The American Museum of Natural History is raising private and public local funds for a $135 million investment in a National Center for Science Literacy that will link one of the nation's most well-respected and virtually unparalleled exhibitions and resources with schools, families, science and technology centers throughout the Nation, including NASA's science education campaign. This project has the potential to make some of our Nation's most important achievements in science and research more accessible to schools and families, allowing taxpayers to utilize directly the fruits of their investment.

The funds in this bill for the literacy center is less than 10 percent of the total cost. Over half of the funds come from private donors and foundations with the balance being paid by New York City and New York State. This project strikes a balance between private and Federal money to benefit the greater good, the education of our Nation.

Not one dime of the Federal appropriation would go toward construction of any new buildings for the center. All of the Federal funds would go to develop exhibits and educational technology initiatives that will bring science to people across the Nation. This program is entirely consistent with the congressionally authorized Mission to Planet Earth, through which it is funded. NASA's Mission to Planet Earth states specifically that its mission is ''to help translate knowledge about our own planet to the broader community, to schoolchildren and families, to the general public, to share NASA's knowledge and investments with more scientists, science and technology centers throughout the nation.''

This science literary center is an effort to make available the resources, science, research, educational, and exhibition resources to the American Museum, as it is known the world over, to as many parts of this country as possible. Already, the museum hosts over 3 million visitors from every State in this country and provides services to more than 500,000 schoolchildren annually—again, from all regions of this Nation. The national center's mission is to take science education further: to make the resources available at the museum to more Americans, and translate our Nation's Federal science investments for every American and for the current and future generations of our youth.

I want to read from a New York Times editorial in which they say of the proposed project, ''it will also turn the already remarkable Museum of Natural History into one of the world's greatest scientific resources.'' Additionally, I want to read from a statement by Dr. E.O. Wilson, a Harvard professor, winner of two Pulitzer Prizes and named by Time magazine last week as one of the 20 most influential people in America. ''An institution with such great strengths * * * from its world class collections and library to its outstanding staff, is automatically in a position of leadership. It also has a responsibility to lead because of its * * * historical importance of its collections.''

I urge my colleagues to vote against this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time or a small piece thereof.

First, I very much appreciate my colleague from California having this discussion with us. There is little question of the tremendous contribution that has been made by the American Museum of Natural History in New York and particularly, in this case, its literacy center. As the chairman and our colleagues know, we are committed to making certain that the public have access to that which we develop and learn about as we proceed with our presence in space. The gentleman from California [Mr. BROWN] has suggested that we should not designate this program at this time. He has, in conversation with me, indicated that there is an authorization process potential in the other body. He knows full well that I intend to proceed as best I can as we go to discuss these things with the other body. In the meantime, I have indicated to the gentleman from California [Mr. BROWN] that we are willing at this point to accept his amendment.

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

Mr. Chairman, I can only express again my admiration for my distinguished colleague from California for his reasonableness and his statesmanship in this regard, and, as he indicated, I pledge my full support to get the funding for the museum through authorized channels, and I think that no hardship will be worked if we do that.

Mr. MANTON. Mr. Chairman, I rise today in opposition to the Brown amendment that would eliminate funding for this most important and worthwhile project. While I understand that my colleague from California offers this amendment with good intentions, I believe this project is a much needed investment in science education for this, and future generations.

Should the Hayden Planetarium renovation be completed, it will be one of the greatest planetariums in the world. The American Museum of Natural History opens its doors to over 3 million people a year from all over this Nation and abroad. Such a facility provides an opportunity for students and families not only from New York, but all over the country to participate and share in the knowledge and information gained by NASA research and technology.

Mr. Chairman, it is also important for my colleagues to know that 90 percent of the funding necessary to complete this project has been raised through a unique public/private partnership between the city of New York and a variety of public and private resources. The $13 million provided in this legislation for the Hayden Planetarium only constitutes 10 percent of the total cost of this project.

I ask my colleagues to vote against this amendment, as it would jeopardize this valuable project and deprive us all of the education and understanding such a learning center would provide.

□ 1430

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer amendment No. 62.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. GEJDENSON: Page 87, after line 17, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,811,000, to be derived from amounts provided in this Act for ''National Aeronautics and Space Administration—Human space flight'': *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1997, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,110,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further*, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

The CHAIRMAN. Pursuant to the order of the committee of today, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

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

Mr. Chairman, I want to express my appreciation to the chairman who, in cooperation, raised this issue. It is clear under the present rules that we are unable to offer this amendment. I will withdraw it shortly.

I wanted to make sure that my colleagues understood that this bill eliminates the Office of Consumer Affairs. It is the only consumer advocate at the Federal level. It was started by President Kennedy. President Nixon appointed Elizabeth Dole as the deputy director during the Nixon years. It receives 10,000 calls per month and provides a valuable service to Americans who have consumer problems.

When we look at its review, it is supported by both consumer groups and by corporations, because it often works to work these things out without litigation. It operates with a staff of 13 people, and Money magazine investigated and showed that most States are actually cutting back on programs that assist consumers. They found that nearly 50 percent of the attorney general offices and State, county, and city consumer affairs offices experienced dramatic cuts in recent years. We can be sure that with a crisis at both the State and local level, this will not be picked up at the State and local level.

We have here a critical aid to citizens, to average citizens. The program, again, is supported by MCI, Ford, MasterCard, the Direct Marketing Association, and consumer organizations across America. It seems to me for 2 cents a household, consumers ought to have that additional voice in the executive branch.

I want to say that it is something we need to do. I would hope that we can reinstate the funding, or through the Senate, and again I thank the chairman for his cooperation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Connecticut is withdrawn.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to be sure that I expressed my strong opposition to the amendment offered by the gentleman from California to remove funding for the National Center for Science Literacy, Education, and Technology at the American Museum of Natural History. I do so not merely as a New Yorker, but as someone who recognizes the need to enhance our knowledge—especially our young people's knowledge—of science and technology.

For more than a century, the American Museum of Natural History has been one of the world's preeminent institutions of scientific research and education. More than 3 million people from across our Nation and from around the world visit the museum every year. And the museum's research stations span the globe—from Long Island to China, from Arizona to Madagascar, from Georgia to Mongolia.

Why should the Federal Government spend $13 million out of NASA's $13.6 billion budget for this project? Well, the American Museum of Natural History is really the institution best suited to further the purposes of NASA's ''Mission to Planet Earth'' by telling the story of our planet—from the big bang, to the age of the dinosaurs, to global warming.

The resources and capabilities of the American Museum of Natural History are virtually unparalleled anywhere. The museum offers the largest natural history library in the Western Hemisphere, more than 30 million cultural artifacts, the world-renowned Hayden Planetarium, 200 research scientists in nine departments, and the experience that comes from having over 3 million visitors every year—including over 500,000 school children.

The funding contained in NASA's budget for this important scientific and educational project is only 10 percent of its total cost. In fact, over half of the $130 million needed to establish the national center have already been raised through a unique public/private partnership between the city of New York and numerous private foundations, individuals, and corporations.

Mr. Speaker, the national center will allow the American Museum of Natural History to translate ground-breaking science into exciting, real-life programs for millions of Americans—precisely one of the purposes of the Mission to Plant Earth.

This is far from a waste of Federal tax dollars. It is about providing a nominal amount of support for a program of the highest quality that will benefit millions of school children and enhance our competitiveness in the global economy.

I urge defeat of the Brown amendment.

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

Mrs. LOWEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, even though we have accepted this amendment, let me say to the gentlewoman that my colleagues from New York especially have brought this museum to my attention. Between the gentlewoman from New York [Mrs. LOWEY] and the gentleman from New York [Mr. NADLER], in whose district this museum is located, they have educated me in a short time. It is a magnificent effort of private funding and the expanding of a very, very important commitment on the part of the people of New York. I am sure we can work with each other and attempt to continue to make progress in the weeks as well as the months ahead.

Mrs. LOWEY. Mr. Chairman, I want to thank the chairman of the committee for his support, and I look forward to working with him and my colleagues to ensure that this invaluable resource, not only to New York but to the country, can be supported by the Federal Government. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to do something to encourage the gentlewoman to thank me, also, because I am an enthusiastic supporter of museums. I have introduced legislation to include museums in the role of NASA and other scientific agencies. That legislation is currently pending. I hope some of the language in my bill can be included in the final conference on the NASA authorization bill for this year, so it will be clear that we intend to support museums, and to do so on a basis which is open, aboveboard, open to all good museums, and which can do as the gentlewoman says, can help to enlighten the public of the United States on the importance of scientific achievement. I pledge her my fullest cooperation in achieving that

goal within the earliest possible timeframe.

Mrs. LOWEY. I want to thank the chairman, and I look forward to working with him. I appreciate his support for this extraordinary institution. I know together we can be successful in providing Federal support.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word in order to enter into a colloquy with my colleague, the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to discuss with the chairman of the committee the need for a training program for chief fire officers at the U.S. Fire Academy. This training program will assure that chief officers are fully prepared before being thrust into disaster situations.

Currently there is no national training program available to chief fire officers. These officers are usually the first to arrive at a fire or a disaster, and their leadership is crucial to saving lives and property. Yet these officers receive little or no formal training. I have been working with the gentleman from New York [Mr. BOEHLERT], chairman of the Congressional Fire Services Institute, to put this training program in place.

It is estimated that this program would only cost $400,000, and it seems to me that $400,000 is a small price to pay in order to assure that chief fire officers receive the training that they need to protect the lives and property of American citizens.

There is a national consensus that this training is needed. In fact, petitions containing over 5,000 signatures supporting this program have been collected from all over the country. This training program is supported by leading firefighting publications, including Fire Engineering, Fire Chief, Firehouse, and the American Fire Journal.

Mr. Chairman, I would ask the chairman if he would work with me to add report language at conference to direct the U.S. Fire Academy to develop this program and to offer the course as soon as possible. There are many lives at stake.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentlewoman from New York [Mrs. LOWEY] that I appreciate her bringing this very important matter to our attention. I agree that it is also very important that chief officers, firefighters who take immediate charge of fires and disasters, receive the training they need to protect both the firefighters under their command and the lives and property of our citizens. I certainly agree that the U.S. Fire Academy should begin to develop a curriculum for this kind of training. Four hundred thousand dollars, it seems to me, even in these difficult times, is a modest price to pay to assure that chief officers are fully prepared when they arrive at the site of disasters, where property damage alone can cost much more than the figure under discussion.

I would say to the gentlewoman that I would be glad to work with her to ensure that the conference report directs FEMA to review this matter and to report their findings to the Congress no later than the first of next year. If appropriate, I will strongly urge the U.S. Fire Academy to develop a curriculum for this training and to begin to offer this training program as soon as possible.

Our chief fire officers should not be forced to learn the skills needed to take charge of a fire or disaster site on the job. We should assure that they are fully prepared well before they are faced with these circumstances, and I must say I appreciate deeply the gentlewoman bringing this to my attention.

Mrs. LOWEY. Mr. Chairman, it is an honor for me to serve with the chairman of the Committee on Appropriations. I appreciate the gentleman's leadership and I thank him for his support. I look forward to working with him on this language. I do believe this training will save many lives. I thank the chairman very much.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, Mr. BROWN of California.

The U.S. Government spends billions of dollars a year on science and technology, particularly for defense programs and NASA space exploration. Surely we can spend $13 million to bring some of that technology home to the American people.

Especially for a project where 90 percent of the $130 million required is coming from private and non-Federal sources. Let's not send the message to all these private contributors that the Federal Government is not willing to participate in the project that will make our Federal science and technology initiatives accessible to the citizens.

The American Museum of Natural History is the one institution that can attract this support because it is truly national in its scope, mission, and resources.

For more than 125 years, the American Museum of Natural History has been nourishing young minds with scientific enlightenment in a readily understandable form.

Three million people from all 50 States flock to the museum every year to learn about the cutting edge scientific research interpreted, explained, and performed by the museum's 200 scientists and leaders in their fields.

The landmark project—whose Federal funding this amendment would prevent—would greatly expand the range and the capabilities of the world-renowned Hayden Planetarium, and would bring more of its treasures home to all Americans.

The project calls for a new Sky Theater, a Hall of the Universe, a Hall of the Planet Earth, and a Hall of Life's Diversity.

And it will allow the museum's exhibitions to be visited not just by Americans who can afford a trip to New York, but by anyone with access to the World Wide Web at work, at home, at school.

Just imagine: real-time images from the Hubble Telescope will no longer just be available to Government bureaucrats and scientists at NASA headquarters in Houston. They'll be available in a user-friendly format to students, as well as other scientists and educators.

Mr. Chairman, for all that the American museum has done for scientific understanding in our country, the museum has never once come to the Federal Government for a major funding initiative.

Granting this modest request is the least we can do. Denying it would be a tragic setback and loss to scientific literacy in this Nation. I reluctantly urge my colleagues to oppose the amendment offered by my friend, Mr. BROWN.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I had been here, I would have risen reluctantly in opposition to the amendment offered by my friend, the gentleman from California [Mr. BROWN], and in support of a 10-percent, $13 million Federal funding for the National Center for Science, Literacy, Education, and Technology at the Museum of Natural History. It was a mere 10-percent funding of a $130 million project that would have expanded science and new technologies into the homes of millions of Americans through all types of fora, not only at the museum but through computers and through the Web. I regret that I was not here to speak in opposition to his amendment, and I am sorry that this has been struck from the budget.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for the purpose of engaging the chairman of the committee in a colloquy. It is my understanding that the gentlewoman from New York [Mrs. LOWEY] also would like to enter into part of this discussion.

Mr. Chairman, I want to thank the chairman of the committee again for the excellent environmental section of this bill. This is something I know the chairman has worked on very hard, and I appreciate that, following through on what he did in his days as a California legislator.

As we know, the House passed another excellent environmental bill yesterday, the Safe Drinking Water Act. That bill was passed by a voice vote and it authorized $16 billion for the New York City watershed, which is the water supply for nearly 10 million Americans. The Senate version of the bill, which passed unanimously, includes $15 million for the watershed. That money would implement a model agreement in which the watershed will be protected without imposing burdensome limits on development in my area, and without forcing the expenditure of $8 billion on the part of the city of New York on a new filtration plant.

The program is a model because it relies on voluntary changes in land use policy to protect drinking water for the Nation's largest city. It is my understanding that the chairman is supportive of this agreement, and that funding the watershed agreement will be a priority in conference.

Is my understanding correct, Mr. Chairman?

□ 1445

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

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

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from New York [Mr. BOEHLERT] that I am very aware of this commitment to this project, as well as his concern about environmental matters that affect the country, and especially New York. The gentleman has discussed many such items, including this watershed problem with me in some detail. I very much appreciate the gentleman bringing it to our attention.

There is little question that I informed the gentleman that dollars are mighty thin, and we are having great difficulty providing specific funding for individual projects. But between now and the time conference, I think we will better know about the availability of funds.

The watershed agreement is, as the gentleman suggested, a model that is widely supported in both Houses of the Congress. The committee and I will do everything possible to seek funding for the project in conference.

Mr. BOEHLERT. Reclaiming my time, I thank the chairman very much for those comforting words, because we are talking about something that has broad implications affecting the water supply for 10 million people.

Mr. Chairman, I yield to my distinguished colleague, the gentlewoman from New York [Mrs. LOWEY], who has worked with me on this very important matter.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman, [Mr. BOEHLERT], my outstanding colleague from New York who has truly been a leader on this issue. It has been an honor for me to work with the gentleman and to see this project actually become a reality.

I also want to thank the gentleman, because we know that for more than 150 years, Mr. Chairman, the residents of the New York metropolitan area have received their drinking water from reservoirs in upstate New York. This 2,000-square-mile watershed has the distinction of being the largest unfiltered surface drinking water supply in the entire Nation.

As my colleagues from New York State know, protecting the New York City watershed is absolutely critical, and it is simply a matter of dollars and cents. Why? Reserving the purity of the city's water system at its source in the upstate reservoirs will avoid the need to construct a filtration plant that would cost more than $6 billion, I repeat, $6 billion.

For too long, there was antagonism and mistrust between residents of the metropolitan area, who want to ensure the water's purity, and upstate residents, who rely on the land for their economic livelihood. It used to be that the interests of upstate residents were diametrically opposed to the interests of my constituents in Queens and Westchester County, but not anymore.

Late last year, the city and State of New York, the Environmental Protection Agency, and farmers and local officials from the watershed agreed to a landmark watershed protection program that will avoid the need for costly filtration while still safeguarding public health and allowing those who make a living off the land to continue to do so. If successful, this program promises to become a national model for locally driven, economically friendly environmental protection.

New York City alone has pledged to invest over $1.2 billion over the next 15 years to implement the program, but a modest investment by the Federal Government is also needed.

Regrettably, the first installment of these funds has not been included in the EPA's budget for 1997. But I will withdraw my amendment. I will not offer my amendment, which would provide the $15 million that is needed. I appreciate the leadership again of the gentleman from New York [Mr. BOEHLERT] and the willingness of our chairman, the gentleman from California [Mr. LEWIS], to work with us to ensure that these vital funds will be provided.

So thank you again, thanks to our chairman, thank you to the gentleman from New York [Mr. BOEHLERT]. And I look forward to working with my colleagues on this vital issue for the entire region.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, my colleague was a little bit conservative when she suggested that the filtration plant would cost $6 billion. As a matter of fact, we have had cost estimates as high as $8 billion. In addition to that, it would cost $350 million a year just for operation and maintenance.

We are getting smarter around this institution. What we are proposing is a modest expenditure to save billions of dollars. I am comforted by the chairman's good words, and I appreciate the gentlewoman's support.

Mrs. CHENOWETH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, as we are aware, the community of Cataldo on the Coeur d'Alene River, which is in the northern part of my Idaho district, is facing an impending disaster. Dangerous flooding this spring has already resulted in the area being listed as a Federal disaster area. But this Federal disaster designation, while helpful, has not ended the danger, nor has it ended the fear my constituents do face.

We are dealing with an old, but newly exacerbated problem. The steady buildup of rock and other deposits which has been worsening in recent years has been greatly accelerated as a result of the floods. This has caused unusually high water levels to rise even higher. This flooding, coupled with a leaking dike that the Army Corps of Engineers has determined is 2 feet too short is threatening the community of Cataldo. If next spring's floods are anything like this year's, and there are indications that they may be even worse, this small community will be destroyed, and a major freeway, Interstate 90, will be cut off.

If I–90 is lost, Mr. Chairman, literally 10,000 vehicles it carries every day will have a roughly 200-mile detour around the closure. The economic impact on those highway users and on residents in surrounding areas will be devastating. But even worse, the loss of I–90 will make emergency evacuation extremely difficult and rescue efforts nearly impossible.

Mr. Chairman, my constituents are can-do, roll-up-your-sleeves kind of people, and they would like nothing better than to get in and fix that dike, raise it by 2 feet and fix it and make it right. But restrictive Federal regulations prohibit them from solving this problem on their own. In order to raise and reinforce its dike to Federal standards, Cataldo needs $300,000. Tragically, there has been little success in finding the necessary funds, and we fear that fiscal year 1997 will simply be too late.

Mr. Chairman, the citizens of Cataldo are afraid for their property, their homes, and most importantly, their lives. May I reassure them that the Federal Emergency Management Agency will allocate needed funds from their fiscal year 1996 budget?

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

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say to my colleague, the gentlewoman from Idaho [Mrs. CHENOWETH] that the citizens of Cataldo sound very much like the citizens of beautiful San Bernardino County. It is a great pleasure for me to enter into this discussion with the gentlewoman. I very much appreciate her bringing to my attention and to the committee's attention this very important issue. As in this case, human lives, property, and an important interstate highway could be protected with a relatively small expenditure. It certainly bears further review.

While I am not sure if allocating these funds is within FEMA's authority, some people are trying to limit the authority of my subcommittee. In the meantime, it very much involves serious potential property damage and threat to human life. I will examine the possibility and try to help exercise every option we have available.

Mrs. CHENOWETH. Mr. Chairman, I very much appreciate that consideration and so do the people of Cataldo.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 10, as follows:

[Roll No. 276]

AYES—183

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Parker
Paxon
Petri
Pombo
Porter
Portman
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—240

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Knollenberg
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Pryce
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (WA)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—10

Becerra
Browder
Coleman
Fields (TX)
Ford
Lincoln
McDade
Peterson (FL)
Rose
Roybal-Allard

□ 1512

Mr. MOLLOHAN changed his vote from ''aye'' to ''no.''

Mr. PARKER changed his vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we will conclude consideration of H.R. 3666, a bill to appropriate fiscal year 1997 funds to the Veterans' Administration, the Department of Housing and Urban Development, and other independent agencies.

□ 1515

Mr. Chairman, it is with these other independent agencies that I would like to address this issue today.

At the close of consideration of H.R. 3666, we, as Members of the House of Representatives, will be asked to cast one single vote on this entire package of funding for agencies that are wholly unrelated. This is absolutely unfair.

H.R. 3666 includes not only funds for VA and HUD, but funding for AmeriCorps and the Selective Service System, the EPA and OSTP, and CEQ, and FEMA, and GSA, and NASA, and NSF, and CDFI, and other minor agencies that sound like alphabet soup.

I want to be very clear here, Mr. Chairman, I support veterans' programs. We owe our vets a debt of gratitude that more money can never repay, and I have supported some of the other programs, too.

But it is precisely because I believe we need to keep our promises to our veterans who served so valiantly that I am supporting this bill today.

But, Mr. Chairman, I think it is a fraud on the American people to force their Representatives in Congress, Representatives who are supposed to be watching their tax dollars, to cast one single vote on all these various agencies. How can we justify including the veterans of our Armed Forces in the same measure as AmeriCorps, EPA and the like? It is fundamentally unfair to pit our veterans, whom I support, against EPA and AmeriCorps programs, of which I have serious reservations.

I want my constituents to know that when I cast my vote today in favor of H.R. 3666, it is for my veterans, not a vote for AmeriCorps and EPA.

I would suggest, Mr. Chairman, that we reexamine our appropriations process to inject more germaneness and fairness into our ability to represent our constituents.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I ask unanimous consent to offer an amendment to a portion of the bill not yet read.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FIELDS of Louisiana:

Page 61, line 14, afte each of the two dollar amounts, insert the following: (''increased by $3,500,000)''.

Page 61, line 17, after the dollar amount, insert the following: ''(increased by $178,500,000)''.

page 61, line 22, after the dollar amount, insert the following: ''(increased by $89,000,000)''.

Page 62, line 1, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

Page 62, line 7, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 62, line 19, after the dollar amount, insert the following: ''(increased by $4,500,000)''.

Page 62, line 24, after the dollar amount, insert the following: ''(increased by $11,500,000)''.

Page 63, line 2, after the dollar amount, insert the following: ''(increased by $7,000,000)''.

Page 63, line 6, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Page 74, line 5, after the dollar amount, insert the following: ''(increased by $178,500,000)''.

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

There was no objection.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Louisiana [Mr. FIELDS] and a member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment increased funding of the National and Community Service Programs by $178.5 million above its level in the bill. It raises it to $543.5 million for fiscal year 1997. It provides $28.5 million for administrative services, $129 million for national service trust account for educational awards, $261 million for grants under the national service trust program. It also provides $6 million for Points of Light Foundation, $22 million for the Civilian Community Corps. It provides $53 million for school- and community-based service learning programs across the country. It provides $37 million for quality and innovative activities. Lastly, Mr. Chairman, it provides $7 million for audits and other evaluations of the program itself.

Each of these programs provides our Nation with one thing that we lack most, and that is community involvement. This program is a network of community-based programs which provides Americans with results-driven programs. In exchange for a year or 2 years of hard work, AmeriCorps members earn education awards to finance their way through college, graduate school, vocational training or to help pay back student loans.

Mr. Chairman and members of the committee, during a time that many young people are defaulting on their student loans, there could not be a better program than the National Service Program to give individuals an opportunity to earn their way through college and not only earn their way through college and graduate school but give them an opportunity once they finish college and graduate school. They can in fact be a part of one of these national service programs and pay for their educational enhancement.

More of our youth should be able to earn a college education by helping in the community, so we receive a twofold effort. One, we give an opportunity to a young person to earn their way through college, and we also help many facets of our community at the same time. In my State of Louisiana, there are over a million people who participate in this program. The exact number, Mr. Chairman, is 1.2 million persons involved in the National Service Program. That only costs the Federal Government about $6.20. We have allocated to the State of Louisiana about $7.8 million. Some of the programs that the individuals participate in: the Delta Service Program, with 50 participants who help find affordable housing for low-income residents, facilitate independent living for home-bound individuals, and tutor children on literacy skills. Those are great programs that have taken place in my State, and those programs are taking place all across the country.

I tender this amendment to the Members of this House as a friendly amendment to simply bring national service funding up to the level that it was so that more young people can participate in a very worthwhile program.

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

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 10 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Louisiana [Mr. FIELDS]. The amendment, as he has said, would add $178.5 million to the Corporation for National and Community Service, with an offset in the FEMA disaster relief account. The difficulty with this is obvious to those members who have been following the appropriations process. There is a lot of controversy that swirls around this program. There is a need for careful reconsideration as well as evaluation. There are a number of amendments before us that would reduce the spending for AmeriCorps.

Recognizing that we will have a number of votes in connection with Americorps funding, the passage of this amendment would be in and of itself a budget-buster. It does not match the outlay requirements and is potentially subject to a point of order.

Unfortunately, the offset that is proposed by my colleague, Mr. FIELDS is FEMA. That is, he suggests we could take this money from the Federal Emergency Management Agency, an account that seems to be everybody's favorite account. FEMA is everybody's favorite account when they have a disaster in their district and their State and they need some help. FEMA is also everybody's favorite account when they see some money sitting there that is not spent yet and they want to tap it for one of their favorite programs that may affect their district or their State.

Indeed, when we had our major budget conference in which we put five Appropriations Committee bills together and sent them to the President, there was a need for a big offset, roughly $1 billion. The administration and Congress went to FEMA, took away its money and used it as an offset to fund other spending priorities. Eventually we have got to pay the piper for past and future disasters.

FEMA needs these funds. There are disasters and obligations outstanding out there, and indeed America should keep its commitment to those people who faced those disaster circumstances. So because of that, Mr. Chairman, I oppose the amendment.

Mr FIELDS of Louisiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of the gentleman from California, the distinguished chairman, and I want the gentleman to know that I get no great pride out of taking money out of FEMA. I simply had to take it somewhere because the bill has to be budget neutral, as the gentleman knows.

But I do think, when it comes to our kids, when it comes to giving kids an opportunity to earn their way through college, that is something very positive that we should do everything we can to do that. This is only $170 some million and I do appreciate the gentleman's comments.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I, like the gentleman from Louisiana, certainly appreciate the remarks of the chairman, but what I might add is that this National Service Corps allows for us to serve the disasters of broken life. So this is quite, I think, appropriate that we invest in AmeriCorps and invest in the National Service Corps to remedy the ravages of life in our urban communities, in our rural communities, and that is what this organization does.

There is not a place that I have gone that I have not seen the works of the National Service Corps. They get things done. In Houston, TX, they get things done. They work with Habitat for Humanity. They build homes for people who do not have homes. They work with youth that do not have the kinds of role models that they need to have, and at the same time, as we are here on the floor of the U.S. Congress, acknowledging the importance of responsibility, that is teaching our young people responsibility, as well.

This National Service Corps goes into communities; it does not take over communities. It embraces communities. It builds them up. It picks them up. It gives them new hope that things can be done. What are we doing in the 21st century if we are not reinvesting in our youth?

Mr. Chairman, there was a report that just was reported that said we are backhanded in our solutions. We build prisons, but we do not provide for at-risk youth. The National Service Corps brings talented youth together who themselves may have been at risk but yet they are now at the stage of going to college, and they can go into these communities that are hopeless, that are broken, that do not see a way out and they can build them up and make them whole again.

This is a good program. This takes care of lives, the disasters of life, which I think is so very important.

I would ask my colleagues to join the gentleman from Louisiana [Mr. FIELDS]

in supporting AmeriCorps with this additional funding which only brings it equal to last year's funding. So I do not want anyone to think that we are going beyond. Fiscal responsibility is important, but investment in our youth, in our future in this country is equally important.

Mr. Chairman, I ask that we support this amendment and remember it is important to fix broken lives as well as broken communities.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume in order to have a little discussion with the gentleman from Louisiana [Mr. FIELDS] for just a moment.

□ 1530

Mr. Chairman, I appreciate very much where my colleague is coming from, and I just want to make a couple of points here.

First, let me point to the State of Texas, the State of the gentlewoman who just spoke. I want to mention that since 1988 there have been a number of disasters for which we have appropriated and obligated funds. In the State of Texas since that time, there have been 15 major disasters. The total projections of costs are $305,366,000. Of that, $298 million has already been obligated to address very serious problems in which FEMA was asked to respond.

In Louisiana there have been eight major disasters, $77,891,000; $62 million of that has been obligated and the balance is in the offing. Very serious needs. Louisiana has not had a major disaster of late, but who knows what happens around the corner.

So FEMA becomes the quick whipping boy or the quick source when we have difficult problems in one sense, but then we look to it as a source for our favorite programs as well.

Let me suggest to the gentleman that we have just recently had a vote in which we were successful relative to the program for which she seeks to increase funding. We have a number of amendments before us that would reduce that spending. If we go forward with this amendment and have a vote that ends up being in the negative, it could provide considerable incentive in terms of those other amendments that remain before us.

So, Mr. Chairman, I would ask the gentleman to consider that as he decides whether to take this amendment to a vote or not.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I just want to echo the same comment the gentleman has just made. I think the author of the amendment should realize that we have just been able to defeat an amendment which would have taken all of the money out of AmeriCorps. We won, but we did not win by such a margin that four or five other people who have amendments to reduce funding in AmeriCorps have not been dissuaded from offering their amendments.

I would think in light of that, the gentleman from Louisiana having made his point here, that he would consider what the chairman has said in terms of realizing that this is not the type of amendment to take all the way to a vote. I think the gentleman has made his point, it is a good point. This is certainly an excellent program, but we have to consider all the circumstances here and we have to remember that last year when this bill came in, it was zeroed out. There was no funding.

Of course after a veto of the bill, we did put $400 million in for AmeriCorps, and in this bill there is $365 million. So I think the chairman has gone a long way in trying to work out funding for this program in a House where there are some people who do not want this program.

Mr. FIELDS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. Mr. Chairman, I want to thank the ranking member of this committee, and as I said to the ranking member, and let me just say to Members of the House, I do not have any plans to take a vote on this amendment.

I want to thank the gentleman, the chairman, in all honesty, for his hard work in this effort. I really thank the gentleman for his efforts.

I come from the school of thought that we have to do all that we can do to improve opportunities for higher education in this country, and I know both gentlemen, particularly this gentleman and the chairman, have worked hard to provide that opportunity for young people.

We have too many young people who graduate from college in this country who will leave a college or a medical school or some graduate school with over $100,000 worth of debt. If they have that opportunity to work their way through college, work their way through graduate school, or even have the opportunity to work in community programs to pay back their loans, that is the point that this gentleman and the gentlewoman from Texas had made and is making.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I wanted to take a minute and commend the gentleman from Louisiana for the kind of leadership he has offered in this House in terms of education and scholarship, particularly of young people; and in terms of the TRIO program, which he has been a real leader on here in the House. He is to be commended for the amendment which he has offered here today and the principle which lies behind it. I appreciate it.

Ms. JACKSON–LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Texas.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I appreciate the chairman's comments with respect to FEMA and certainly with respect to the great State of Texas. My comments are not in any way to suggest that FEMA is not both worthy and well needed in times of need, and I acknowledge that we have been forced in this time of fiscal responsibility to look in places where we would not want to look.

So to my FEMA employees and those that may need FEMA ultimately, let me say this is not directed and intended to undermine, but it is a choice. I do thank both the gentleman, who is chairman, and the ranking member for their leadership, and I thank my colleague from Louisiana.

Understand that I leave Members with the thought that there are disasters of life that I believe, if we look at the record of the National Service Corps, that they have been able to amend and fix. I recognize that we are certainly at a better place than we were before, but this is to offer opportunities for us to fix broken lives, that these young people participate in doing, and helping them reinvest in their lives as well.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I must say to the gentlewoman that I am sure many of her constituents would remember in just as crystal clear a fashion the needs that they had when the disasters faced them personally that involved FEMA's work.

And they have been very responsive to Texas. To presume that time and time again we can tap their account without having to pay the price eventually and have dollars not available when another kind of disaster affects either her State or Louisiana or my State of California could be a very big mistake.

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

Mr. FIELDS of Louisiana. Mr. Chairman, I yield myself the balance of my time, and in closing I want to lastly thank the chairman and thank the ranking member for their work in this effort.

I can only say that I know how to count and I know where the votes are, but I would like to say to the Members of this House that even in disasters, and I understand FEMA's budget, but whenever there is a national disaster and the moneys are not there in the FEMA's budget, the chairman knows as well as the ranking member knows and every Member of this House knows that this Congress has the right and the obligation to go back to the Federal war chest and appropriate additional funds.

So while I understand and respect the gentleman's argument about FEMA, I wish not to take the money from FEMA, but the amendment has to be budget neutral.

I think I have made the point, Mr. Chairman, that there are a lot of young

people across this country who should have the opportunity to go to college. They are caught in the middle. Their parents make a little too much money to qualify for a student loan or a grant but they do not make enough money to send them to college. National service is a program for the future, and this Congress should be totally committed to it.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to announce for my colleagues our plan as to how we are going to proceed. It is my intention to proceed out of order with the Solomon amendment No. 49, then proceed with the regular order of reading. I believe there are only two amendments left in title III. We will then be on title IV, the last title of the bill, and will try to move as quickly as possible on this title.

We do have a number of amendments left. if Members would restrain themselves, not just in terms of time but maybe consider eliminating amendments where there is duplication, it would expedite the work of the House. I am sure all our colleagues would appreciate that effort.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to offer an amendment to a portion of the bill not yet read.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 95, after line 21, insert the following new sections:

SEC. 422. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution (or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 423. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting, student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 424. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

Mr. SOLOMON. Mr. Chairman, a few minutes ago we were talking about national service. Let me tell Members what real national service is. That is what my amendment deals with. It talks to volunteer national service in the most honorable career in this country today, and that is service in the Armed Forces of the United States of America.

The provisions in the amendment that I am offering before us now with the gentleman from California [Mr. POMBO] has passed this House several times and should be familiar to Members, so I will be very brief.

Mr. Chairman, in many places across the country military recruiters are being denied access to educational facilities, preventing recruiters from explaining the honorable benefits of an honorable career in our Armed Forces of the United States to our young people. Likewise, ROTC units have been kicked off of several campuses around the country.

This amendment today would simply prevent any funds appropriated in this act from going into institutions of higher learning which prevent military recruiting on their campuses or have an anti-ROTC policy.

Mr. Chairman, these institutions that are receiving Federal taxpayer money just cannot be able to then turn their back on the young people who defend this country. It is simple common sense and fairness, and that is why this language has already become the law of the land for Defense Department funds and passed the House by voice vote last month in the science authorization bill.

Mr. Chairman, recruiting is the key to our all-voluntary force, which has been such a spectacular success. Recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools and to colleges, by informing young people of the increased opportunities that an honorable military career can provide, such as the Sonny Montgomery peacetime GI bill, which can let them earn up to $25,000, even $30,000 towards that education. That is why we need this amendment.

Last, a third of part of the amendment would also deny contracts or grants to institutions that are not in compliance with the law; that they submit an annual report on veterans hiring practices to the Department of Labor. In the same vein, this is simple common sense and fairness to the people who defend our country.

Mr. Chairman, all we are doing here is asking for compliance with existing law. This particular language was also passed by voice vote on the Defense appropriations bill just 2 weeks ago.

Having said all that, I urge Members to vote for my amendment that the gentleman from California [Mr. POMBO] and I are offering right now.

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

Mr. SOLOMON. I yield to the gentleman from California, the cosponsor of this amendment.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding, and I too will be brief.

This amendment has passed the House on several previous occasions. As little as a few weeks ago this amendment passed the House. This is an issue of fairness. In our universities and colleges across the country, if Federal tax dollars are good enough to put into those universities, then they should not deny ROTC on their campuses or recruiters entrance onto those campuses.

I think in this new age of political correctness at times we have overstepped our bounds, and this is one instance where many of our universities and colleges have truly overstepped their bounds. They have forced ROTC students off campus, they are forcing recruiters off campus, and at the same time they have their hand out for Federal grants and Federal research dollars, and I believe that that is unfair.

I believe that this amendment is one way of curing that problem and it is

something that is much needed in our country today, and I thank the gentleman for yielding me this time and for bringing up this amendment.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, I thank the gentleman, and I urge support of the amendment.

The CHAIRMAN. Are there other Members wishing to be heard on the amendment?

If not, the question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $22,265,000, to remain available until expended: *Provided,* That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further,* That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further,* That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $45,000,000, to remain available until September 30, 1998, of which $8,000,000 may be used for the cost of direct loans, and up to $800,000 may be used for administrative expenses to carry out the direct loan program: *Provided,* That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That not more than $19,400,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $42,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $365,000,000, of which $265,000,000 shall be available for obligation from September 1, 1997, through September 30, 1998: *Provided,* That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further,* That not more than $2,500 shall be for official reception and representation expenses: *Provided further,* That not more than $40,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further,* That not more than $201,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program): *Provided further,* That not more than $5,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That not more than $17,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That not more than $41,500,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further,* That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further,* That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs.

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer amendment No. 18.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA: In the item relating to ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES''—

(1) after the sixth dollar amount, insert the following: ''(increased by $30,000,000)''; and

(2) strike the tenth proviso.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Michigan [Mr. HOEKSTRA] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA].

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

Mr. Chairman, last week I informed the House of two very disturbing examples of waste in the AmeriCoprs Program. The first was the $13 million spent on training and technical assistance contracts with such organizations as the AFL–CIO and the new Multicultural Institute.

□ 1545

Both of those were funded for $400,000 each. The other was the opening of the new AmeriCorps Leadership Training Center overlooking the San Francisco Bay and the Golden Gate Bridge. This amendment seeks to strike the line-item appropriation which funds what I consider wasteful spending and put the money in the pockets of local and national charities around the country.

This amendment moves $30 million back into the direction and the priorities for this program, a program that I voted for 3 years ago. This amendment moves money away from Washington bureaucracy, Washington bureaucrats, and moves it directly back to local charities, individuals, and young people in our communities.

Let us talk about these two examples. The Presidio. What is the Presidio Leadership Center? It is nothing more than magical bureaucrats telling local charities, charities like Big Brothers, Big Sisters, you need the Federal Government in order to find a shared purpose or to develop new leaders.

This is a myth. Private charities have operated for years without training provided by the magical bureaucrats. I am sure they will continue to do so long after AmeriCorps and its magical bureaucrats are gone. Remember, AmeriCorps is the organization that cannot even balance its books.

The real danger here is that the training at the Presidio contributes to the deterioration of the identity of local and national charities and replaces it with a Federal cookie-cutter look and a Federal way of operating. This is destructive to the goodwill of many, if not of all, of these charities. It is destructive of the goodwill these charities have earned in the communities in which they serve.

Furthermore, the costs of housing magical bureaucrats at the Presidio are very high. Staff on site of the Presidio have noted that they expected to train only 300 people in 1996. For that they need a budget of $1.1 million. this equals a cost of approximately $3,300 per trainee, not including the cost of transportation or lodging. The Washington office of AmeriCorps disputes this figure and expects costs to average almost $900 per member, again excluding the cost of transportation.

Either way, in my opinion, this is an awfully expensive means of training volunteers and their leaders. There is a better way to spend this money. There is a better way that we should do it. This is by moving it to local volunteers.

Why are the costs so high? Well, according to the GSA, San Francisco is not the bargain basement place to rent facilities. Rentable space in San Francisco is almost twice as expensive as Midwestern cities.

In fact, the rate paid by AmeriCorps for this space, while lower than the allowable amount, is still substantial. Additionally, since grantees are responsible to pay for the cost of getting to the Presidio, its coastal location makes for an expensive trip for the vast majority of AmeriCorps members. It would appear that this site was chosen by magical bureaucrats for its beautiful location and not for its cost or proximity to local charities.

This is a fact even AmeriCorps is beginning to see. According to Harris Wofford, the corporation is considering closing the Presidio Leadership Center in line with its reinvention program. A document provided to me last week by Mr. Wofford stated:

> Given the current investment in reinventing government, the Corporation for National Service is exploring the possibility of whether the services provided by the Presidio Leadership Center could be done more cost-effectively by an outside provider by privatizing the current operations.

In short, the Presidio Leadership Center could not pass the reinventing-Government test, and even the corporation is beginning to see that it should be closed. When AmeriCorps started, it was intended to be a catalyst for volunteers at the local level. It was not intended to try to become an national training center. It does not have the capabilities. It does not have the skills to fulfill that mission. Restore AmeriCorps back to the intent and the direction that we put in place.

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

The CHAIRMAN. Who wishes to control the time in opposition to the amendment?

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 10 minutes.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to yield one-half of that time to the gentleman from California [Mr. LEWIS], chairman of the subcommittee, and that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the ranking member for yielding me the time.

I rise in opposition to the amendment eliminating funding for AmeriCorps Presidio Leadership Center.

The AmeriCorps Program reaps many benefits for local communities. The leadership center ensures that national service leaders administering national service programs receive quality training, leadership development, and environmental technical assistance to train corps members to provide services in communities such as tutoring and conflict resolution, environmental cleanup, and improving community service and other community services.

The Presidio Leadership Center exclusively trains only individuals and program staff associated with the Corporation for National Service, program directors of Learn and Serve America, the National Senior Service Corps, and the AmeriCorps Program. While it may use training techniques developed by corporate trainers, the learning center does not conduct training for any corporate clients.

In the interest of time, Mr. Chairman, I may have to put some of my statement in the RECORD. I did want to say the cost for rental at the Presidio is 26 percent less than the current GSA approved rate for San Francisco.

I would like to address the gentleman from Michigan [Mr. HOEKSTRA], the author of the amendment, to say that so much confidence do people have in the Presidio Leadership Center that I would be willing to put on the record language that would say, provided further that the corporation shall submit to the subcommittee on VA, HUD and Independent Agencies of the House Committee on Appropriations no later than 6 months from the date of enactment of this act a plan to ensure that the corporation will not directly operate the Presidio Leadership Center, that there would be an effort to privatize the funding of the Presidio Leadership Center and the corporation would no longer be operating it.

Would the gentleman be receptive to that idea?

Mr. HOEKSTRA. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, later on this afternoon I will have an amendment specifically dealing with the Presidio. At that point in time, I would be very willing to incorporate that language into the amendment. Perhaps we could have a dialog between now and then, if necessary, to put that language into the amendment at that time.

Ms. PELOSI. Mr. Chairman, is this not the gentleman's amendment on the Presidio Leadership Center?

Mr. HOEKSTRA. Mr. Chairman, if the gentlewoman will continue to yield, this amendment includes the Presidio Training Center but also includes significant other funds used by the corporation in training, including contracts with the AFL–CIO and a number of other agencies.

Ms. PELOSI. Mr. Chairman, I hope that the gentleman would consider first of all supporting the National Service and AmeriCorps but specifically in terms of Presidio Leadership Center, when we get to that particular amendment, the language that I have just stated.

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

I rise in opposition to the amendment offered by my colleague, the gentleman from Michigan [Mr. HOEKSTRA]. The amendment would transfer the $30 million earmarked for quality and innovative activities to the $201 million earmarked for AmeriCorps grants. If this amendment is adopted, there would be no need for the series of amendments involving number 16, 17, 19, and 20, because this amendment would terminate all quality and innovative activities.

It reduces those accounts further than any of the other amendments. Innovative and demonstration grants help to build the ethic of service among AmeriCorps programs, and persons of every age who participate in the program. Disability grants, these grants assist programs to enroll participants with disabilities and to accommodate their participation.

Mr. Chairman, there are people who have questions about AmeriCorps; however, AmeriCorps has not had adequate time to be evaluated. There are some very positive results as well as questions developing on the horizon.

I want a bill. Yet, I really believe I will not get a bill signed into law if this amendment and others like it were to be passed. I must say that if we have a bill that does not include quality and innovative grants, I personally would be very disconcerted by this level of funding. Clearly, at a level of $365 million in this total program, there is no

reason to add funds for AmeriCorps grants. The various programs are well balanced. So, I would oppose my colleague's amendment.

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

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in opposition to these amendments to cut back on AmeriCorps. Let me just tell my colleagues a personal story.

In 1960, when President Kennedy got elected, I was a young college student. He introduced the concept that young Americans could serve this country by serving in the Peace Corps. I and 60 other Members of Congress now serving joined the Peace Corps all at different times and had this incredible experience. That cost this country probably about $18,000 for 2 years experience. I think everybody will recognize that on the 35th anniversary of the Peace Corps that this country has gotten out a lot more than it has put in.

I think AmeriCorps serves the same purpose in this country and certainly it has gotten even stronger support by the private sector than Peace Corps ever had. AmeriCorps is getting private funding from General Electric Corp., from Tenneco Gas, from Nike Shoes, from Fannie Mae, and others because this program is out reaching the needs of this country and in places where all of the good programs that we in the Federal Government try to trickle down to the people, they still do not reach certain hard niche areas. AmeriCorps is doing that.

Part of AmeriCorps is certainly bringing together the attention of the private nonprofits in this country that we need to collaborate. I find that the AmeriCorps volunteers in our district are doing an incredible job and get complimented all the time. In fact, what they want is more and more.

It gets to the issue here then, as you get more sophisticated in your dealing with the management of AmeriCorps and the management of felt needs in the local communities, you are going to need these leadership training programs sufficient as offered at the Presidio in San Francisco. I think it would be a great damage to this country to even cut back on AmeriCorps, to cut back on the programs that are supporting AmeriCorps and, in fact, if anything this Congress ought to be increasing it, not making a political football out of it.

I ask that Members reject these amendments.

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

Mr. Chairman, my amendment does not cut AmeriCorps. My amendment moves spending from training 300 people at a cost of $1.1 million at the Presidio or going through expensive training programs by different agencies, my amendment actually moves that into block grants or moves it into the grant dollars, meaning that we will have 1,500 more young people earning dollars for college and higher education. That is where we are moving the dollars. We are moving it to the communities. We are moving it to the young kids. We are taking it away from the bureaucrats.

And to think that AmeriCorps is the place for innovation. Eighty-nine million Americans today volunteer on a regular basis. To believe that AmeriCorps, remember, this is the organization that does not even keep auditable books. This is the place that the rest of the charitable world is going to look to in terms of innovation and how to run quality programs. Give me a break. AmeriCorps should be looking to places like Habitat for Humanity, looking at places like the Salvation Army and saying, how do you get 89 million Americans to volunteer in your organizations?

Come on, we have been having charitable organizations in America long before AmeriCorps existed. AmeriCorps was intended to be a catalyst to facilitate these organizations, not to tell them how to do it.

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

Mr. STOKES. Mr. Chairman, am I correct that I have the right to close?

The CHAIRMAN. The gentleman from Ohio is correct.

The gentleman from Michigan [Mr. HOEKSTRA] has 4 minutes remaining, the gentleman from California [Mr. LEWIS] has 3¼ minutes remaining, and the gentleman from Ohio [Mr. STOKES] has one-half minute remaining.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER], my colleague, that I see wanted to speak.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Michigan [Mr. HOEKSTRA] for that very gracious and bipartisan gesture.

First of all, I hate to do this to the gentleman, but I will take his time and rise in opposition to his amendment.

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

Mr. ROEMER. Mr. Chairman, I yield but say to the gentleman, do not take up all my time.

Mr. HOEKSTRA. That is not a surprise, Mr. Chairman.

Mr. ROEMER. Mr. Chairman, the gentleman is a gentleman with that gesture.

I rise in opposition to the amendment for a couple reasons. First of all, it does not save a dime, it just simply moves $30 million from one account to another account. Second, it micromanages the AmeriCorps Program, and it says:

We in Congress know exactly the way that you should be spending your money, we are going to tell you exactly what to do with an innovative education training program that the Governors are running pretty darn well.

Governor Engler is doing welfare reform out of this program. Governor Romer is doing quality child-care providing out of this program. Governor Wilson is improving education mentoring through this program.

So innovative things are going on at the State level, and Thomas Jefferson said many, many years ago that we should allow our States to serve as laboratories for democracy and see what works best at the local level. That is precisely what is happening with this program now, from Republican and Democratic Governors, from mentoring children to reforming welfare.

I urge, even though the gentleman has granted me all this time, my colleagues to vote against this amendment.

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

Mr. Chairman, I agree with my colleague that this may be perceived as micromanaging. It is micromanaging to the tune of $30 million, it is micromanaging back to the direction of a program that I voted for 3 years ago that said we are going to focus these dollars at local programs, we are going to focus it on the young people, and we are going to try to make an impact at the grass-roots level, and we are also going to be a world-class organization. In too many places with this program we have consistently been disappointed. It is not a world-class organization. We are moving money into bureaucracies and buildings and bureaucrats in Washington. We want, I want, to have the impact at the local level.

I have got serious questions about this program after 3 years. But it is kind of like if we are going to do the program, let us move the money to the kids in the local agencies, and that is what it does. Let us not put it in the Presidio, let us not give it to the AFL–CIO. These people that are running these agencies at the local level are some of our most talented people, the people that are involved in the charitable organization are some of the most talented people at the local level. They work for Fortune 500 companies, they are successful entrepreneurs, they know how to manage, they have access to these training capabilities at the local level.

We do not need a redundant organization here in Washington or in San Francisco. When organizations at this level, when these people at the local level, are looking to enhance their capabilities and their skills, they are not going to come to the Corporation for National Service to see how they can improve their programs. They have got those skills at the local level.

Let us save this $30 million, let us move it to where it can have a positive impact, and I think that that is the right place to go. This is what is characterized earlier today—this is not a

mean-spirited amendment. I believe that this is a constructive amendment to move dollars back to the direction where we wanted this program to be when we passed it in 1993.

Mr. STOKES. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. FARR].

The CHAIRMAN. The gentleman from California [Mr. FARR] is recognized for 30 seconds.

Mr. FARR of California. Mr. Chairman, I obviously will be very brief.

As my colleagues can tell, I am a great supporter of AmeriCorps. I think it is one of the greatest programs that we have done here in Congress, and I hope that we will give it strong support, increasing support.

The issue here is not AmeriCorps. It is about cost. And remember that it is not just a debate about cost, but it is a debate about value.

Defeat these amendments. It is not just the price of everything, but it is also the value of something. The AmeriCorps is a great value to this country.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

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

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

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,229,000, of which $634,000, to remain available until September 30, 1998, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–227.

DEPARTMENT OF DEFENSE—CIVIL
CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,600,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project, $540,000,000, which shall remain available until September 30, 1998.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,703,000,000, which shall remain available until September 30, 1998.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $107,220,000, to remain available until expended: *Provided,* That EPA is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $232,000,000, and to obligate such monies as are made available by this Act for this purpose: *Provided further,* That EPA is authorized to construct such facility through multi-year contracts incrementally funded through appropriations hereafter made available for this project: *Provided further,* That, notwithstanding the previous provisos, for monies obligated pursuant to this authority, EPA may not obligate monies in excess of those provided in advance in annual appropriations, and such contracts shall clearly provide for this limitation.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $2,200,000,000, to remain available until expended, consisting of $1,950,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $11,000,000 of the funds appropriated under this heading shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 1997: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That $35,000,000 of the funds appropriated under this heading shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 1998: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1997: *Provided further,* That $861,000,000 of the funds appropriated under this heading shall become available for obligation only upon the enactment of future appropriations legislation that specifically makes these funds available for obligation.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $46,500,000, to remain available until expended: *Provided,* That no more than $7,000,000 shall be available for administrative expenses: *Provided further,* That $577,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 1997.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,768,207,000, to remain available until expended, of which $1,800,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska subject to an appropriate

cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native Villages; $129,000,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Report accompanying this Act; and $674,207,000 for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities pursuant to the provisions set forth under this heading in Public Law 104–134: *Provided,* That, from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That of the $1,800,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $450,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1997, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury a franchise fund pilot to be known as the ''Working capital fund'', as authorized by section 403 of Public Law 103–356, to be available as provided in such section for expenses and equipment necessary for the maintenance and operation of such administrative services as the Administrator determines may be performed more advantageously as central services: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Agency and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Administrator: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Agency financial management, ADP, and other support systems: *Provided further,* That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further,* That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

ADMINISTRATIVE PROVISION

SEC. 301. Notwithstanding any other provision of law, funds made available in this Act to the Environmental Protection Agency for any account, program or project may be transferred to Science and Technology for necessary research activities, subject to the terms and conditions set forth in the Report accompanying this Act.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,932,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,250,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,320,000,000, and, notwithstanding 42 U.S.C. 5203, to become available for obligation on September 30, 1997, and remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,385,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $548,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $168,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,533,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $209,101,000.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $100,000,000: *Provided,* That total administrative costs shall not exceed three and one-half percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,981,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,464,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available until September 30, 1998. In fiscal year 1997, no funds in excess of (1) $47,000,000 for operating expenses, (2) $335,680,000 for agents' commissions and taxes, and (3) $35,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 1997, flood insurance rates shall not exceed the level established for such rates as of June 1, 1996.

WORKING CAPITAL FUND

For the establishment of a working capital fund for the Federal Emergency Management Agency, to be available without fiscal year limitation, for expenses and equipment necessary for maintenance and operations of such administrative services as the Director determines may be performed more advantageously as central services: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize such fund: *Provided further,* That such fund shall be reimbursed or credited with advance payments from applicable appropriations and funds of the Federal Emergency Management Agency, other Federal agencies, and other sources authorized by law for which such centralized services are performed, including supplies, materials, and services, at rates that will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve as determined by the Director: *Provided further,* That income of such fund may be retained, to remain available until expended, for purposes of the fund: *Provided further,* That fees for services shall be established by the Director at a level to cover the total estimated costs of providing such services, such fees to be deposited in the fund shall remain available until expended for purposes of the fund: *Provided further,* That such fund shall terminate in a manner consistent with section 403(f) of Public Law 103–356.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1997 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1997 shall approximate, but not be less than, 100 per centum of

the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees shall be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1997.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,260,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1997 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1997 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That notwithstanding any other provision of law, the Consumer Information Center may accept and deposit to this account, during fiscal year 1997, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational material; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purpose to the extent authorized in subsequent appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,362,900,000, to remain available until September 30, 1998.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,662,100,000, to remain available until September 30, 1998. Chapter VII of Public Law 104–6 is amended under the heading, ''National Aeronautics and Space Administration'' by replacing ''September 30, 1997'' with ''September 30, 1998'' and ''1996'' with ''1997''.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles; $2,562,200,000, to remain available until September 30, 1998.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $17,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when (1) any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, or (2) amounts are provided for full-funding for the Tracking and Data Relay Satellite (TDRS) replenishment program, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1999.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1997 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1997, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1997 shall not exceed $560,000: *Provided further*, That $1,000,000, together with amounts of principal and interest on loans repaid, to be available until expended, is available for loans to community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,422,000,000, of which not to exceed $226,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1998: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. 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. WALKER: In the item relating to ''NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'', after the first dollar amount, insert the following: ''(increased by $9,110,000)''.

In the item relating to ''NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES'', after the second dollar amount, insert the following: ''(reduced by $9,110,000)''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Chairman, just 3 weeks ago the House voted by a 70-vote margin not to increase the salaries and expense account of the National Science Foundation by $9.1 million to a total of $134.3 million. Unfortunately, the VA–HUD bill that we have before us now defies that specific House vote and puts the money into the salary and expense account despite the House determination.

What this amendment does is merely conforms the NSF salaries and expense account to the House-passed authorization level and moves the freed-up money, the $9.1 million into the NSF research account where it is authorized. In other words, it takes the money out of bureaucracy where the money is not authorized and puts it

into university research where it has been authorized.

The reason for doing this is because the administration has been playing election-year politics with this account. If my colleagues can look on this chart, the administration actually takes salaries and expenses up in 1997 and then drops them off a cliff out to the year 2000, and the fact is it will cost, under the administration's plan, several hundred jobs at NSF, according to a letter that I have recently received from the NSF director.

The President proposes to increase the National Science Foundation S&E account in fiscal 1997, then cut it by $11 million in fiscal 1998 down to $118 million and then another $11 million in fiscal 1999 to $107 million, and then another $6 million in the year 2000 to a level of $101 million.

In the meantime, what we intend to do in our proposal is to reduce the S&E account from $127 million in fiscal 1996 to $120 million in fiscal year 1997.

Furthermore, our plan then calls for level funding until the year 2000, and our plan allows NSF to make the proper gradual steps to maintain efficiency. Our plan would not have the drastic cuts represented in the administration plans between the years 1998 and the year 2000. Over the same time frame our plan provides $34 million more for salaries and expenses than does the President's plan. The additional $34 million in our overall budget plan buys a lot more morale.

Our science authorization bill adopted the S&E account numbers used in the budget resolution for $120 million. Ironically, the administration was quick to point to our authorization bill and the impact that it would have on NSF. However, when we asked for the same analysis applied to the President's numbers, suddenly that was not available.

I would like to include a record at this point of our exchange of letters on that matter.

□ 1615

By confirming the NSF S&E account to the House-passed authorization level, we can increase the NSF account by $9 million. The research account supports all aspects of science to promote discovery, integration, dissemination, and employment of new knowledge to society. The research account funds a broad range of fundamental research activities, including awards for individuals and small groups of investigators, research centers, national user facilities such as the supercomputing centers, the national astronomy centers, and the academic research fleet. Also, the research account supports activities such as the international scientific partnerships and the research and logistics in the Arctic and Antarctic regions.

Mr. Chairman, I urge my colleagues to support this amendment. It increases science funding and reduces bureaucracy. It makes the VA–HUD bill consistent with the House-passed authorization. It adds no budget authority and reduces budget outlays.

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

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] seek time in opposition to the amendment?

Mr. STOKES. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 10 minutes.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from California [Mr. LEWIS], chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, and that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] will be recognized for 5 minutes.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I express my appreciation to the distinguished ranking member for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. The amendment will harm what is widely recognized as an efficient and well run Federal agency that has the vital role of supporting basic research and education.

With NSF, we have the unusual situation of a Federal agency that is the inverse of a bloated bureaucracy. For the past 10 years, as its workload has doubled, the agency had held its staffing level constant, while learning to work smarter.

NSF has moved aggressively to streamline the proposal review process, for example, by moving toward electronic proposal submission and review. Paper has been reduced and the interactions between external reviewers and NSF staff has been made more effective.

Despite the record of holding down administrative costs and the evident progress NSF has made to improve the efficiency of its internal operations, the amendment seeks to punish the agency by cutting its budget for salaries and administrative expenses by nearly 6 percent relative to the fiscal year 1996 appropriations level. But the actual impact of the amendment on personnel is worse—closer to a 9 percent cut—because fixed expenses, such as building rent and utility costs, cannot be reduced.

This proposal has not been advanced on the basis of any evidence whatsoever that suggests that NSF is squandering resources or has an excess of staff. The cut is proposed in the absence of any supporting facts, without any convincing rationale, and in fact, contrary to available evidence on the efficiency and effectiveness of NSF in administering its programs.

What other Federal agency operates on 4 percent of its total budget and has a better record for administrative efficiency? Because NSF is a lean organization with little management flab, the cut that would be imposed by the amendment will translate into slashing staff positions by as much as 10 percent and in turn reduce the ability of the agency to carry out its responsibilities.

The amendment cuts the internal operating budget for NSF and shifts the funds to the account for research grant support. That is, it increases the research budget for NSF while simultaneously degrading the ability of the agency to administer the extra funds. The losers will be the researchers at universities and colleges throughout the Nation who rely on NSF for support. If this amendment succeeds, they can expect delays in proposal reviews and awards.

The bill as reported by the Appropriations Committee provides the appropriate and necessary funding for NSF's internal operations. It will provide only a 1.5 percent increase above the fiscal year 1996 appropriations level for salaries and administrative expenses—hardly a lavish increase.

But by providing this funding, the bill as reported will help ensure that NSF continues to effectively manage its research programs and will avoid significant demoralization of one of the Federal Government's most effective and dedicated cadre of employees.

I urge my colleagues to oppose this ill-considered and harmful amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, following the comments of my colleague, the gentleman from California, GEORGE BROWN, I would like to repeat one of the points that he made. The National Science Foundation's operating expenses are approximately 4 percent of the agency's budget. That is a figure that compares quite favorably with the 10 percent in overhead costs, which is the norm for nonprofit research foundations. Beyond that, it probably competes very well with a broad cross-section of other Federal Government programs as well as agencies.

The argument that taking this action merely reflects the actions planned for fiscal year 1998 by the administration is sending the wrong message is it relates to these percentages. Congress has already supported the Foundation and its efforts to promote sound science research. We should take this opportunity to show that we continue to support the Foundation and will not let the administration compromise the operations of the agency by reducing its capacity to conduct merit-based reviews of proposals prior to awarding grants.

Fundamental to the merit-based review process is an adequate staff to prepare documents and abstracts for use by peer panels. Reducing the staff by up to 10 percent, as is likely under this proposal, would hinder the operations of the organization and place the peer review process in jeopardy.

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

Mr. WALKER. Mr. Chairmam, I yield 2½ minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

Mr. Chairman, I rise in support of the Walker amendment. I want to say first, as chairman of the Subcommittee on Basic Research of the Committee on Science, with direct authorization and jurisdiction over the National Science Foundation, that I believe it is a well-run agency. They have their problems internally, like every other agency does, including the Congress, of course, but their overall reputation under director Neal Lane is very good.

Nevertheless, I want to point out two things about the Walker amendment. First, I understand, of course, that the National Science Foundation would rather have the administration's recommendations for the salaries and expense account than it would like to have the authorizing committee, the Committee on Science's recommendations. This is because for the first year, the year we are debating right now, the administration recommends an increase in funding on that account, while the Committee on Science recommends a decrease.

Mr. Chairman, I certainly cannot blame anybody for preferring an increase over a decrease. But the point is it does not stop there. The point is that after the first year, after the fiscal year we are debating now, fiscal year 1997, look what happens to the salaries and expense account of the National Science Foundation under the administration's proposal. It drops precipitously, until after the first year the proposal from the administration for this very account falls below the Committee on Science recommendation. The Committee on Science recommendation does indeed go down, but then it is level to the year 2000. The administration's proposal goes down and keeps going down, year after year.

Mr. Chairman, it seems to me that even if this reduction takes place, the National Science Foundation ought to be able to find ways, other than laying off personnel, to cut its overhead. But I would point out that if we are creating really such a disaster for the National Science Foundation, then it is off the Richter scale what the administration will do to the National Science Foundation if their complete budget recommendations are followed.

So I believe that in the long run, the National Science Foundation is better off in this account under the chairman's amendment than under the administration's.

Mr. Chairman, I just want to point out one other thing. That is that certainly every agency is facing tight budgets here. Every agency would like to have greater funds, but every agency must tighten its belt as we seek to balance the budget. it seems to me that $9 million is better put into the account that does actual research funding, which is the purpose of the National Science Foundation, and they find other ways to cut their overhead.

Mr. STOKES. Mr. Chairman, I yield myself a minute.

Mr. Chairman, a reduction of $9 million from the level in this bill could require a reduction of up to 120 FTE's, and would hinder the management and operation of NSF's programs and its merit review decisionmaking process, the distinguishing characteristic of NSF's mission.

Staff cuts and other reductions would significantly impede the quality, timeliness, and effectiveness of important research and education programs, and would have a negative effect on the agency's ability to serve the science community and the public. This is contrary to everything we are trying to do to make Government work better and to serve the public more effectively.

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

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. EHLERS].

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

Mr. EHLERS. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

Mr. Chairman, I rise to speak in support of this amendment. I recognize the point that has been made by others, that the National Science Foundation employees are loyal, they are hard-working, and it would be improper and not good practice to pass the amendment and reduce the amount available for salaries and expenses. That is true of many areas of Government.

I am very familiar with the National Science Foundation. Indeed, I can verify that these are very good employees. They are loyal employees and they work very, very hard. But we are in a time where we are facing a $5 trillion national debt. We are facing interest payments of $300 billion per year. We have to tighten the belt. The question is, where is the belt going to be tightened?

When it comes to the National Science Foundation, are we going to tighten the belt in grants or are we going to tighten it in administration? Those are issues we struggled with in the Committee on Science. We reached the conclusion that we should tighten the belt in a number of areas, but certainly also in the administrative expenses, salaries. It is a difficult decision, but it was one that was made in the committee and that was adopted by the House as a whole.

The question before us now is whether we are going to stick with that decision, whether we are going to follow the authorization that was made by the Committee on Science and the House, or whether we are going to change gears here and shift to another approach based on the Committee on Appropriations' recommendation. I believe it is very important for us to stick with the authorization that was passed out of the Committee on Science and through the full House, and not switch at this point. We want to stay with the previous decision, and pass an appropriation that matches the authorization.

At issue here is more than just where the money is going. At issue is the role of the authorization committees. I believe we have to be consistent and stay with the recommendation we decided on earlier.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1¾ minutes.

Mr. WALKER. Mr. Chairman, the argument made against this amendment coming from those who have spoken suggests that the NSF is a well-run agency. Indeed, the NSF has been a well-run agency, but the problem is that NSF is going to have to face the need for budget reductions. The question is, does it come out of the hide of research or does it come out of the hide of administration?

We have suggested that we can in fact eliminate one directorate at NSF and save the kinds of money we are talking about saving, and put NSF on the track toward the kinds of personnel that can be sustained over a long period of time while we balance the budget.

The pattern that is suggested by the approach of the Committee on Appropriations is what Neal Lane has told me in a letter will result in a reduction from 1,200 full-time equivalent employees at the present time to 800 people in the year 2000. That is what will destroy the NSF. So we suggested it is time now to begin the process of changing NSF to a better administrative structure. That is what we do. That is what the House has endorsed.

At the same time, we put more money into the universities and into the localities across the country; take the power out of Washington and put the power back out in the country; make certain that the money is spent for research, nor for bureaucracy. That is what we will do in this amendment. This amendment will permit us to begin the reform of NSF, to get a better administrative structure there, to have less expense for administration and more money for basic research. I think that is the right route to go.

Mr. Chairman, I ask the Members to support the amendment, and I yield back the balance of my time.

□ 1630

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

Mr. STOKES. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BROWN].

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 2¼ minutes.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me time. I appreciate the opportunity to say a few more good words about the National Science Foundation.

Basically, the message I want to communicate to Members here is that the Committee on Appropriations has done a better job of facing up to the needs of our science establishment in this country than, in my opinion, the authorizing committee has done. I do not often say this, because I, as the gentleman from Pennsylvania [Mr. WALKER] does, have a very high opinion for the work of the authorizing committee. So when I say it in this connection, I hope it will carry a little bit of extra weight.

The fact of the matter is that since the early 1980's the NSF budget has tripled, the workload doubled, and its staffing levels have actually declined and they will continue to decline. The charts that the gentleman from Pennsylvania [Mr. WALKER] has shown show two different rates of decline, and the gentleman thinks that that portion of the chart which reflects his views as to the rate of decline is the best.

I happen to disagree with that. I think in this situation the rate of decline which is mandated by almost any effort to balance the budget is best reflected by the President's own budget over this period of time, which in my opinion will provide additional funding.

Now, it would be a normal situation that we would not propose a drastic cut in an agency's staffing level when that agency is known to be extremely efficient and have probably the best record of overhead costs or operating costs of any agency in the Government. One would expect that there would be something egregious about the way the agency is being conducted to warrant that kind of a drastic cut. But this is not the case with the National Science Foundation. I know of nothing said here that speaks to the issue of their efficiency in an adverse fashion.

So I ask my colleagues to vote to support the Committee Appropriations in this case and reject the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

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

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

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] will be postponed.

The Clerk will read.

The Clerk read as follows:

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, $80,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $612,000,000, to remain available until September 30, 1998: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services and headquarters relocation; $134,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1997 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $4,690,000, to remain available until September 30, 1998.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $50,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall

reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 1997 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1997.

SEC. 420. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1997 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 421. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries of personnel who approve a contract for the purchase, lease, or acquisition in any manner of supercomputing equipment or services after a preliminary determination, as defined in 19 U.S.C. 1673b, or final determination, as defined in 19 U.S.C. 1673d, by the Department of Commerce that an organization providing such supercomputing equipment or services has offered such product at other than fair value.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV through page 95, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. 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. STUMP: Page 95, after line 21, insert the following new section:

SEC. . The amount provided in title I for ''Veterans Health Administration—Medical care'' is hereby increased by, the amount provided in title I for ''Departmental Administration—General operating expenses'' is hereby increased by, and the total of the amounts of budget authority provided in this Act for payments not required by law for the fiscal year ending September 30, 1997 (other than any amount of budget authority provided in title I and any such amount provided in title III for the American Battle Monuments Commission, the Court of Veterans Appeals, or Cemeterial Expenses, Army), is hereby reduced by, $40,000,000, $17,000,000, and 0.40 percent, respectively.

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

Mr. STUMP. Mr. Chairman, the amendment I am offering today is coauthored with my good friend and ranking member of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], and also by the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, we offer this amendment with great regard for the difficulty of assembling the annual appropriation bill for departments and agencies as diverse as those in H.R. 3666.

The amendment is very straightforward and addresses two areas of funding in the bill we are concerned about—VA medical care and the general operating expenses for the Veterans Benefits Administration.

The effect of this amendment would be to increase VA medical care funding by $40 million and increase the general operating expenses for the Veterans Benefits Administration by $17 million over the amounts currently provided in the bill.

The increase in VA medical care would be consistent with the House Budget Resolution.

It would also provide the VA with the potential for increasing the number of outpatient visits at hospitals experiencing substantial workload increase due to seasonal, as well as permanent migration of veterans;

Beginning to address the nearly $1 billion backlog in medical equipment purchases through expanded sharing with the private sector on capital costs and operation of expensive high-tech medical equipment; and

Establishing a limited number of community based clinics in areas with increased veteran population.

The increase in the amendment for the Veterans Benefits Administration will help prevent funding from falling to levels which would negatively impact the current backlog in claims processing.

The President's budget request already cuts 624 positions out of the benefit claims processing staff. Currently, 373,505 claims are backlogged at VA regional offices around the country.

Original compensation claims decisions are taking 151 days, while original pension claims are taking 88 days.

Appealing a claim through the Board of Veterans Appeals currently averages 641 days and the appeals backlog now stands at nearly 60,000 cases. The VA has indicated that the additional $20 million reduction in this bill would add 50,000 cases to the current claims backlog.

This amendment is supported by the following veterans service organizations: the American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS (American Veterans of WWII, Korea and Vietnam), Vietnam Veterans of America, Paralyzed Veterans of America, and the Non-Commissioned Officers Association.

Mr. Chairman, I strongly urge Members to support the Stump-Montgomery-Solomon amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Stump-Montgomery-Solomon amendment.

Mr. Chairman, the increased funding for veterans health care contained in this bill really is not enough. For years funding for the medical care account could not keep pace with the increase in medical inflation. To be fair to the committees, we have been getting about a 5- to 6-percent increase for medical care. In our hospitals it takes 10 percent to really cover these hospitals and take care of the inflation.

Even though this bill is at the level requested by the administration, it would lead to a reduction, Mr. Chairman, of over 5,000 employees in the VA health care system in 1997. These 5,000 employees are presently working, providing health care and helping the veterans and their families.

Mr. Chairman, adding $40 million to the VA medical care account will not restore all of the employees who are being cut, but it will help some of them.

We also ought to provide at least the amount requested for the Veterans Benefits Administration. We had a hearing last week at our committee at which we discussed the delays in processing claims for benefits, and a number of my colleagues on the floor today have mentioned that veterans' claims do not get processed quickly.

It now takes 154 days to process a claim for compensation, and veterans would like to see this cut in half. Even with the additional $17 million which the gentleman from Arizona [Mr. STUMP] is recommending, the Veterans Benefits Administration projects a loss of 600 employees, nearly 5 percent of the work force. if we cannot at least meet the administration's request, current delays in deciding claims will probably get worse.

I appreciate the support of our colleagues on this amendment, and the gentleman from Arizona [Mr. STUMP] and the gentleman from New York [Mr. SOLOMON] have worked with the chairman and the ranking minority, and I certainly hope they will accept this amendment.

Mr. SOLOMON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, just a few words on behalf of the amendment. The first thing I want to do is just to commend the gentleman from California [Mr. LEWIS] and certainly the ranking member for the great job that they have done on this particular bill.

This bill takes in not only the Department of Veterans Affairs, but the housing and all of the other independent agencies, and I do not think I would want their job, because when they are given the overall caps and the allocations to mete out these moneys, they just do not go that far. So again, I want to commend them for the great job they have done.

We have a problem, though. One problem is that President Clinton has said that he will veto this bill for, among other things, the fact that it does not have quite enough funding for the Veterans' Administration. Specifically he mentioned the hospital health care, medical care delivery system.

This amendment does provide $40 million for that, and another $17 million, as the gentleman from Mississippi [Mr. MONTGOMERY] has outlined, and I will not get into that. But the truth of the matter is that we have two reasons why we need to support this amendment.

One is that we depend on an all-voluntary military in our country today, and the people that are attracted to the military have to know that that medical care delivery system is going to be there. That is an earned benefit; it is a part of the contract that we make in enticing them to join the military today. They have to know it is going to be there tomorrow, 20 years from now, 40 years from now.

The other reason is because we have such an aging veterans population. I had a meeting in Saratoga Springs just last Monday with all of the veterans. We were talking about the funding that we have in this bill for the Saratoga National Veterans Cematere. It is the only one within hundreds of miles for any these veterans around the Albany capital district area. All of these veterans that were there, almost every one of them, some of them were from the Korean war, but most from World War II, ages between 72 and 77 years of age, and those people need help.

This small amendment here will go a long way toward not only sending a message and letting the President know that he no longer can veto this bill because of a lack of funding for the Veterans' Administration, but it will go a long way toward satisfying the concerns that our veteran population have.

So I want to commend the gentleman from Arizona [Mr. STUMP], the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from California [Mr. LEWIS], and our ranking member over here for the outstanding job that they have done.

I hope my colleagues will accept the amendment. I know they have had a terrible job in trying to work this out. But the gentleman from California [Mr. LEWIS] will find a way; he is the kind of guy that can do it. So I wish him luck.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, we have learned over time that when we present an amendment or a bill on the floor that involves funding for veterans medical care, the House is going to pass that amendment regardless of what the amendment does. As we have gone through this process over the last year-and-a-half, every one of the accounts in this bill have been asked to reduce their rates of growth. But every time we have had a discussion relative to restraining areas of growth in the veterans accounts, to say the least, the House has indicated that, these programs are a sacred cow to Members on both sides of the aisle

This Member has spent a great deal of time since assuming this chairmanship attempting to evaluate the past history of veterans programs, what the veterans authorizing committee has done for veterans, and the responses of the Committee on Appropriations.

The one thing that I would like to suggest to the membership as well as to others who are listening, it is most disconcerting to me that we seem to be very proud of the funding levels provided to veteran programs. We pound our chests and tell our constituents how great we are, and yet seemingly, many of us have failed to try to measure effectively how these funds are being used out there in the hospitals where the veterans are supposedly being served.

I must tell you, we treat veterans like sacred cows on the House floor and sometimes they are treated like cattle out there where the service is delivered, and it is time that we changed that, and the authorizing committees as well as the appropriations committees should take a serious look at the way these services are being delivered. Oh, we are so proud, but I must say, I know of a veteran who slept in the hall of a hospital for 2 weeks in Los Angeles recently because he was just being ignored, despite the money that was provided. These stories drive this Member nuts. In the meantime, I must suggest that we do none of these things without pain.

This account has been treated differently than any other within our entire bill. And with this amendment, we go beyond the President's request which is already an increase of $444 million, and add another $40 million. But we take it from other accounts. Each of you have an interest in these accounts, so you should know exactly what this amendment does. It reduces $79 million from HUD housing; that is, aged housing, disabled people, and the poorest of the poor. It reduces $26 million from EPA, $54 million from NASA.

It is a 0.4 percent across-the-board cut. Well, frankly, that is easy to do. You say it is a small amount, but every account should give, except very select accounts.

I would suggest to the Members that this across-the-board cut jeopardizes the amendment in the long term, for I believe the other body will look somewhat askance at this action. Indeed, the question of this general funding will be seriously attended to in the conference committee.

So while I have suggested to the authorizing committee I had other sources in mind to increase this account, they chose an across-the-board cut. I think the general membership should know that the authorizing committee chose this action rather than other specific tradeoffs that were feasible offsets.

□ 1645

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I want to congratulate my good friend BOB STUMP whom I served with many years ago on the Veterans' Affairs Committee, SONNY MONTGOMERY who has been a real stalwart on behalf of veterans, and Mr. SOLOMON for so many years who has always taken the case of our veterans. For years before I came to this body, I had a commitment to the veterans hospitals and the veterans delivery system in this country. I think this is an excellent amendment. I understand the frustrations of Mr. LEWIS. I share those same frustrations because as the former chairman of military construction, I have fought the battle about quality of life and helping our veterans. There is never enough money and never enough of a high priority for our veterans.

I want to congratulate everybody that has worked so hard on this amendment and I hope that it will pass overwhelmingly because it is a debt that we owe to our veterans and it is something that we do not do enough of. I congratulate everyone who had a part in this amendment. I thank the Members for bringing it to our attention.

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

Mr. HEFNER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. The gentleman from California [Mr. LEWIS] was concerned, and I understand what he said about some of the treatment at these VA hospitals.

We have the largest hospital system in the world, 171 hospitals, 234 outpatient clinics, and a number of nursing homes. The system cannot be run perfectly. At the Mayo Hospital and Johns Hopkins, they have a lot of problems also, the service is very complicated and problems develop.

But if they will come to the committee when they have these problems, to the gentleman, as I told Mr. LEWIS, we will try to help him or her. We will get that man out of the hall. We will get him a bed. We are doing the best we can, we are making some improvements, and I appreciate the gentleman yielding.

Mr. HEFNER. I thank the gentleman. Certainly they are not without their faults and without their problems. Even our private hospitals sometimes have instances where they operate on the wrong foot or what have you. These things happen, but they are not unique. Our veterans hospitals, the people that work in those VA hospitals are so committed, they work long hours, they work for less pay in most cases, the doctors are committed.

I just commend the people that work in these health delivery systems, the hospitals. Again I want to thank the people that put together this amendment, and I hope that the committee will accept it. If they do not accept it, I hope it is passed overwhelmingly.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks of my chairman of the VA–HUD Subcommittee on Appropriations. He brings to this floor a tough bill. It is a bill that has many other sections in it where we have had, because of the fiscal constraints, to cut very important programs affecting people. Housing is one specific example where earlier today we had an amendment, where people who are poor, who are disadvantaged, who are dependent upon public funds have had to suffer from these cuts.

In the area of the veterans, VA medical care was funded at the budget request, receiving an increase of $444 million above 1996. Veterans were not shortchanged here at all. I do not think anyone ought to think that the amendment that is before us today was based upon or predicated upon the fact that veterans in this bill were in any way shortchanged.

At some point in time, we have to understand that we cannot just continue to increase the veterans budget at the expense of all the other Americans who are dependent upon other sections in this bill. I understand the predicament the chairman is in, and I understand what will happen in terms of this amendment. But I think that at some point in time we have to understand, and this comes from one who happens to be a veteran, that there are other Americans whom we have to treat in the same manner that we treat veterans.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stump-Solomon-Montgomery amendment to the fiscal year 1997 VA–HUD appropriations bill. The amendment, as we know, would add 40 million much needed dollars to the VA's medical care account. We all know that $40 million will not solve the funding problems being experienced by the VA. However, it will permit the VA to add to its flexibility in providing services such as community nursing home care and adult day care to our Nation's veterans, and it will allow the VA to continue to establish more access points in its further effort to bring VA care to the communities across the Nation right where the veteran is.

As chairman of the Hospitals and Health Care Subcommittee, I have seen over and over again how often our veterans have in fact been shortchanged. Our veterans are aging. As they get older, there are greater needs that they have. They experience more acute care needs. The cost of providing that health care is increasing every year. Yet we have seen over and over in the discretionary spending, the veterans taking a disproportionate amount of the cuts. And so earlier this year the Committee on Veterans' Affairs, the full committee in which SONNY MONTGOMERY for years was chairman, on which BOB STUMP is doing such a wonderful job, in its views and estimates to the Committee on the Budget, recommended a $505 million increase in VA medical care. This increase of $40 million will not get us there, but it will at least move us in that direction. It will get us closer to what the full committee recommended.

Mr. Chairman, I believe that this is a responsible amendment, and that it will move this spending bill in the direction of helping our veterans and meeting our commitment to our veterans. I strongly urge my colleagues to endorse the Stump-Solomon-Montgomery amendment to the VA–HUD and that we work toward this. Our veterans have always enjoyed strong bipartisan support. I am hopeful that that tradition will continue today.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I just want to say that from the perspective of the majority, and I believe the minority, it is our intention to accept this amendment and clearly it would receive a positive vote. I would just as soon not take too much time of the House as we go through these votes.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my enthusiastic support for the Stump-Montgomery-Solomon amendment.

Mr. Chairman, this amendment will increase the VA's medical care account by $40 million. I would like to commend the bipartisan sponsors of this amendment for their recognition of the pressing need to maintain an adequately funded VA medical care account.

The bill that we are currently considering already provides a substantial increase in the medical care account over last year's funding level. It includes the budget request of the President of more than $17 billion. This is $444.5 million dollars more than the fiscal 1996 level. By passing this amendment, we are further strengthening our commitment to providing quality medical care for our Nation's veterans.

The need for adequate resources for veterans health care is nowhere more evident than in the congressional district that I represent. Located within New York's 19th District are two VA hospitals: the Castle Point Medical Center and the Franklin D. Roosevelt Medical Center. Both of these facilities are working to improve efficiency and extend the limited Federal resources they have, without compromising the quality of the health care provided to the veterans. Many of these reforms and changes are going to be difficult to adjust to, but many of them are also necessary to eliminate waste and maintain a viable and healthy VA health care system. Other reforms are still necessary to ensure the long-range stability of the system.

However, as this reform process moves forward, we must never lose sight of the fact that the freedom that our veterans have provided us and secured for our country did not come without a price. Accordingly, we must remember that providing health care for our veterans when they are in need, as they provided service when the Nation was in need, does not come without a price, either. It is a fundamental responsibility of our Government to see the adequate medical care is always provided to our veterans. This bill, improved by this amendment, will help to ensure that this responsibility is met.

Mr. Chairman, this amendment will help the veterans in my district, my State, and the country as a whole. I strongly urge all Members to join with me and support its passage.

Mr. EVERETT. Mr. Chairman, I rise today to indicate my strong support for the amendment to H.R. 3666 offered by VA Committee Chairman STUMP and our ranking member, SONNY MONTGOMERY.

Mr. Chairman, these days it is very difficult to put together an appropriation bill that will meet with agreement on both sides of the aisle, let alone with the other body and the White House. I congratulate Chairman LEWIS on a fine job overall, and hope he will be able to agree to Chairman STUMP's amendment.

As I understand, the amendment will add $40 million to VA healthcare and $17 to VA's benefit administration general operating expenses. This additional funding will go a long way to improve healthcare for our veterans. But, as chairman of the Veterans Compensation and Pension Subcommittee, I would be especially gratified to see improvements to processing times for VA claims as a result of the $17 million increase.

Nobody has been a bigger watchdog of VA claims processing than I have been over the past couple of sessions. I am a firm supporter of making sure VA moves down the path of strategic planning and business process reengineering. Veterans who depend on their benefits, whether its for education or compensation, should receive those benefits in a timely fashion. I encourage the VA to carefully prioritize these extra funds for the purpose of serving veterans through improved claims processing.

We owe a debt to our veterans. We can continue our commitment to honor them by actively working to reform and improve VA healthcare, compensation and benefits processes, among other programs. This additional funding will go a long way toward reinforcing our support for veterans and their families. And, I urge my colleagues to vote in favor of the Stump-Montgomery amendment and H.R. 3666.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. STUMP].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mrs. THURMAN: Page 95, after line 21, insert the following new section:

SEC. (a) PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, similar eligibility priority, or similar medical conditions and who are eligible for medical care in those facilities have similar access to care in those facilities, regardless of the region of the United States in which they reside.

(2) The plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Secretary of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care. The plan shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources among facilities so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary for Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in the subsection; and

(2) a means of evaluating the success of the Secretary in meeting that goal through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan developed under subsection (a) to Congress not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—the Secretary shall implement the plan developed under subsection (a) within 60 days of submitting it to Congress under subsection (b), unless within such period the Secretary notifies the appropriate committees of Congress that the plan will not be implemented, along with an explanation of why the plan will not be implemented.

Mrs. THURMAN. Mr. Chairman, I listened with interest in this last debate, and I think there are very few people on this floor that do not support the amendment that our colleagues from Arizona and Mississippi have introduced, and has been accepted, giving an additional $40 million to the VA system. However, and I am sure that the gentleman from Arizona [Mr. STUMP] knows this better than anybody, in Arizona he needs additional money because between the years of 1980 and 1990 more than 24 veterans came to Arizona per day.

But what I cannot understand in all of this conversation is why Congress, when appropriating all of these extra resources, and maybe even somewhat based on the comments of Mr. LEWIS about the gentleman from Los Angeles, why are we not making sure that those resources are going to those States that need these dollars, rather than under the same funding formula that we have seen over the last 50 years to, in fact, some hospitals that have empty beds.

Mr. Chairman, my amendment today has four qualities that I think should compel this Congress to rise in unanimous support of it: It costs nothing. It eliminates wasteful spending. It is bipartisan in nature. And, most importantly, it is about equity for our Nation's veterans.

This amendment is identical to a bill that I introduced on April 25, H.R. 3346. This measure would require the VA to link the allocation of its resources to facility workloads, and is based on the resource planning and management system in which the VA has already invested a great deal of time and money. Moreover, this measure would require the VA to implement the plan within 60 days of submitting it to Congress.

Unfortunately, under the VA–HUD appropriations we are not going to be able to offer this amendment. I ask the chairman, and I beg the question, if not now, when?

I brought up this very same issue on the floor last year during the fiscal year 1996 VA–HUD appropriations. Similar language was stripped from the Senate fiscal year 1996 bill in conference, and now it appears that we may go another year without implementing the basic, budget-neutral, cost-cutting measure that would benefit all veterans.

The VA recently released census data which shows that Florida's Fifth District has the highest veterans' population in the country. In fact, of the 10 highest-ranked congressional districts in veterans' populations, 7 are in Florida.

The migration of veterans continues a pattern that we have been seeing for years. For example, in my home State of Florida, between 1980 and 1990, more than 96 veterans came to Florida per day. This should come as no shock to States such as Georgia, Nevada, North Carolina, Alaska, Hawaii, and Virginia, because they also have seen similar growth.

Make no mistake about it, Mr. Chairman, I welcome them to Florida, these brave men and women who have courageously sacrificed so much for our country. However, I have been urging the VA for years to reallocate its resources based on the shift in veterans' population.

On June 6, Congress took a step in that direction and passed H.R. 3376, which requires the VA to develop a 5-year strategic plan for its health care system. While I supported this measure, it was a modest attempt to address the problem of the reallocation of health care resources.

Quite simply, H.R. 3376 does not go far enough because it does not compel the VA to enact it. If Congress does not compel the VA to enact such plans, they simply become more ineffectual studies.

I challenge each Member to go home to their districts and ask the veterans that they represent if the VA needs another study. For years the VA has studied the problem of resource allocation and, accordingly, developed the RPM system. While the aim of the 1994 measure was on target, the results continue to be unsatisfactory.

According to the GAO, and I quote:

Although the RPM lets the VA identify inequities in resource distribution, VA has, so far, chosen not to use the system to help ensure that resources are distributed more equitably.

Let me emphasize that Congress needs to do more than request additional resource allocation plans, and instead compel the VA to implement those in which they have already invested.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mrs. THURMAN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Chairman, under a previous agreement, I will ask unanimous consent to withdraw my amendment. But I would hope that in this debate, and as we have heard in the conversations that have taken place on this floor in previous amendments, I still hope that we do not lose sight. We can all talk about veterans' health care, but if the dollars are not going where the veterans are, we can all say we have done a great job, but if they are not following where those veterans are, then we have all done a disservice to those veterans.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me say that I was very hesitant to even reserve the point of order relative to the gentlewoman's proposed amendment, largely because I believe her amendment and this discussion is very important.

There is not any question that if we do not use the moneys we deliver with priority and properly to serve our Nation's veterans. I think she makes a very, very important point.

Since I have had this job, the Department has indicated that they are going to be responsive to our requests for similar prioritization.

□ 1700

I would urge the gentlewoman to keep her eye on this target, for it is an important one. I think it is very significant that Members who are not necessarily on this subcommittee put the needle in our side, as well as the Department's side, to make sure that we follow through in this process.

So while the gentlewoman suggests she is going to withdraw the amendment, nonetheless she has provided a great service by providing this very important point to us.

Mr. ENSIGN. Mr. Chairman, I want to voice in my strongest support for linking future VA medical funding with the demographic shift in veterans' populations, as the Thurman amendment would do today. I would urge the chairman to work to include some version of the amendment in future VA authorizing and funding bills.

VA medical expenditures are determined largely by past expenditures, not by veterans populations. Veterans populations, like that in my home State of Nevada, are rapidly growing without any comparable increase in funding resources.

For example, Nevada has experienced the fastest growth of veterans in the Nation—with no other State in the country even close. Between 1980 and 1990, Nevada's veterans population grew an amazing 37 percent—or at an average rate of 13 veterans a day; while others like the District of Columbia have seen their veterans population drop by as much as 20 percent over the same period. Yet, the money does not follow the veterans.

This is not an equitable allocation of scarce resources.

Total VA expenditures in Nevada in fiscal year 1995 amounted to $1,258 per veteran. This puts Nevada at the bottom of the scale. Many States that have been losing veterans get twice the funding per veteran, and some even more than that. This is patently unfair and I will continue to push for Congress to develop an equitable funding equation.

Thank you, Mr. Chairman, for responding to our push last year to increase VA medical care funding to the President's request. Until Congress can allow veterans more choice in how they receive care, and until we can take care of the bloated bureaucracy, full-funding is a minimum level we must maintain to ensure our former warriors receive promised health care coverage.

Also, Mr. Chairman, thank you for recognizing the continued need to fully fund the State veterans home grant account. This year's level of $47 million is $7 million over the President's request. It is my hope that some of this grant can be used in southern Nevada to help build a critically needed home for our veteran population.

Representing a State with the fastest veteran population growth, the largest amount of veterans as a percentage of population, and one of only a handful of States without a veterans home, I can tell you that this will mean a great deal to Nevada veterans.

Mrs. THURMAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. It there objection to the request of the gentlewoman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. 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. TIAHRT: Page 95, after line 21, insert the following new section:

SEC. 422. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Veterans Health Administration—Medical Care'', increasing the amount made available for ''Veterans Health Administration—Medical and Prosthetic Research'', reducing the amount made available for ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'', and reducing the amount made available for ''Corporation for National and Community Service—Office of Inspector General'', by $20,000,000, $20,000,000, $365,000,000, and $2,000,000, respectively.

Mr. TIAHRT. Mr. Chairman, this amendment is very simple, very straightforward. It asks for a very clear choice. We can either fund this so-called paid volunteer program called AmeriCorps or we can fund the veterans. It would transfer approximately $20 million to the Veterans Health Administration medical care and $20 million to VA medical and prosthetic research. The remaining would go toward deficit reduction.

Let us remember for just a moment the gulf war crisis. We had a crisis; our young men and women rose to the occasion. They answered the call. They volunteered their time, even their lives in some instances. We succeeded with victory. They came home. We declared them heroes. We had parades. But yet for many of them, for many of them, the war is not over. They still face gulf war syndrome. Instead of spending money on this higher priority, we are spending it on paid volunteers.

What is a volunteer, Mr. Chairman? Earlier today we heard that the American Heritage College Dictionary defines a volunteer as someone who does charitable or helpful work without pay. The stated purpose of the creation of the AmeriCorps in 1993, was to promote voluntarism in this country, particularly among young people. The problem with AmeriCorps is quite clear. It pays people to do something that millions of Americans already do without financial reward. An independent survey showed that in 1994, 89.2 million Americans, 18 and over, volunteered in some capacity for an average of 4.2 hours per week. They were not moved by the lure of a lucrative Government job, but instead by the true spirit of voluntarism and genuine service.

True volunteers are people, both young and old, who donate their time and energy and spirit to help others. AmeriCorps is not true voluntarism. According to a 1995 GAO audit, it was reported that it cost taxpayers about $27,000 per year per recipient in AmeriCorps. Mr. Chairman, true volunteers do not expect to be paid $15.65 an hour or receive health insurance or a stipend to go to college, as the average AmeriCorps volunteer does.

During 1993 and 1994, it was reported that 1,200 paid AmeriCorps volunteers worked at the Department of Agriculture, 525 work at the Interior Department, 210 at the Justice Department, 135 at EPA, and 60 at the National Endowment for the Arts. If that is not bad enough, Mr. Chairman, almost half of the money spent on

AmeriCorps ends up funding the Federal bureaucracy or paperwork, rather than in community service.

Mr. Chairman, while I respect the goals of these young men and women who are involved in AmeriCorps, I greatly admire the 89.2 million Americans who volunteer their time, energy, and their spirit without being paid. AmeriCorps may do worthy work, but can we really afford to pay volunteers to do volunteer work? Can we afford to teach our youth that voluntarism means getting paid over $15 per hour? Do we really believe that the best way to help cultivate a new generation of true volunteers is by paying college students to do volunteer-type work? And do we really believe that this money cannot be better spent on the veterans?

Last week the Pentagon confirmed, Mr. Chairman, what many of us had believed, that some of our gulf war vets may have been exposed to nerve gas after the Army blew up an Iraqi ammunition depot that contained rockets armed with chemical agents.

The intent of my amendment would be to transfer $40 million from AmeriCorps to the VA health care and research. I believe these accounts are underfunded in the committee's mark, especially in light of last week's revelation by the Pentagon. What Member does not believe we should not have a moral obligation of this Congress to do whatever we can to find out what is causing the ailments that have plagued nearly 10,000 of our courageous gulf war vets? If American soldiers were exposed to chemical agents, it is incumbent upon this Congress to allocate American tax dollars in a judicious and prudent manner.

We still have veterans who suffer from agent orange and even some that go back to problems that come out of the Korean conflict and World War II. So, Mr. Chairman, my amendment offers a simple choice for this House. Will we continue to fund the President's liberal experiment on how to kill the flame of real voluntarism in America, or will this House vote to allocate those precious dollars to the courageous men and women who are willing to volunteer their lives to protect our freedom?

My amendment would require that each Member of this House decide for themselves who will they support, this Nation's veterans or President Clinton's paid volunteers. Mr. Chairman, this amendment is a commitment to both the true spirit of voluntarism and to our Nation's vets. I urge its adoption and I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I suggest to the House that we have had a number of amendments on the floor today that relate to the veterans. Right now as I understand it, the discussion between my colleagues on the other side of the aisle, we have kind of all concluded that veterans' amendments have kind of the same fate in this place, so I am going to propose that we accept the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. TIAHRT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENTSEN

Mr. BENTSEN. 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. BENTSEN:

Page 95, after line 21 insert the following new section:

Sec. 422. None of the funds made available in this Act may be used by the Environmental Protection Agency to issue, reissue, or renew any approval or authorization for any facility to store or dispose of polychlorinated biphenyls when it is made known to the Federal official having authority to obligate or expend such funds that there is in effect at the time of the issuance, reissuance, or renewal a rule authorizing any person to import into the customs territory of the United States for treatment or disposal any polychlorinated biphenyls, or polychlorinated biphenyl items, at concentrations of more than 50 part per million.

Mr. BENTSEN. Mr. Chairman, I rise today to offer my amendment to prohibit the Environmental Protection Agency from using any fund to allow the importation of PCB waste to be incinerated in the United States.

Mr. Chairman, it is a simple proposition that we should not be in the business of importing more hazardous waste into the United States. It is particularly disturbing that the Federal Government would agree to import PCB's when such a decision flies in the face of scientific evidence, our international trade agreements, and most importantly, our constituents' health and safety.

On March 18, 1996, the EPA issued a final rule allowing the importation of large quantities of polychlorinated biphenyls, reversing a ban that had been in place since 1980. PCB's are a dangerous class of chemicals used in electrical insulation and other products that cause adverse health effects, including cancer, reproductive damage, and birth defects. The March 18 rule gives a blanket authority to domestic waste incinerators to import PCB's with no new regulation or oversight by EPA. It is a bad idea and it is a fatally flawed rule.

We know from scientific research that PCB's accumulate in the environment and move toward the top of the food chain, contaminating fish, birds, and ultimately, humans. When incinerated, PCB's release dioxin, one of the most toxic chemicals known to man. As a result, PCB's are the only chemical that Congress identified for phase-out under the Toxic Substances Control Act of 1976. Since 1976, PCB's have not been manufactured in the United States.

With this ban in place, the amount of PCB's in the United States has steadily decreased, but the range of health and environmental effect has not. Incinerators in Kansas, Utah, Pennsylvania and two sites in southeast Texas burn more than 800,000 tons of domestic PCB waste each year.

Let me be perfectly clear. My amendment does not intend to address the incineration of domestic PCB's; rather, I seek to halt the importation of PCB's for incineration. The EPA has failed to offer scientific data or analysis to justify a reversal of this ban. Their longstanding position has always been that PCB imports pose an unreasonable risk to health and safety.

On December 6, 1994, EPA emphasized that, and I quote: ''The import of PCB's into the United States and the distribution of commerce of PCB's present an unreasonable risk of injury to human health and the environment.''

Now, a year and a half later, the EPA has reversed itself with no new studies, no new research, and, no new reports that PCB's are anything less than a substantial risk to human health and the environment. It is difficult to understand why the EPA would change its position without any new scientific evidence.

This rule might be necessary if Canada and Mexico, the two countries expected to send us most of the PCB's, did not have facilities located within their borders to dispose of PCB waste. Both countries have facilities designed to handle PCB waste, and Mexico even exports some PCB waste to Europe for disposal.

I would also like to add that the Canadian disposal industry proposed EPA's rule and presented compelling evidence that Canada is fully capable of handling their own PCB waste, and Mexico even exports some PCB waste to Europe for disposal. EPA agreed with that view as late as December 1994 when they said and I quote: ''EPA does not want to encourage the expansion of PCB's when there are feasible alternatives already in place.''

In addition, EPA's new rule to allow the importation of PCB's also contradicts our international trade agreements. I believe in free trade but this issue is not about trade. It is about human health and the environment. We are not trying to erect a barrier to trade in order to protect the domestic PCB market. Congress long ago established that PCB's should not be considered for international trade on the ground of public health and safety. The GATT and the World Trade Organization expressly permit a ban on the importation of PCB's. Although the general objectives in NAFTA encourage open borders, the agreement clearly dictates that domestic laws and procedures should be given priority with regards to hazardous waste.

The United States should not unilaterally make this decision to allow the import of PCB waste, especially if international discussions are ongoing on how to address this problem. EPA is

currently involved in negotiations between the United States and our NAFTA partners, and the United Nations is preparing recommendations on the disposal and transport of hazardous waste including PCB's. We should continue these negotiations instead of moving unilaterally forward to set their course.

Ultimately, the United States has the potential to import over 230,000 more tons of PCB waste from Canada and Mexico and many more tons from other nations as far away as Japan and Europe. These countries do not accept our PCB waste, so I find it difficult to understand why we should accept theirs. The United States should not become the world's wastebasket, but this misguided EPA rule does just that.

As I mentioned before, PCB's are a known carcinogen that have been linked to cancer, birth defects, and other health problems in numerous studies. A report released by the Center for the Biology of Natural Systems concludes that emissions from incinerators are migrating long distances and contaminating the Great Lakes.

Mr. Chairman, I would ask that the Members support the Bentsen amendment to ban the importation of PCB's. This does not address the domestic incineration, but it is something we should not be in the business of importing hazardous waste.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Bentsen amendment, and I commend my colleague from Houston for his leadership on this important issue.

On March 15, the EPA issued a final rule to amend the Federal PCB regulations and allow the import of PCB waste for disposal in permitted facilities in the United States.

This rule allows the importation of foreign PCB waste for disposal in the United States.

The EPA has estimated that the United States disposal industry would receive $50 to $100 million annually if PCB's are imported into the United States from Canada and Mexico.

And where would PCB's be disposed? In Kansas, Utah, Pennsylvania, Port Arthur, TX, and Deer Park, TX.

Mr. BENTSEN's amendment would prohibit the EPA from using any funds to implement its final rule.

PCB's when incinerated release dioxin—one of the most toxic chemicals known.

Dioxin, as we all know, causes a wide range of adverse health effects and it accumulates in the environment.

The incineration of PCB's is recognized as a health hazard.

That's why the Congress designed a phaseout of domestic PCB manufacture in the Toxic Substance Control Act of 1976.

It is irresponsible to reverse ourselves now and I urge my colleagues to support this important amendment.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

□ 1715

Mr. Chairman, I rise in support of the amendment of the gentleman from Texas, Representative BENTSEN, a proposal to put a moratorium on the importation of PCB's.

I speak particularly because a community in my district is struggling with this very issue. Not only is there a proposed dump site for PCB's, it is situated about 500 yards from a lake, which is, of course, connected, as all water is in Michigan, to the Great Lakes system.

For those not familiar with PCB's, these are not just garden variety carcinogens. In fact, PCB's are the only substance ever specifically banned by an act of the U.S. Congress. This happened under the Toxic Substance Control Act, section 6(e), enacted in 1976. And now we are on the verge of importing PCB's from other countries.

PCB's are a menace in many ways. They are a group of extremely toxic and long-lived chemicals formerly used as insulating materials in electrical transformers. They are known carcinogens. They disrupt the hormone system and cause reproductive and developmental damage. There have been estimates that a lot of the fertility costs in this country for people dealing with sterility comes from exposure to PCB's. Tumors, deformities, reproductive abnormalities and reduced survivorship are widespread in exposed fish, birds and mammal populations.

This is a terrible problem here in this country and, yes, we are working hard to find ways to deal with the materials that we have generated here within our own borders, but why would we want to open our borders to this kind of poison from all over the world, not just from Canada and Mexico? If we look at the rule, it is not limited to those two countries.

My understanding is that the only reason for doing this is to make the existing dump sites profitable, and, of course, this should not be the goal of the U.S. Government. The goal of the U.S. Government should be to keep its citizens safe. And to keep our citizens safe we should stand very clearly with the gentleman from Texas [Mr. BENTSEN] in support of no longer importing PCB's.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in extraordinary sympathy with the goals that have been expressed by my colleagues from Texas and the previous speaker from Michigan. There is no question but that PCB's represent an enormous danger to the health and well-being of people in the United States and, yes, in Canada and in Mexico and other places in the world. But I rise in opposition to this amendment.

I understand the intent of the gentleman from Texas [Mr. BENTSEN] to protect the environment and public health, and I share that goal; however, I believe that this amendment would actually harm efforts to deal in an intelligent and economical and in an environmentally sound and friendly way with the problem posed by large quantities of PCB's in storage in North America.

Now, just as my friends from Texas have facilities in their districts which deal, I believe inappropriately, with PCB's, so in my district is there a company which recycles PCB-contaminated electrical equipment. This company can in most instances recycle 75 percent or more of the equipment material. This process saves an enormous amount of landfill space by allowing the reuse of the large carcasses of transformers and other electrical equipment. The recycling method also reduces by a significant amount the volume of materials that need to be incinerated.

With 24,000 metric tons of PCB-contaminated equipment in storage in Canada and the Great Lakes Basin area, a complete prohibition on importing will have a potential health risk for the United States citizens. Canada has only one permanent disposal facility and incinerator in the Province of Alberta, more than 2,000 miles away from the closest storage site. This means that those 24,000 metric tons of PCB-contaminated equipment will not be disposed of any time soon.

Canadian industries and United States companies operating there benefit from an additional disposal option: Recycling. Beyond this, the Great Lakes region benefits from the disposal rather than the continued storage of this material, and we all benefit in encouraging recycling rather than incineration of PCB's.

This company is currently working to develop a process that would completely neutralize PCB's, eliminating the need for incineration altogether. I will absolutely concede that that need still remains. But without the ability to access recyclable material from Canada and Mexico, this company, S.D. Myers, will be unable to continue that environmentally beneficial work and will be forced to lay off dozens of employees.

I raise this simply because of the importance that the U.S. EPA places on this particular technology. They point out that the concept that legitimate recycling of these materials is an option that should be available. Both costs and long-term liability can be significant issues, but they should not preclude someone from choosing proper recycling as the best value option for disposal. EPA promotes green technology, including recycling; however, in this instance the terms of the enforcement agreement were negotiated on the contracts that they had in place at the time. EPA generally does not require another Federal agency to dispose of PCB's using specific EPA-approved disposal technology.

And I emphasize this point in particular. On the issue of environmental

advantage of recycling PCB-contaminated material, recycling is preferred to landfilling or incineration. On this matter, we agree entirely.

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

Mr. SAWYER. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, I would just say that the gentleman and I have tried to work out our differences on this amendment. I think we are trying to head in the right direction. Unfortunately, we are at cross-purposes because of the PCB by-product. What they are doing with the transformers I think makes sense, except it still results in the importation of PCB's whether they are landfilled or incinerated, and the transport of that, which is the problem.

And it still comes back to our feeling that we should just not be importing that. We disagree with EPA on their analysis.

Mr. SAWYER. Mr. Chairman, reclaiming my time, I appreciate the gentleman's desire to protect the health of citizens he represents. If his amendments passes, however, there would be some reduction in the activity of the facility in his district. However, the incineration of domestic PCB's, and perhaps those from our military posts overseas would continue. If the goal of his amendment is to stop the incineration of PCB's, then I firmly believe the fastest way to accomplish that is to allow companies like S.D. Myers to continue to develop the technologies that will make incineration obsolete.

I appreciate his willingness to discuss this technical issue with my office prior to the offering of this amendment on the floor, but in offering it in this way, it precludes the kind of option that requires careful consideration through the legislative process, and I therefore oppose his amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to have a discussion with the gentleman in the well.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I appreciate the opportunity that the gentleman offers me. I had just really gotten to the end of the presentation I wanted to offer. I believe, however, to expand on the last point, that we have the opportunity to reach a congenial agreement on this matter, something that I have been working with EPA for the last 3 years to reach a responsible, environmentally sound accommodation on and one that I believe can be made to meet the needs of his district and many others across the United States if we have the time.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, let me suggest to the gentleman, as well as the gentleman who is offering the amendment, that this discussion and this issue reminds me very much of the low-level radioactive waste issue that is facing many of our States currently.

Years ago we in the Congress recognized the problem of accumulations of low-level radioactive waste in location after location around the country. So we sort of regionalized it and said that areas or States would create compacts where this could be accumulated. Then when we got to the point where there was such a site located, the local people became involved and nobody wanted something like this in their own backyard.

We have a PCB problem that is very real. We have to deal with it. Candidly, we are not going to particularly be successful opposing this amendment at this point, but it certainly is not helping us really get a handle on this important problem. In the final analysis, we have a responsibility to do that.

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

Mr. LEWIS of California. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, I appreciate what the gentleman is saying about not in our backyard or whatever. The gentleman from Texas, Mr. GENE GREEN, and I and others represent probably the largest petrochemical complex or one of the largest petrochemical complexes in the United States, and we appreciate the need for taking care of our own and we appreciate the need to take care of what is produced domestically in the United States. But what the issue here is, and it contradicts everything EPA has said up through 1994, they have consistently said we should not be importing PCB's.

All we are saying is let us not get into the business of importing hazardous waste. Let us deal with what is our own right now before we get into turning this into some bulge bracket market.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I appreciate both the gentlemen, particularly the gentleman from Ohio's comments recognizing this difficulty, and it is a policy problem that needs to be approved. I must say that at this point I do not see us dealing with it in a serious way, and I would hope as we go forward here that we do come together and find real solutions.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, I wanted to raise a question with both of the gentlemen, but particularly with the gentleman from Ohio, Representative SAWYER.

I had an opportunity to speak with people from the Canadian government a couple of weeks ago on this issue and I was surprised to find, A, that the Canadian landfills are not at this point overutilized, and they have no problem with accommodating their PCBs generated in that country. Second, they have not determined as a matter of public policy that they want to see their PCB waste leave.

So, in fact, are we not talking about allowing PCBs to come into the country as a way to accommodate those landfills already here in the country as opposed to necessarily trying to help out Canada or Mexico?

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I thank my friend from California. Our goal is not to accommodate any particular landfill, but rather to reduce in the Great Lakes region the enormous concentration of stored PCB's. Landfilling by most environmental accounts, including the EPA, is a decidedly inferior technology to the kinds that are involved in recycling. We are trying to improve the volume of those PCB's that can be recycled along with PCB-contaminated equipment rather than simply storing them there or landfilling them there or anywhere else.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, in my district the dump is not yet created. The dump is not yet created, and the incoming waste is what will allow that to become profitable.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, at this point let me say that we do have a serious problem with PCB's, but also with a number of amendments remaining on this bill.

Let me say to the author of the amendment it is my intention to accept the amendment, and we will have some discussion, hopefully between now and the time we go to conference. There are some very serious difficulties remaining for the country, as well as, indeed, the world, but I would suggest that we accept the amendment and see if we can move forward.

Mr. BENTSEN. Mr. Chairman, if the gentleman will yield further, I appreciate that and I would be more than happy to work with the chairman.

Mr. SAWYER. Mr. Chairman, if the gentleman will yield further, I just wanted to express my thanks to the gentleman for his concern and interest in this matter and that of the ranking member, the gentleman from Ohio, Congressman STOKES, and for the willingness of my friend from Texas to accommodate a variety of conflicting needs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BENTSEN].

The amendment was agreed to.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill, (H.R. 3666), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

REQUEST TO LIMIT FURTHER CONSIDERATION OF H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3666 in the Committee of the Whole pursuant to House Resolution 456, the bill be considered as read; and no amendment be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

An amendment offered by Mr. KOBLE for 60 minutes;

An amendment offered by Mr. GUTKNECHT for 20 minutes;

An amendment offered by Ms. JACKSON-LEE of Texas for 10 minutes;

An amendment offered by Mr. KINGSTON for 10 minutes;

An amendment offered by Mr. MARKEY for 40 minutes;

An amendment offered by Mr. ROEMER for 20 minutes;

An amendment offered by Mr. WELLER for 10 minutes; and

An amendment offered by Mr. ORTON for 10 minutes.

The CHAIRMAN. Is there objections to the request of the gentleman from California?

□ 1730

Mr. BOEHLERT. Reserving the right to object, Mr. Speaker, how do we address the Boehlert amendment, which will serve as a substitute for the Markey amendment?

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

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

Mr. LEWIS of California. Mr. Speaker, it would not be in order.

If I could verbalize a minor little amendment to this list, at the point of the Markey amendment, with the exception of one amendment to the Markey amendment, within the time limit of 40 minutes by Mr. BOEHLERT.

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

Mr. MARKEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I will give the gentleman the time, if he would like. What the gentleman wants to do is eliminate all these limitations on time in order not to have this amendment come forward. If we eliminate all the limitations on time, surely we will get there eventually and the amendment will come forward anyway.

Mr. MARKEY. Mr. Speaker, it is difficult to agree to a unanimous-consent request which makes an amendment to the Markey amendment, being MARKEY, when the amendment has not even been shared with MARKEY as a way of ensuring that the unanimous-consent request could be done in an amicable way and in a bipartisan fashion seeking to resolve the issue. So I would ask if the gentleman could withhold briefly and the gentleman from New York perhaps could share the amendment since the Markey amendment is already well known.

Mr. LEWIS of California. Mr. Speaker, if the gentleman will continue to yield, I would say the gentleman, I think, makes a very important point. And I frankly would love to see the amendment to the Markey amendment myself. Therefore, we are going to withhold on this list until that kind of courtesy is shown and we will return to this request for unanimous consent at another time.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will yield under his reservation of objection, if we have the current iteration of the Markey amendment, it is a movable target. There have been so many adjustments in the past 24 hours, I am not sure what we are talking about in terms of the Markey amendment. I would be glad to share my amendment.

Mr. LEWIS of California. Mr. Speaker, I would suggest we come back to this.

The SPEAKER pro tempore. The gentleman from California withdraws his unanimous-consent request.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 456 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. 3666.

□ 1733

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. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 7 offered by the gentleman from Texas [Mr. BENTSEN] had been disposed of.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. 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. KOLBE: Strike Section 421 of the bill.

Mr. KOLBE. Mr. Chairman, before I proceed, I ask unanimous consent that, while they are trying to work out the issue on the other amendments, that, the gentleman from Wisconsin, [Mr. OBEY] is in agreement, that all debate on this amendment and all amendments thereto be limited to 60 minutes, with the time equally divided between myself and the gentleman from Minnesota. That is pursuant, I might add, to the agreement that we had agreed to earlier in the larger unanimous consent.

The Chairman. Is there objection to the request of the gentleman from Arizona?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KOLBE. Mr. Chairman, let me begin by laying out the background of this case. A few months ago, the University Corporation for Atmospheric Research, which is a part of the National Science Foundation, began to consider bids for a new supercomputer. They had been using a Cray computer, and they went through the normal procurement process, the conclusion of which was a bid an unusual bid in the amount of money that was set—$35 million—won by NEC. There is no dispute over the amount of dollars of this procurement. It is $35 million. But to continue, in the RFP that was proposed, the question was posed—what could you do for $35 million? Clearly the bid proposal from NEC, the Japanese company that makes supercomputers, was the best offer.

Following that decision or that initial bid proposal, this information was conveyed to the White House. It was also conveyed to the Department of Commerce.

The Department of Commerce then subsequently wrote a letter to the National Science Foundation in which they said they had investigated the matter and made a preliminary decision that there was clear dumping here. That is, NEC was selling this computer or the software for this computer, at well below cost.

As a result of that letter, even though it was simply a letter and nothing more, remember no formal investigation has ever been conducted into allegations of dumping, language was added in the subcommittee and retained by the full committee, which

would put in place a limitation on funds for any employee of the National Science Foundation that proceeds to sign a contract for the purchase of an NEC computer, if, there has been a preliminary or final finding of dumping on the part of the Department of Commerce.

My amendment would seek to strike that language. Why do I seek to do this? Am I against Cray computers, American-made computers as opposed to Japanese computers? Of course not.

The fact of the matter is, Mr. Chairman, we have a process, a process that is established in law. That process is that an antidumping procedure may be initiated if dumping is believed to have occurred. Almost always it is initiated by the industry. But it can be self-initiated by the Department of Commerce. That is rarely done and has not been done in this case. In fact, there has been no initiation of an antidumping case on the part of the Department of Commerce regarding this procurement.

The Department of Commerce simply on their own wrote a letter which bypassed this internationally recognized procedure and simply said, we think there is dumping going on here.

The law is very clear. If Commerce decides to initiate a dumping procedure, they then send that inquiry to the International Trade Commission. The International Trade Commission then decides on an initial basis, if injury has been done. They then send it back to the Department of Commerce to determine the amount of the damages and injury that has been done, or whether injury has occurred. The International Trade Commission then makes a decision as to the extent of the damages, and the final result is that a sanction may be applied.

The only sanction under the law, and I would hope that this body cares a little bit about following the law, the only sanction under the law is that a tariff may be applied against the company that is dumping, the industry which is dumping, in this case against NEC. It is very clear, and in fact our trade laws make it very precise, that we do not link procurement with dumping laws because that violates the international agreements that we have, World Trade Organization agreements.

We do not link the procurement process with dumping. So it is against the law for us to unilaterally impose punitive measures and say, you cannot go ahead and buy this computer. If indeed the NSF proceeded to buy this computer and it was found that there was dumping, a tariff may be applied in the future, against any other computers that are bought. That is the background of this case.

In essence, the action of the subcommittee of adding this language violates our procurement laws. It violates our antidumping law and it violates WTO agreements. We have made a big thing in this country, and I hope in this body, about the rule of law. We have tried to get other countries to follow the law. We have tried to get those countries to follow the law so that they would abide by the rule of law.

We have made a big case about getting Japan to open its market to computers, and we have had some success.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

(By unanimous consent, Mr. KOLBE was allowed to proceed for 2 additional minutes.)

Mr. KOLBE. Mr. Chairman, we have had some considerable success in this regard. In fact, Cray has sold and installed in Japan 170 supercomputers. NEC has installed in Japan, their own country, 80 computers.

In the United States, Cray has installed 320 supercomputers versus 2 for NEC and none to a Government corporation, a Government agency.

Mr. Chairman, are we to suggest here tonight that we are going to deny the right of the NSF, which has looked at the bids and has decided that this is clearly the superior computer, that we are going to say, you cannot proceed with that and jeopardize all of the trade laws, all of the sales which Cray and others have made, all of the efforts we have made to open this market to our computers and to other countries and to other companies that sell in that market?

I want to make it clear that the bottom line has nothing to do with whether it is Cray or NEC that gets the NSF contract. It is a process that must be followed here. There is a process for an antidumping case. The process has not been followed by the Department of Commerce, and this body is preparing to violate it in a very major way tonight. Because we are going to say, notwithstanding our procurement laws, notwithstanding the antidumping laws, and notwithstanding the WTO and, by the way, Japan will have a perfect case to take against us to the WTO and we will be sanctioned then on all computers that we try to sell in Japan, notwithstanding all that we are simply going to say that, if the Department of Commerce writes a letter, with no investigation ever conducted, that you cannot buy this computer. That violates the law. It violates the rule of law. It violates all the standard procedures, and we ought not to do it.

Let us follow the procedure. We stand for the rule of law. We stand for doing the right thing. I urge my colleagues to reject this language, to support the Kolbe amendment, to reject this language and to remove it from the legislation.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the issue here is very clear. The issue is whether we are going to stand up for America and stand up for fair trade under the rule of law or not.

What are the facts? This Congress is being asked to appropriate $277 million, and the purpose for that, I quote, is ''to promote fundamental research in education and computer and information sciences and engineering and to maintain the Nation's preeminence in these fields.''

Despite that, a grantee of the National Science Foundation wants to purchase a supercomputer. They have put out a bid to buy it for a fixed price of $35 million. Three companies bid, one American company and two Japanese companies. The United States machine on a pound-for-pound and chip-for-chip basis ran at a faster clock speed than did their Japanese competitors. But one Japanese company, NEC, proposed to sell three times the machine at an estimated cost to manufacture of somewhere between $90 million and $110 million. So they proceeded to try to sell a machine which cost three times as much as the price at which they were willing to provide it to the NSF grantee.

The NFS was warned by the Commerce Department that this appeared to be a case of dumping, and it appeared to be a violation of our trade rules. But before the Commerce Department could get a written document to the NSF, NSF decided to proceed anyway because they wanted to have that computer at a cut-rate price.

□ 1745

Now the question is why would the Japanese sell a $110 million computer for 35 million bucks? It is very simple. The supercomputer industry is critical to the future economic strength of this country and to our national security. The supercomputer industry is very small, but it is a cornerstone of U.S. competition and of our competitive posture.

It is crucial to the design of aircraft, it is crucial to the design of jet engines.

In World War II, one of the reasons we won is that we broke the Japanese and German codes. The Nation with the best supercomputer capacity can decode another Nation's secrets, it can predict weather better, it can unravel the mysteries of genetics. It is absolutely key in the design and simulation testing for new automobiles, for new weapons, for new aircraft, for new items of virtually every kind in the economy, for new drugs.

A supercomputer, for instance, is key to the design of the new Boeing 777. And yet financial analysts who look at what is happening in this field worry about the long-term survivability of the U.S. supercomputer industry. Now, they do not worry about it because they think we do not produce products of quality. They worry about it because of the huge deep pockets that Japanese corporations have in comparison to American corporations who produce these supercomputers. U.S. companies have to finance their R&D, their development of new products out of profits from current sales. But in Japan, Fijitsu and NEC are backed by virtually limitless credit from their huge mega banks.

I would point out that neither Japanese supercomputer company has ever made a profit selling supercomputers. They are willing to sell at a loss simply because they want to break the U.S. market, they want to drive the U.S. industry right off the face of the globe, and then they will have an absolute and total monopoly on supercomputer capacity and capability in this world.

So now what this bill says is something I suppose some people see as very shocking. It says simply that none of the funds can be used for this agency to purchase a supercomputer if the Commerce Department determines that it has been dumped on the U.S. market. Now, the Commerce Department has not yet made a preliminary nor a final determination. They have made an initial guess about it, and they tried to stop the agency and slow them down until this could be evaluated, but the agency was hell-bent to go ahead because they were putting their own narrow interests, in my view, ahead of the broader interests of the country.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Now, the authors of this amendment or the author of this amendment is saying that it violates trade laws. It most certainly does not. There is no trade law, there is no trade pact which we have joined which requires us to accept dumped goods. The authors say, ''Well, why don't you follow the process normally used for consumable items? That's what you ought to do.''

The problem is it is very different if one is dealing with an automobile versus a supercomputer because if one simply waits and allows for a final determination down the line, the only penalty is to assess an additional tariff. Japan has already indicated they will gladly accept that additional tariff in order to bust the U.S. market and compete successfully because of their deep pockets.

We are told that the Congress is violating the law if they do what the committee is suggesting. They do not. The Congress does not violate the law. If my colleagues take a look at Footnote 24 to the antidumping agreement to which America subscribes, there is a recognition that other actions can be taken. It is suggested that we are violating the procurement law. That is not correct, because the procurement law only applies directly to American agencies, and what we are discussing here is the action of a grantee of a U.S. agency.

So there is in no way a violation of either U.S. law or violation of trade agreements to which we have become a party.

There is a reason why the gentleman from California [Mr. HUNTER], why the gentlewoman from Ohio [Ms. KAPTUR], why myself, why the gentleman from Minnesota [Mr. SABO], Ross Perot and a wide variety of people in both parties support the committee action: because they recognize that it is critical to the security interests of this country, they recognize that it is critical to the long-term economic needs of the country.

All we are saying is, if in the end this computer is determined to be purchased at a dumped price, do not buy it. That is all it says. We could have gone much further, as has been done in the defense bill, and simply say, ''You can't sell any foreign computer.'' We did not say that. We preferred to allow the Commerce Department to make a rational determination. That is what one would do if they are interested in protecting the national security interests of the United States.

Mr. Chairman, I would urge a ''no'' vote on the amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word and rise in support of the Kolbe amendment.

Mr. Chairman, because of Japan's trade barriers, the United States of America negotiated an agreement with Japan to have free, open, and transparent trade in government procurement of supercomputers. yes; this does violate that agreement. It is written so broadly it does violate that supercomputer bilateral agreement. It also violates the World Trading Organization's, the WTO's, antidumping agreement. It also violates a WTO government procurement agreement.

Now, who wins from this international trading system? America wins. If the international trading system goes under, we lose international protection of property rights, of intellectual property rights. If is all part of the same system. We benefit from the international protocol that governs trading, and we cannot go out there and violate the agreements that America has put her signature to.

As a result of this agreement, whose goal it was to overcome Japanese barriers in their market, the United States has sold 12 supercomputers to the Japanese Government. Now a Japanese company is about to sell one to our Government. That is a pretty good deal.

The American market is growing only slowly because our population is growing only slowly and our population is aging. Older people do not buy as much as younger people. If we are to have a rising standard of living for our folks, if we are to have faster growth in our economy, we must be competitive in the international market and we must have solid rules that govern international trading, or our kids will not have the career opportunities they want and they will not have the rising standard of living they hoped for.

If there is one thing my constituents are concerned about and one thing they say to me day after day, it is, ''We're concerned about wage stagnation''. And believe me, Connecticut has had a tough time in the last 5, 6, 7 years. Wage stagnation, slow economic growth; those are the problems we face, and if we persist or if we go forward with this proposal that blatantly violates an agreement we put our name to, we will not only lose in the short term, as Japan retaliates in whatever industry she targets, but in the long term we lose the protection of international trade law and that will cost us jobs. Retaliation hurts. It is not neutral. It costs jobs. It cuts incomes. But worse than that, it sends a terrible signal. The affirmative action to abrogate an agreement we are a party to, following passage of Hill-Burton and the legislation offering trade with Iran, sends a signal to the international community that we are not prepared to adhere to the only trade protection that can assure fair trade. I have fought all of my years here in Congress for fair trade. I fought for the machine tool industry, I fought for the bearing industry, I fought to preserve our dumping laws, I fought for 301 retaliation. I have been over there in Geneva with many of my colleagues with Chairman Rostenkowski, former chairman of the Committee on Ways and Means, as the final deals on the GATT agreement, were made. We fought hard to get our way and we won on most points.

For us now to purposefully, consciously, by legislation, violate agreements that we put our name to and that are benefiting us simply is nuts, and it is going to destroy our credibility as a member of the international trading community. It is going to hurt international trading companies, and more and more we know it is the small companies who are in our export market, and it is going to cost jobs. It is going to undermine the very export promotion programs, the export growth, that is driving America's economy.

We do not domestically have the buying power anymore to guarantee our people a rising standard of living. We do not have it. We are not growing that rapidly, and we are aging rapidly. We depend on success in the export market.

Not to support the amendment offered by the gentleman from Arizona (Mr. KOLBE) to strike this provision from this bill is to say to people, ''I'm more interested in politics that I am in your wages and in your economic future and in the strength of this Nation and the preservation of the very regimen that guarantees, that has the best hope of creating for us free and fair trade worldwide, and with that free and fair trade over the decades ahead, prosperity and peace.''

I urge support of the Kolbe amendment.

Mr. LEWIS of California. Mr. Chairman, there has been a bit of discussion on both sides regarding the question of time limitation earlier, and, as I understand it, the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Arizona [Mr. KOLBE] are in agreement separately to have 20 minutes on

each side on this amendment. Presuming that, I ask unanimous consent to limit the time to 40 minutes, 20 minutes on each side.

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

Mr. SKAGGS. Reserving the right to object, Mr. Chairman, if I may, I have a very direct district interest in this particular controversy, had not been involved in the negotiation on the time limit and, therefore, have not had a chance to discuss with the gentleman from Arizona [Mr. KOLBE] what the allotment of time might be under the proposed unanimous-consent request.

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

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

Mr. LEWIS of California. Mr. Chairman, the request is 20 minutes on each side.

Mr. SKAGGS. I mean within the gentleman's 20 minutes, and I just need assurances of an adequate piece of that time from the gentleman.

Mr. LEWIS of California. We will try to see if we can get him to yield.

The CHAIRMAN. The gentleman from California's unanimous-consent request is for 20 minutes controlled by the gentleman from Arizona [Mr. KOLBE] and 20 minutes controlled by the gentleman from Wisconsin [Mr. OBEY].

Mr. LEWIS of California. Yes, Mr. Chairman.

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

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Chairman, I wish to begin on the question of the Government procurement code, and I would yield to my good friend from Wisconsin, if I could have his attention. Might I have the attention of the gentleman from Wisconsin [Mr. OBEY], the author of the provision to which I am speaking? I wanted to offer to yield to my good friend from Wisconsin, and if I am wrong, I will be the first to admit it.

But I have a copy of the procurement code in front of me, and the reason why I am speaking is that I took the gentleman's comments to say that the procurement code did not cover this case because the procurement is by the National Science Foundation, and I will yield if the gentleman would make his point regarding the procurement code, and then I will read the section on point.

□ 1800

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

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

Mr. OBEY. I did not have a point to make on the procurement code, Mr. Chairman. The gentleman from Arizona [Mr. KOLBE] suggested we were in violation of procurement laws. I said that we were not, because the argument that has been made about that relates to the action of government agencies, not grantees.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman for responding. Here is exactly why I want to speak to the point. The procurement code reads, in article I section 3: ''Where entities, in the context of procurement covered under this Agreement, require enterprises not included in Appendix 1 to award contracts in accordance with particular requirements, Article III shall apply . * * *''

So the procurement code in itself deals with Government agencies and then, in article I, section 3, says, and I repeat: ''Where entities, in the context of procurement * * * require enterprises not included in Appendix 1 to award contracts in accordance with particular requirements, Article III shall apply. * * *''

So unless the gentleman wishes to correct me, and I would yield to him for that purpose, I believe his point is, with good intention no doubt, simply erroneous—that the procurement code does apply where a Government agency imposes a requirement on another enterprise in regard to a contract, as this law would. My friend, the gentleman from Arizona, makes a very valid point. This provision violates the procurement code.

Mr. KOLBE. If the gentleman would yield this amendment is a limitation on the National Science Foundation, which is an agency, so it clearly does go to the procurement code, to the National Science Foundation. I would also make the point that the procurement code says we must give national treatment: We cannot treat one country differently than another. This does that, it violates the WTO, it violates the procurement code.

Mr. CAMPBELL. Mr. Chairman, I grant the gentleman's point, but I think we have an even better point. Even if the Obey language were a requirement upon an enterprise, rather than the Government entity itself, it is covered by the procurement code. So I believe we have them both ways. This does violate the procurement code. The policy question I have is, do we want to violate the procurement code? I certainly hope we do not wish to violate international trade law, but that is what Government procurement code is.

The second and last point that I have to raise is the issue about violating the antidumping code. I would like the chairman's permission to recite what a commissioner of the U.S. International Trade Commission has told my good friend, the gentleman from Arizona, on June 19. He said, ''I believe that the amendment, if passed,'' referring to the amendment by the gentleman from Wisconsin, ''is in probable violation of our GATT–WTO obligations. In particular, the amendment appears to be inconsistent with article 18.1 of the antidumping code, which prohibits GATT members from taking punitive measures in response to dumping, other than those set forth in the antidumping code.''

The reason is this: We have in our antidumping law a requirement that, first of all, the Department of Commerce find that there is a difference in price in the country where the good is sold and made and the country into which it is imported. Then following that, there must be an injury finding. The reason is the natural concern that countries have that if goods are selling at two different prices in two different markets just because the market conditions are different, that that may or may not be unfair. But if there is injury to the U.S. domestic market because of it, then it is unfair. I note that the gentleman from Wisconsin's amendment does not include that injury requirement.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Chairman, I rise in opposition to the Kolbe amendment and in support of the committee bill. Mr. Chairman, this procurement for the NCAR, National Center for Atmospheric Research, for a supercomputer of Japanese make, Japanese make, NEC, what we are doing is supporting a policy of subsidizing prices of Japanese products by the Japanese Government for sale in the United States.

We have a history of this. My background was in telecommunications. I saw it happen in the telecommunications industry. We are talking about a sale of a computer for $35 million that has been estimated to be worth $100 million. If this was a supermarket, this would be referred to as a loss leader. You walk in the door, you buy a quart of milk for 50 cents, and you hopefully, as far as the supermarket is concerned, spend a whole lot more money while you are there. This is a way to get in the door. It is dumping. It is a subsidy.

If our laws do not cover this, I would be surprised, but good judgment should. Good judgment should. If the NSF has found themselves a good deal by comparing two fairly similar computers, and they get a similar price so they opt for the Japanese make, that is fine; but the fact is the Commerce Department has determined that NEC is dumping, and we should be supporting that activity. So I would strongly urge a ''no'' vote on the Kolbe amendment, and stop rewarding foreign dumping in the United States.

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

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

Let me pick up where the gentleman from New York left off, because there has been no Department of Commerce determination of dumping. What there has been is what I think would be best referred to as an extraordinary back-of-the-envelope, very unusual, preliminary, preliminary guess by the Department of Commerce that there might be dumping. But upon analysis, two things are really very clear: First, they did the arithmetic wrong; second, they should not have done the arithmetic to begin with, because it is out of the normal process for dealing with these issues.

As the gentleman from California pointed out, the law provides a very firm, formal methodology for determining whether below-cost, unfair pricing occurs, and then what the remedy should be. We have not gotten to that point yet.

Clearly we should not be using taxpayer money to buy a foreign-made good that is dumped in this country. No argument about that. But we are getting way ahead of ourselves in assuming that that has been established in this case, because it has not.

There has been only one other case that anyone that I have been able to find could remember where the Department of Commerce issued this kind of an extraordinary predetermination before a case has even been filed. So, for some reason, the Department of Commerce wants to get ahead of its normal process in this case. In doing so, it simply, as far as I have been able to determine, probably did a sloppy job.

The reason it reached its conclusion, as far as one can tell, and we are none of us experts in this kind of analysis, was because they apportioned the R&D costs attributable to this machine across one-tenth of the number of units that should be used, thereby greatly inflating the proportion of R&D costs that would be factored in; and second, because they failed to look at it as a lease transaction, in which there would be residual value going back to the manufacturer or the lessor, which would serve to increase the net profit.

But in any case, Mr. Chairman, we do not have any business doing this on the floor of the House of Representatives.

What this is about is the earnest, good faith effort made by the National Center for Atmospheric Research [NCAR], which happens to be based in Boulder, CO. It does world class science on the atmosphere. It needs the most powerful computer capability it is able to buy with its NSF grant, with taxpayer money, to do the best work it can for all of us.

NCAR started out some time ago in this procurement effort, put out an RFP to 14 prospective vendors, 12 of them U.S. manufacturers; has strictly adhered to the Federal acquisition regulations throughout the process; ended up with three serious proposals; asked all of those people to go through best and final offer; and has now, at the request of the Department of Commerce, undertaken its own very rigorous analysis to determine whether there is any unfair pricing involved in this. I am absolutely certain it will be perfectly prepared to reexamine this whole exercise if there is any solidly developed determination, preliminary or final, of unfair pricing. But we simply do not have that.

Mr. Chairman, if we want to have a debate in this body about whether we should ever allow a supercomputer to be purchased with U.S. Government taxpayer funds from other than a U.S. manufacturer on national security, national infrastructure grounds, let us have that debate in an appropriate setting. It is not appropriate to be having that discussion as an adjunct to an appropriations bill. We already have in law all the guarantees and remedies necessary to deal with unfair pricing if it should turn out to be the case in this instance.

With respect to the question of the future of U.S. supercomputing, there are, by GSA analysis, General Services Administration analysis, some 700 supercomputers currently owned by various agencies of the U.S. Government, approximately 500 of those 700 in various Defense Department and national security-related agencies that are essentially going to be buying American. So if there is any question that we are going to have a very, very substantial and virtually guaranteed market for an American supercomputer industry, rest easy.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, we could debate the technical issues, and I enjoy doing that on antidumping. This provision that the Kolbe amendment is attacking may not be perfectly drawn, but let me say I think the amendment is a very imperfect solution. There is a real problem here. In the past, industries in this country have been targeted. In the 1980's it was semiconductors, machine tools, televisions, VCR's; almost you name it, and a major industry was targeted.

Now there is considerable evidence that supercomputers are being targeted, and what is happening is that profits from a sanctuary market in Japan are being used to drive out the remaining U.S. companies. Most of them are out of business.

I suggest, Mr. Chairman, that this is not the appropriate forum to discuss all the intricacies of our antidumping laws and the role of this agency or another agency. There is a problem here. The bill has an honest effort to address it. If there are some technical problems with it, it can be handled later on, but do not try to cure that by ignoring what is a real problem in an important industry, as the L.A. Times said, one of the industries of the future, really of the present, a corner of American competitiveness.

It has been said we are getting way ahead of ourselves. To the gentleman from Colorado [Mr. SKAGGS], I would say in the past the problem has been we have been way behind when American industries have been targeted and have been lost. Let us not lose this one. Defeat the Kolbe amendment.

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

Mr. Chairman, the gentleman from Michigan [Mr. LEVIN] is absolutely correct. There is a problem here. He said, let us not worry about the technical aspects of this. We can correct that later. There is a problem, all right. We are violating GATT and WTO agreements, we are violating our antidumping laws, we are violating our procurement laws; just minor little details, apparently, to some people. I think these are important matters. We have a firm commitment in this country to the rule of law. We ought not to so casually and cavalierly disregard that.

I would also like to respond to something that was said earlier by the gentleman from Wisconsin when he talked about the danger that we face of driving our industry out. Some danger: Cray has installed 130 supercomputers in Japan versus 80 by NEC and Fujitsu; in other words, more than 50 percent more by an American company. We are endangering that, all right. We endanger selling any more American computers in Japan if we take this kind of action, because they have a perfect recourse under the WTO to stop us, to levy fines and sanctions against us from selling computers.

Another point that should be made is that Cray has installed 320 supercomputers in the United States versus 2 from NEC. Some danger that Cray is in here. The gentleman is right, we are endangering. We are endangering the U.S. industry with this action, not with the action that was taken by the National Science Foundation and its grantee, the University Corporation for Atmospheric Research, which did follow the procurement procedure exactly as they were supposed to.

Finally, let me say with regard to the matter that NEC is selling at below cost, the National Science Foundation, or rather the University Corporation for Atmospheric Research [UCAR], asked for an analysis to be done by a respected law firm here in Washington on this issue. They concluded that the Department of Commerce analyzed the wrong transaction. The treaty antidumping statute applies to the sale of imported merchandise to the first U.S. party, unrelated to the exporter. It does not have anything to do with leased kinds of equipment.

It also says that antidumping law provides, they concluded, that the fair value determination should be made by comparing prices for the same or similar products in the exporters' market or third country market with the U.S. price; but they conducted the type of constructed value analysis that is a method of price comparison that is invalid in this country, because of the

absence of a home market or third country sales that have not been demonstrated.

□ 1815

So even on the back-of-the-envelope analysis that was done, by Commerce and the gentleman from Colorado [Mr. SKAGGS] had it exactly right, it was a back-of-the-envelope kind of thing, they said on their own that they did not want to actually initiate antidumping because they were uncomfortable. The Department of Commerce instead just sent this letter. So they violated the process that they are supposed to follow, that the industry is supposed to follow to have an antidumping case.

We have an antidumping process because Members on that side of the aisle and this side of the aisle said there has to be a way from companies to deal with this when there are allegation of dumping. Well, let us follow the law.

I would just say that what I am talking about here is the process. Again, there is a process to be followed. We are not following that process, and we are suggesting that we are just simply going to ignore the law.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

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

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

I rise to oppose the Kolbe amendment. I do so reluctantly because I have respect for the gentleman from Arizona [Mr. KOLBE] and for the position which he is taking. However, we can argue the legalities endlessly here in terms of whether we are violating any procedural process with GATT or the World Trade Organization.

I am not going to get into that because there are interpretations on both sides of this thing which I could agree with if I listen to very, very erudite lawyers.

However, what I am saying is this: Over a period of years I have seen egregious examples of dumping coming in very small packages. It would seem to me this particular case with the National Science Foundation that it is a perfectly normal and legal and obvious approach to have the Department of commerce review this to see whether there is any dumping.

Once you get an acknowledgment of the fact that NEC or any other computer is approved by an extraordinary group like the National Science Foundation, then you have something far more than the purchase of that one unit. I think is a perfectly normal process, I agree with it, and I reluctantly oppose the Kolbe amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in strong opposition to the Kolbe amendment.

In behalf of the language that is in the bill, might I inquire of the gentleman from Wisconsin [Mr. OBEY] what our language is in the bill?

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

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, all the language says is that, if it is determined that this supercomputer has been dumped on to the U.S. market, that it cannot be bought.

Mr. SABO. I thank the gentleman.

Mr. Chairman, reclaiming my time, I have listened to some of these arguments. The gentlewoman from Ohio [Ms. KAPTUR] will speak later. The gentlewoman knows our trade deficit with Japan. I think it is $70 billion or so; $60 billion, only $60 billion.

Here we have a very sensitive industry. I believe we have spent something like $5.5 billion on R&D on supercomputing through DOD and the NSF since 1991 to make sure that we retain our technological edge in this country. It is a very small industry, very key to our economy, very key to our national defense. We are told, I heard here a while ago, that, unless we ignore dumping in this case, that is going to destroy the American standard of living. That sort of leaves me confused.

It seems to me that we should make sure on this very crucial, small industry that the Japanese do not dump a product into our markets, particularly when it is taxpayer dollars going to purchase it. It seems to me we should continue on the policy of R&D to make sure we retain our national edge.

I hear all of these things, how we should be afraid of Japanese retaliation. The reality is the history of competition in Europe is the U.S. products win. We have not won in Japan. In 1995, the public supercomputer procurement market share in Japan: United States, 8 percent; Japanese, 92 percent. Do you think that is because of quality and cost and price? No; it is not. Our products are the best and the best price. Procurement by the Government in Japan in 1995, 11, Japanese; 1, United States. Do you think that is because they had superior quality and price? No.

So I do not know. Mr. Chairman, I am not a technical expert to make the judgments on whether they are dumping. All indications are that they are. This amendment would ask the Department of Commerce to appropriately make those judgments. If we are, we should not be spending taxpayer dollars to buy it.

People say: Oh, go through this process, put the computer in, let them get by with it. Some place, some time later, some tariff may be applied on a supercomputer. You know, they may not even sell the same product 1 year from now or 6 months from now.

So the provision in the bill is a good one; this amendment is one we should overwhelmingly reject.

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

Mr. SABO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I commend the gentleman for his leadership role. This is the evolution, this is the last chance to have a supercomputer company. I heard them talk about the computers sold in Japan. I wonder how many of them resulted in offsets where we actually had a transfer of technology in order to sell the product in Japan. Sixty-six percent of our avionics and electronics are an offset.

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

We talked about what this would do to our supercomputer industry, which is one company: Cray. Let me just tell my colleagues what they said in a memorandum to their own employees just a month ago in which they said, it is a Q and A kind of memorandum.

Question. How much of an impact does the entire deal have on Cray financially and in terms of jobs?

Answer. It is a large procurement, but we as a company do not live or die by one deal. It does not make or break our revenue goals for the year, and it does not really make a difference in employment because we do not staff up prospectively for business that is not booked yet.

Mr. Chairman, this is not going to make or break Cray; they are doing very well in Japan. Let us not jeopardize the sales of computers that they have in Japan. Let us not jeopardize this with the kind of action that is being talked about here today. Let us not jeopardize this by violating our own law our law makes it clear that you can only have a sanction after there is a final determination of dumping, and then it can only be in the form of an antidumping tariff, not in terms as proposed by section 421. It violates our dumping laws, and our procurement costs.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute simply to say that I think the gentleman ought to consider what is happening today, not in the deep, dark, distant past.

My colleague talks about the wonderful performance of the Japanese in purchasing American supercomputers. If we read Foreign Trade Barriers, 1996 national trade estimate report on foreign trade barriers put out by the U.S. Trade Representative, we will see the following:

> The positive trend in Japanese government supercomputer procurement witnessed in fiscal year 1993 and 1994 was reversed in 1995 during which U.S. firms won only 1 of 11 Japanese government procurements. Moreover, the United States has serious concerns about the conduct of the procurement process in two specific procurements.

I would suggest that hardly suggests to me that the Japanese are about to turn over a new leaf.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just think it points right out to this offset agreement where they demand that the product, not just that they transfer the technology and then they produce it and then the next thing you know they are selling it back to us, our own technology, except that it has a Japanese label on it.

Mr. OBEY. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time and rise in very strong support of the committee bill and oppose the Kolbe amendment, which was defeated in the full committee.

The language in the bill is fair, it is reasonable, and without question it is in our national interest.

The issue here really is why should we not as lawmakers ensure that the bidding process in this Government procurement activity is conducted in a fair manner at fair value offers. That is all it says.

It is somewhat curious, although it is not curious to those who have watched Japan over the years, that for a system that should cost somewhere between maybe $80 million and $100 million, the bid comes in at $35 million. Kind of interesting the way Japan behaves on the international market.

Mr. Chairman, if we go and read a recent book by the President's chief economic advisor, Laura Tyson, and I do not think she knew we would be debating this, but in her book, ''Who's Bashing Whom,'' she gives us a window on what Japan really does and how they compete, and I quote directly.

She says:

> At the root of the ability of Japanese firms to compete aggressively on price, even when it means selling products below cost and running losses, are the unique structural features of the Japanese economy. The companies competing with—U.S. firms like—Cray and Motorola have deep pockets and long time horizons. They can afford to cross-subsidize losses in one market with profits from another. They continue to benefit from a variety of promotional policies and from lax enforcement of regulations or restrictive business practices. They also continue to benefit from the insulated nature of the Japanese market, fostered by these and other structural impediments. In short, the pricing behavior of Japanese companies is a natural outgrowth of Japan's business and government environment.

We know it is a protected environment. There is not a person in this institution that would call Japan a free trader.

I know that the gentleman from Arizona [Mr. KOLBE] is a complete free trader. I am a fair trader. There is no way anybody could call Japan a free trader.

Now, if we look at this particular market, and I can still remember Norm Mineta when he served here laboring over those agreements with Japan trying to get 5-percent access in the market, 10-percent access, maybe 12 percent, and then Japan would violate those agreements. There is not any question Japan has a habit well recognized of underbidding in almost every market.

Look at what they did to us on the airport, the new airport out there, Osaka. We could not get U.S. firms to be able to bid into that construction.

So it is not just in supercomputers. It is in construction. It certainly is in the automotive industry. The results are painfully clear to the American people if they are not painfully clear to every Member of Congress here. That is we have maintained a $50 billion to $60 billion trade deficit now, annually, annually, in this decade growing every year regardless of what the exchange rate is.

I remember one of my dear friends, the gentleman from Florida, SAM GIBBONS, said to me: Well, if only the exchange rate, U.S. dollar to the yen, would go down from 240 to maybe 250 yen to the dollar. Why, we could just crack the Japanese market.

You know what? It never happened. And then the yen went down to 90, and the trade deficit kept going up. It does not matter whether Japan has got pneumonia or whether she is the most strident economy on the face of the earth in any given year. The trade deficit just keeps going on.

I would just have to say, let us wake up. Let us wake up. Let this Congress not be bound up in legalisms and procedures that we knot ourselves up into. Let us look at the bottom line, and let us do everything we can in order to ensure that the bidding practices in this situation are completely fair.

In many ways, supercomputers translate into national security. Let us not be naive. Support the committee bill. Oppose the Kolbe amendment, and stand up, for a change, for fair bidding practices.

□ 1830

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

Mr. Chairman, I listened to the gentlewoman from Ohio and I assume she believes that dumping is taking place in this case. I do not know if that is a fact or not. But if it is, there is a process to be followed. You file an antidumping case, you make a determination, you make a determination of the injury, and then you impose a sanction. The sanction is an antidumping tariff. I do not understand why the gentlewoman and other people over there are not willing to follow the law, the law that we voted on, that we adopted here.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding me some additional time.

Mr. Chairman, again I think all parties to this debate would stipulate that we are not going to buy anything with taxpayer money that we know to be priced unfairly. We are not going to ignore dumping. There is a regular order to be followed in dealing with those cases when they arise. We do not know if this is one of those cases or not.

Contrary to comments that have been made earlier by the gentleman from Minnesota, all indications are not that we have a dumping case.

The only indication that we have one is that very sloppily done predetermination made by the Department of Commerce contrary to the regular procedures that are supposed to apply. They basically put this through a black box and came out with an answer that nobody is able to review or scrutinize against any known standard. So we are really boxing against a sort of mythic opponent here.

What the regular Department of Commerce process prescribed by law requires is a very rigorous, very open process on the record with extensive filings of documentation of costs and pricing that the whole world can look at and scrutinize and analyze, that is subject to technical review, not in this kind of a very unfortunate circumstance. That is the way that we need to proceed.

If we want this aspect of our trade law to be different and if we want it to be handled differently, then we need to go through the process of changing the law and renegotiating our international trade agreements. We cannot make policy on this in an ad hoc, case-by-case basis, when something high profile like this jumps up and grabs our attention. It will not serve the national interest in the long haul to proceed in this fashion.

Mr. OBEY. Mr. Chairman, I have only one remaining speaker and I understand we have the right to close.

The KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, just one point: What does this amendment provide? It removes the language by the gentleman from Wisconsin. That language does not say what was reported in the colloquy between the gentleman from Wisconsin and the gentleman from Minnesota, that the NSF may not buy this computer if dumping is found by the Commerce Department. What it says is that NSF cannot go ahead if there has been a ''preliminary'' or a ''final'' determination of dumping. The whole difference here is if the dumping finding is just preliminary and not final. If it is only a preliminary finding, it violates our international obligations to impose sanctions.

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

Mr. Chairman, let me just reiterate a couple of points here. There is a process that we have adopted that must be followed when we believe dumping is taking place. The process requires the industry or the Department of Commerce to initiate an antidumping case. The International Trade Commission then makes an initial determination of injury. The full investigation is then done by the Department of Commerce.

It goes back to the International Trade Commission for ratification and for the imposition of an antidumping tariff. That is the process. That is the law.

As the gentleman from Colorado so aptly put it, we ought not to be engaging in ad hoc changes to our entire law as it relates to procurement, dumping, and international agreements. We should not be jeopardizing our supercomputer industry. Any foreign country would have a perfect case against us when we violate the law and violate our international agreements in this fashion to block the sale of supercomputers overseas. If people believe that we should have a process of protecting ourselves, then they should adopt that process and follow it. If the process is not right, change the process.

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

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me say I respect the arguments being made by both sides. This is legitimate debate. I simply want to make a few points to refute what has been alleged by the amendment's sponsors.

I want to repeat, this bill does not say that we cannot buy this computer. What it says is that if there is either a preliminary or a final determination by the Commerce Department that this constitutes dumping by the Japanese, that then that computer cannot be purchased.

The reason it is worded that way is very simple: It can take up to a year to reach a final determination, whereas a preliminary determination, which has not yet been made, if a preliminary determination is reached it usually takes about 4 months.

The problem with waiting over a year and the problem of doing what the gentleman from Arizona wants us to do, and simply rely on the post-fact additional tariff if there is found to be dumping, is that that suits the situation if we are talking about consumables. But if we are talking about an industry such as the supercomputer industry, which is so integral to the defense of this country and to the national welfare, if we simply allow a Japanese company which has already demonstrated it is willing to sell every supercomputer they sell at a loss, then they are certainly willing to eat the additional tariff that would be imposed upon them in order to break the supercomputer market in this country and to eventually drive American supercomputer producers out of business.

We used to have 15 American supercomputer producers. We were down to 5. Two of them got out of business. There are really only three companies left in this country who produce anything that can be called close to the supercomputer and only one, Cray, which is still left fully standing. They will not be standing for very long if we allow the Japanese to continue this predatory pricing of theirs.

I want to make the point: we have signed no agreement that requires us to buy dumped products. We have signed an agreement to require open and transparent trading, but that was never meant to serve as a cover for predatory pricing of products.

We could have done, as I said, as has already been done on the defense bill, simply say these computers cannot be bought, period. I did not hear anybody object to that. But we took the more modest approach of simply saying if a determination is reached by the Commerce Department, then that supercomputer shall not be purchased with American tax dollars, because these dollars are appropriated to expand and to maintain the American preeminence in this field, and yet they are ironically being used to undercut that preeminence. All we are saying is if they reach that determination, then we cannot buy this supercomputer. That is all we are asking to do.

I would make the point that it ought to be obvious that if those Japanese corporations have never made a profit on the sale of a supercomputer, it is obvious that they are not after profit. They are looking at their long-term ability to bust the U.S. lead, break into our market and eventually drive our short-pocket companies out of business. I do not think that is in the interest of the United States.

I appreciate the bipartisan support for the action taken by the committee, and I would urge that the committee uphold the judgment of the committee.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent that each side have 2 additional minutes in this debate so as to accommodate the body hearing from the gentleman from Illinois [Mr. CRANE].

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

Mr. OBEY. Mr. Chairman, I must respectfully object. I was asked to agree to a time limit. I have the right to close. Now we are being asked to violate that process. I really do not think that is fair.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, if I could reserve the right to object, I would be happy to give the gentleman 2 minutes to speak if I could be assured that we will still have the right to close.

Mr. KOLBE. If the gentleman will yield, that was the unanimous-consent request, 2 minutes on each side.

The CHAIRMAN. The gentleman from Wisconsin would still have the right to close if there was an extension on both sides of 2 minutes.

Mr. OBEY. Mr. Chairman, if that is the case, then I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield my 2 minutes to the gentleman from Illinois [Mr. CRANE], the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. I thank my colleague for yielding this time, and I want to thank my distinguished colleague from the neighboring State of Wisconsin for accommodating us.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from Arizona [Mr. KOLBE], to strike section 421 from the bill. I am greatly concerned that section 421 would force an independent government agency to turn down the NEC computer in question, even though neither the Department of Commerce nor the International Trade Commission has made any formal findings of dumping and injury, and in fact has not initiated any formal investigation, as required by statute and by international law, to impose antidumping duties.

Clearly we must enforce our antidumping laws to prevent unfair trading. However, section 421 would improperly use the appropriations process to chill what could be a legitimate procurement that does not involve dumping. It is impossible for Congress to determine now whether the procurement in question violates the antidumping statute. That is a matter for the Commerce Department and the International Trade Commission to determine, using statutorily mandated procedures. Only when they have made this determination can we begin to consider the effects on the procurement.

In addition, I am greatly concerned that such language could violate our obligations under the WTO antidumping agreement, which provides that no specific action against dumping of exports from another party may be taken except in accordance with the agreement, and does not authorize punitive measures such as disqualification from government procurement.

In addition, I am concerned that the amendment could violate the Government Procurement Agreement, which provides that each party shall provide national treatment to suppliers of other parties. The Japanese government has already notified our government of their concerns that we would be violating our international obligations if this provision is adopted.

The United States is the largest target of foreign antidumping actions. We are vulnerable. What we do to other countries will be done to us. Accordingly, I would urge all Members to support the Kolbe amendment.

The CHAIRMAN. The gentleman from Wisconsin has 3 minutes remaining.

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

Mr. Chairman, I simply want to repeat again, there is no violation of law and there is no violation of our trade

agreements by the action taken by the committee. NCAR is not an agency of the Government. Article 3 of the Government Procurement Agreement does not apply to the proposed legislation because article 1 of the agreement states that the agreement covers procurements only by those entities listed in the agreement's appendices.

□ 1845

Neither ENCAR nor UCAR are among those listed entities. But having put that technical argument aside, I simply want to make this point. The only argument that is being made by the folks who are opposed to the committee action is that it is one of process.

As the gentleman from New York [Mr. HOUGHTON] has pointed out, we have lawyers on both sides of the argument making opposite arguments, and they will continue to do so. Our job is to cut through that and recognize that tonight what is important is that we defend the national interest of the United States. I repeat, we are not making a judgment that this supercomputer cannot be bought and we are not making a judgment that it is being dumped, although it is pretty hard to see why it is not when they are offering to provide a supercomputer worth $90 to $110 million for a $35 million price because they want so badly to bust into the United States market.

But I simply want to repeat, despite that fact, we are not determining that this computer at this point is being dumped. All we are saying is that if the Commerce Department reaches that conclusion, then, because this industry is so crucial, not only to the defense capability of this country but to the long-term economic viability of this country, it is important that we not allow legalisms to bind us to a requirement that if the Japanese corporation is willing to eat another $70 or $100 million tariff, that they would be allowed to use trade agreements to destroy our economy. That is all we are saying.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentleman yielding. He has done so in order for me to have a colloquy with the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, I very much appreciate the cooperation of the gentleman from Wisconsin [Mr. OBEY] in that regard.

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

Mr. LEWIS of California. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would just ask the gentleman from California [Mr. LEWIS] to enter into a colloquy.

I think the gentleman has heard the very legitimate concerns that have been expressed about the possibility of antidumping. The gentleman has also heard the concerns on this side about the possible violations of law that may be involved here on the possible changes to our law.

I am just wondering if the gentleman can assure me that if this issue gets into the conference that this will be considered very carefully in the context of what might be done by the Senate and with the debate that has taken place here today.

Mr. LEWIS of California. Reclaiming my time, I can say to the gentleman we have had a very thorough discussion in our full committee and here on the House floor. There is no question that the gentleman from Wisconsin [Mr. OBEY] has a serious point that he wants to make. He has made that point very well. Between now and conference, there is not any question that we will continue to consider the result of this and it will be discussed thoroughly in conference.

Mr. KOLBE. Mr. Chairman, with that proviso, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

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. YATES (at the request of Mr. GEPHARDT) for today after 7:15 p.m., on account of personal reasons.

Mr. COLEMAN (at the request of Mr. GEPHARDT) for June 25 and 26, on account of family illness.

Mr. FLAKE (at the request of Mr. GEPHARDT) for today after 6 p.m. and on June 27, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OBEY) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes each day, today and on June 27.

Mr. METCALF, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. TORRICELLI.
Mr. MORAN.
Mr. PETERSON of Minnesota.
Mr. MATSUI.
Mr. HAMILTON.
Ms. DELAURO.
Mr. OBEY
Mr. DIXON.
Mr. FRANK of Massachusetts.
Mr. DINGELL.
Mrs. THURMAN.
Mr. REED.
Mr. FALEOMAVAEGA.
Mr. RANGEL.
Mrs. MALONEY.
Mr. BARCIA.
Mr. TOWNS.
Mr. ORTIZ.
Mr. JOHNSON of South Dakota.
Mr. PAYNE of New Jersey.
Mr. WYNN.
Mr. CLAY.
Ms. KAPTUR.
Mr. SCOTT.
Mr. PALLONE.

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

Mr. PORTMAN.
Mr. FAWELL.
Mr. TALENT.
Mr. BATEMAN.
Mr. MCCOLLUM.
Mr. DORNAN.
Mr. TATE.
Mr. GILMAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1903. An act to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the ''Bill Emerson Memorial Bridge,'' and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes a.m.) under its previous order, the House adjourned until today, Thursday, June 27, 1996, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

3848. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notification for Pesticide Registration Modifications [OPP–300110; FRL–5372–8] (RIN: 2070–AC98) received June 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3849. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Worker Protection Standard; Decontamination Requirements [OPP–250108A; FRL–5358–8] (RIN: 2070–AC93) received June 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3850. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Worker Protection Standard; Language and Size Requirement for Warning Sign [OPP–250107A; FRL–5358–7] (RIN: 2070–AC93) received June 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3851. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3852. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards (FRL–5529–1) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3853. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District (CA 071–0005a; FRL–5464–7) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Criteria for Classification of Solid Waste Disposal Facilities and Practices; Indemnification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs [FRL–5528–4] (RIN: 2050–AE11) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3855. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery [AD–FRL–5516–7] (RIN: 2060–AE05) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3856. A letter from the Inspector General, National Science Foundation, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Section 5(b); to the Committee on Government Reform and Oversight.

3857. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Agency Relationships with Organizations Representing Federal Employees and Other Organizations (RIN: 3206–AG38) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3858. A letter from the Secretary of Housing and Urban Development, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3859. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adding Argentina to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program [INS No. 1777–96] (RIN: 1115–AB93) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

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. WALKER: Committee on Science. H.R. 2779. A bill to provide for soft-metric conversion, and for other purposes; with amendments (Rept. 104–639). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 465. Resolution providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (Rept. 104–640). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. HYDE: Committee on the Judiciary. H.R. 2001. A bill for the relief of Norton R. Girault (Rept. 104–637). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. S. 966. An act for the relief of Nathan C. Vance, and for other purposes (Rept. 104–638). Ordered to be printed.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2779. A bill to provide for soft-metric conversion, and for other purposes.

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 Mrs. MEYERS of Kansas:

H.R. 3719. A bill to amend the Small Business Act and the Small Business Investment Act of 1958; to the Committee on Small Business.

H.R. 3720. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. FALEOMAVAEGA:

H.R. 3721. A bill to establish the Omnibus Territories Act; to the Committee on Resources, 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 Mrs. KELLY (for herself, Mrs. LOWEY, Mr. ACKERMAN, Mr. HINCHEY, Mr. KING, Mr. MANTON, Mr. MCHUGH, Mr. OWENS, Mr. SERRANO, and Mr. SOLOMON):

H.R. 3722. A bill to amend title 38, United States Code, to revise the manner by which the Secretary of Veterans Affairs ranks applicants for grants under the State Home Construction Grant Program administered by the Secretary and to limit the number of grants any State may be awarded in a year under that program; to the Committee on Veterans' Affairs.

By Mr. MCCOLLUM (for himself and Mr. SCHUMER):

H.R. 3723. A bill to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. STENHOLM, Mr. HORN, Mr. LEVIN, Mr. CANADY, Mr. HUNTER, Mr. BEILENSON, Mr. FRANK of Massachusetts, Mr. BOUCHER, Mr. BILBRAY, Mr. BRYANT of Tennessee, Mr. CAMPBELL, Mr. CLYBURN, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. KIM, Mr. MCKEON, Mr. MILLER of California, Mr. MONTGOMERY, Mrs. ROUKEMA, Mr. SHAYS, Mr. TRAFICANT, Mr. WAXMAN, and Mr. WILSON):

H.R. 3724. A bill to improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary, 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. MORAN (for himself, Mrs. MORELLA, Mr. HALL of Ohio, Mr. LEACH, Mr. PAYNE of New Jersey, Mr. DEFAZIO, Mr. ENGEL, Mrs. SCHROEDER, Mr. BEILENSON, Ms. NORTON, Mr. OLVER, Mrs. MEEK of Florida, Mr. GREEN of Texas, Mr. LANTOS, Mr. FLAKE, Mr. BERMAN, Mr. WYNN, Mr. YATES, and Mr. FARR):

H.R. 3725. A bill to assist international efforts to improve awareness, detection, and clearance of antipersonnel landmines and explosive ordnance; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3726. A bill to establish the Commission on the Advancement of Women in the Science and Engineering Work Forces; to the Committee on Economic and Educational Opportunities.

By Mrs. ROUKEMA (for herself and Mr. SCHUMER):

H.R. 3727. A bill to amend the Electronic Fund Transfer Act to require notice of certain fees imposed by the operator of an automated teller machine in connection with an electronic fund transfer initiated by a consumer at the machine, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SPRATT:

H.R. 3728. A bill to suspend temporarily the duty on Para ethyl phenol [PEP]; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mr. SPRATT, and Mr. TAYLOR of Mississippi):

H.R. 3729. A bill to provide for the detection and interception of weapons of mass destruction delivered by unconventional means; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction the committee concerned.

By Mr. BONILLA (for himself and Mr. CONDIT):

H. Res. 466. Resolution providing for the consideration of the bill (H.R. 2275) to reauthorize and amend the Endangered Species Act of 1973; to the Committee on Rules.

By Mr. GOSS:

H. Res. 467. Resolution electing Representative Baker of Louisiana to the Committee on Transportation and Infrastructure; considered and agreed to.

MEMORIALS

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

228. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 50 opposing the proposed expansion of the U.S. Environmental Protection Agency's toxics release inventory program; to the Committee on Commerce.

229. Also, memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 54 relating to the creation of a new U.S. Court of Appeals for the 12th Circuit; to the Committee on the Judiciary.

230. Also, memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 70 urging the Congress of the United States to pass S. 1629, the 10th Amendment Enforcement Act of 1996; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 132: Mr. ROMERO-BARCELO.

H.R. 359: Mrs. ROUKEMA.

H.R. 598: Mr. SAWYER, Mr. DAVIS, and Mr. NETHERCUTT.

H.R. 739: Mr. CHABOT and Mr. DREIER.

H.R. 963: Mr. CHAPMAN.

H.R. 1023: Mr. LIPINSKI.

H.R. 1057: Mr. OBERSTAR and Mr. TRAFICANT.

H.R. 1708: Mr. GORDON, Mr. RICHARDSON, and Mr. CANADY of Florida.

H.R. 2119: Mr. SHAYS.

H.R. 2200: Mr. PAXON and Mr. BLUTE.

H.R. 2209: Mr. DIAZ-BALART, Mr. MATSUI, and Mr. FOGLIETTA.

H.R. 2214: Mr. TORKILDSEN.

H.R. 2391: Mr. DORNAN, Mr. HORN, Mr. SALMON, and Mr. MANZULLO.

H.R. 2400: Mrs. SMITH of Washington and Mr. BROWN of Ohio.

H.R. 2508: Mr. LINDER.

H.R. 2566: Mr. ZIMMER.

H.R. 2651: Mr. BISHOP and Mr. MASCARA.

H.R. 2779: Mr. BLUTE, Mr. CAMPBELL, Mr. KIM, Mr. MANZULLO, Mrs. MYRICK, and Mr. OXLEY.

H.R. 2807: Miss COLLINS of Michigan, Mr. SMITH of Michigan, Ms. DELAURO, Mr. SCARBOROUGH, and Mr. UPTON.

H.R. 2864: Mr. THOMAS.

H.R. 2900: Mr. TIAHRT, Mr. DORNAN, Mr. TATE, and Mr. CALVERT.

H.R. 2925: Mr. BILBRAY and Mr. COBURN.

H.R. 2927: Mr. WELLER, Mr. HORN, Mr. WHITE, Mr. CRANE, Ms. HARMAN, Mr. WICKER, Mr. RADANOVICH, and Mr. DREIER.

H.R. 3011: Mr. HORN, Mr. MINGE, and Ms. JACKSON-LEE.

H.R. 3087: Mr. FUNDERBURK.

H.R. 3138: Mr. QUILLEN.

H.R. 3142: Mr. HASTERT and Mr. BARCIA of Michigan.

H.R. 3150: Mr. CUMMINGS.

H.R. 3195: Mr. JONES.

H.R. 3226: Mr. OWENS and Mr. GILMAN.

H.R. 3234: Mrs. CUBIN.

H.R. 3331: Ms. JACKSON-LEE, Mr. ACKERMAN, Mr. HINCHEY, and Ms. BROWN of Florida.

H.R. 3346: Mr. ENSIGN.

H.R. 3391: Mr. NORWOOD, Mr. PARKER, Mr. HEFLEY, and Mr. FRELINGHUYSEN.

H.R. 3396 Mr. COMBEST, Mr. RIGGS, and Mr. BUNNING of Kentucky.

H.R. 3401: Mr. WICKER, Mr. FALEOMAVAEGA, Mr. MCNULTY, Ms. NORTON, Mr. BARRETT of Nebraska, and Mr. DINGELL.

H.R. 3433: Mr. MILLER of California.

H.R. 3463: Mr. MCDERMOTT, Mr. OWENS, and Mr. STARK.

H.R. 3480: Mr. HAMILTON, Mr. ROEMER, Mr. LEWIS of Kentucky, Mr. BAKER of Louisiana, and Mr. STENHOLM.

H.R. 3496: Mr. EVANS, Mr. PAYNE of New Jersey, Mr. GREEN of Texas, and Mr. RANGEL.

H.R. 3514: Mr. LAFALCE, Mr. CALLAHAN, Mr. HANSEN, Mr. WOLF, Mr. LEWIS of Kentucky, and Mr. EHLERS.

H.R. 3551: Mr. FRANKS of New Jersey, Mr. FLANAGAN, Mr. SCARBOROUGH, MR. ROMERO-BARCELO, and Mr. GOSS.

H.R. 3567: Mr. DUNCAN and Mr. CHRISTENSEN.

H.R. 3605: Mr. THOMAS, Mr. STARK, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. BONO, Mr. GALLEGLY, Mr. DORNAN, Mr. RIGGS, Mr. CONDIT, and Ms. MILLENDER-MCDONALD.

H.R. 3654: Mr. TORRES, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. HILLEARY, Mr. FROST, Mr. SCHIFF, Mr. PALLONE, Mr. BEVILL, Mr. BONIOR, Mr. WARD, Mr. KANJORSKI, Mr. DOYLE, Mr. MASCARA, Mr. COLEMAN, Mr. WISE, Mrs. MEEK of Florida, Mr. RICHARDSON, Mr. OLVER, Mr. HINCHEY, Mr. BARR, Mr. COMBEST, Mr. EVANS, Mr. WELLER, Mr. BUNNING of Kentucky, Mr. TRAFICANT, Mr. ORTIZ, Mr. TEJEDA, Mr. MARTINEZ, Mr. MORAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Mr. SANDERS.

H.R. 3687: Mr. NEY, Mr. FORBES, Mr. FOX, and Mr. TAYLOR of North Carolina.

H.R. 3700: Mr. BOUCHER, Mr. OXLEY, Mr. ENGLISH of Pennsylvania, and Ms. LOFGREN.

H. Con. Res 142: Mr. FRAZER, Mr. CHABOT, Mr. JOHNSTON of Florida, and Mr. SALMON.

H. Res. 286: Mr. TAYLOR of Mississippi and Mr. OLVER.

H. Res. 452: Ms. KAPTUR, Mr. BONO, Mr. CLYBURN, and Mr. DELLUMS.

H. Res. 461: Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, and Mr. HYDE.

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. 2740: Mr. CRANE.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, JUNE 26, 1996 No. 96

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we begin this day with adoration expressed in great affirmations:

You are the Creator, Sustainer, and Redeemer of all.
You are Sovereign of this Nation.
By Your providence You have blessed us.
You have called us to serve You here in government.
We are here by Your appointment.
You are the source of the wisdom we need.
You will guide our decisions.

So this is a day for joy and optimism and courage. Set us free of all negative thinking about ourselves and others. Nothing is impossible for You.

You are working in our minds to give inspiration and in our bodies to give strength. Your spirit is working in the people with whom we will talk, in the situations we will confront, and in the problems we will face.

And now, Gracious Lord, our minds and hearts go to the families of those Americans killed in the bombing in Saudi Arabia. We ask You to give them Your comfort and courage. And now we press on through this day. Fill us with Your Spirit so that if we are jostled, only Your love, patience, and encouragement and hope will spill over to others. Through our Savior and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately beginning a 15-minute rollcall vote on the cloture motion on the Department of Defense authorization bill. If cloture is not invoked, I hope the Senators who have amendments to the bill will offer those amendments so that we can continue to make progress on the bill today. A second cloture vote, if necessary, will occur during tomorrow's session of the Senate. As a reminder, Senators have until 10 a.m. this morning in order to file second-degree amendments to the DOD bill. Rollcall votes will occur throughout the day on or in relation to the defense bill, and there is a likelihood we will go into the evening also.

I realize that there have been some distractions along the way on this bill. But we need to get it accomplished. I believe that the chairman and the ranking member are working seriously to try to make that happen. So we want to really make some progress today. I encourage Senators on both sides of the aisle, again, if they have amendments, come forward and offer them. I am not just directing that to the Democratic side of the aisle, but to our side of the aisle. For Senators to come to the floor and say, ''I'm not ready to offer my amendment,'' is the height of irresponsibility. They know this bill has been pending for over a week. It is time to get serious and offer the serious amendments. Let us get them done because we have an obligation to finish this legislation this week. I yield the floor, Mr. President.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER (Mr. Inhofe). The Senate will now resume consideration of S. 1745, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Kyl/Reid amendment No. 4049, to authorize underground nuclear testing under limited conditions.

Kempthorne amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons.

Warner/Hutchison amendment No. 4090 (to Amendment No. 4089), to amend title 18, United States Code, with respect to the stalking of members of the Armed Forces of the United States and their immediate families.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 433, S. 1745, the Department of Defense authorization bill.

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Judd Gregg, Bill Frist, Fred Thompson, Mike DeWine, Rick Santorum, John Ashcroft, Sheila Frahm, Ben Nighthorse Campbell, Hank Brown.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

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

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VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1745, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—52

Abraham	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Pell
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Jeffords	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Mack	Warner
Faircloth	McCain	
Frahm	McConnell	

NAYS—46

Akaka	Ford	Lugar
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—2

Bumpers	Helms

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THURMOND. Mr. President, I call for order in the Senate.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from South Carolina is recognized.

TERRORIST ACT AGAINST UNITED STATES FORCES SERVING IN SAUDI ARABIA

Mr. THURMOND. Mr. President, on behalf of all Americans I wish to express my deepest condolences to the families and loved ones of our servicemembers involved in yesterday's tragic terrorist attack in Saudi Arabia. While the situation is still developing, we know that 19 U.S. service personnel were killed, 80 are hospitalized, of which 60 are in critical condition.

Our servicemembers in Saudi Arabia are stationed there to keep a steady and keen vigilance against the very threat to peace to which they were victims. Most of these U.S. servicemembers are performing daily missions and maintaining a deterrence against longstanding and well-known threats in the Persian Gulf.

This unfortunate act of cowardly terrorism is against all who have an interest in peace. Our British, French, and Saudi allies apparently were also targets of this senseless act.

The Senate is now deliberating on important legislation which affects the brave American servicemembers in Saudi Arabia, and all our forces worldwide. In doing this very important business, we should be mindful of what happened in Saudi Arabia last night. Last night's tragedy is another reminder that the absence of war does not mean that the world is at peace. Our soldiers, sailors, and airmen stand at the ready under the constant threat of violence. This is the world we live in today, in which the United States must continue to show leadership and determination.

Our job in the Senate now is to be unexceptionally serious about the Defense authorization bill which is now under consideration. The American people, our Government, and the U.S. Senate are duty-bound to provide the very best for those in our Armed Forces who knowingly stand in harm's way for us.

We can not fall short in supporting our men and women in uniform and their families, insuring the best possible benefits, and providing the best equipment for the dangerous missions in a still very dangerous world.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, I strongly endorse the remarks of Chairman THURMOND in the great sympathy that we express in this Chamber on both sides of the aisle to the service people involved in this tragedy in Saudi Arabia, and I certainly endorse President Clinton's strong statement of determination to find the perpetrators of this act and bring them to justice. I am confident that the Saudi Arabian Government has the same view.

This is a constant reminder of the kind of dangers and risks that our military personnel are under everywhere in the world. We are in a different era now. We are not in an era where we are threatened by massive annihilation from nuclear war, but we are in an unstable era where terrorism rears its ugly head in unexpected places. All of our military forces abroad and their families are under this kind of risk.

So as we join the families and express our great sympathy to those families, I think we ought to bear in mind that all of our military personnel all over the world are basically risking their own lives to defend this great Nation.

I am informed there are 19 dead, 80 hospitalized, and 60 seriously wounded. I am also informed that they have not completed the identification of the remains and that the families have not yet been notified. Certainly that will be done in a timely fashion as quickly as they possibly can. The Air Force is working on that.

We sent medivac teams there with our aircraft. We sent all of the personnel that we can, and of course the President announced last night that we are sending FBI agents to help find the perpetrators of this terrible tragedy.

Mr. President, I am also informed that the families will begin being notified sometime around noon today. Certainly I know that there are a lot of anxious families in the Air Force community and military community all over the country.

So I join Senator THURMOND in expressing great sympathy to the families and absolute determination to prevent this kind of tragedy from recurring in every way that we possibly can.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, this is the fifth day of debate on S. 1745.

I think it is appropriate to give the Senate another update—a very brief one—this morning on where we have been, and more importantly where we are going on this important measure.

Thus far, we have debated this bill for almost 28 hours. We have disposed of 39 amendments. I will state, as I did yesterday, that we have not been keeping track of the exact amount of time consumed by consideration of the nonrelevant amendments offered thus far to our bill. But I am able to state that the Senate has spent too much time talking about things that are not relevant to this defense bill, that are not in our jurisdiction, would not be in the jurisdiction of the conference, would require outside conferees if they are put on this bill, and would be very unlikely to receive conference approval and be signed into law.

So we are basically using our time to debate amendments that are not going anywhere in the long run, and we are doing that at the expense of completing this bill this week.

Yesterday, we were running along at a pretty good clip. We completed a number of defense amendments. We had a number of other people ready to present amendments and were working for a unanimous consent agreement to have a finite list of amendments in order. Then we had another legislative hurdle which was put in our way; the fourth nonrelevant amendment to our bill; this one on the matter of FBI files. This effectively shut us down for the rest of the day, a situation that I know disappointed the chairman and disappointed me, as well as other committee members.

The business before the Senate is the defense authorization bill. I hope that we can make this day the start of our quest to finish this bill this week and secure final passage without nonrelevant amendments.

Mr. President, there is a difference between a relevant amendment and a germane amendment. A germane amendment is very technical. It has to be a deletion to the bill, or a deletion of money.

There are all sorts of relevant amendments here, including amendments by the Intelligence Committee, most of which have been worked out, that are not germane. If we had invoked cloture a few minutes ago—and I voted against cloture—all of those intelligence amendments would be knocked out. Virtually all the amendments—not all but most of the amendments—that we have worked out that are going on this bill that are relevant but are not germane that we have already accepted but have not passed yesterday would have been knocked out. Any amendments relating to relevant ballistic missile defense—I see the Senator from Arizona on the floor—would be knocked out. The Nunn-Lugar-Domenici amendment which deals directly with the kind of terrorist threat that we have just witnessed in Saudi Arabia brings it home so that we can better protect our own cities. That is the subject of that amendment and certainly a matter of national security, but it would not have been germane to this bill, and that would have been knocked out.

So I know there is a real and a very sincere effort here to get to the bottom line and pass this bill. But in doing so, we cannot prevent our colleagues from offering relevant amendments that are important to our national security, whether we agree with them or not.

So there is a big difference between a relevant amendment and a germane amendment. Germaneness is required after cloture is invoked. I do not think it is time to invoke cloture. I think it would be a mistake to invoke cloture because we would then basically have not considered the serious amendments.

We have spent most of our time considering nonrelevant amendments on this bill. As important as the stalking amendment is, the one that is now pending, that one is not relevant to this bill because it is not in our jurisdiction. It is in the jurisdiction of the Judiciary Committee. It is going to require outside conferees when we to go conference, if it passes. I intend to vote for it, but we are going to have a hard time getting that through. It is going to slow up the bill. It is very likely going to precipitate a gun amendment then on this side of the aisle, which we all know is going to take time.

So I am just describing to our colleagues that their actions do have an effect on whether we can pass this bill or not.

If we do not stick to relevant amendments that have a connection to national security and that are in the jurisdiction of this committee and in the jurisdiction of the conference, then we are going to be on this bill all this week. I know the leader said that we are going to stay until we finish it. I applaud that. We will not finish it this week. If he is determined to finish it, it may require next week.

That is the way I see it now, unless we have cooperation from all of our colleagues and stick to amendments that are within the jurisdiction of this committee and this bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

TERRORIST ATTACK IN SAUDIA ARABIA

Mrs. HUTCHISON. Mr. President, I want to add my comments to those that have been made regarding the bombing in Saudi Arabia that have stunned our Nation as well as theirs.

It is horrifying to read that a bomb has gone off that leaves a 30-foot deep crater that is 80 feet wide. I am told that this was heard 8 miles away. Nineteen U.S. citizens lost their lives, 80 are injured, and a number of those very seriously. We could not start today's debate on the armed services bill without saying that our hearts go out to the families of those who are affected by this tragedy.

It goes without saying that on a very bipartisan basis Congress will do everything possible to support the President in making sure that we find out who is responsible for this and that there is swift and firm retaliation.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, this armed services authorization bill is so very important. This lays the groundwork for the strength of our defense and the support of our armed services.

So I agree with my colleague from South Carolina, the chairman of the committee, and the ranking member, Senator NUNN, that we must get on with the debate. I think if both sides will work together and determine what are relevant amendments, then hopefully the cloture vote will be in order tomorrow and we can finish this bill.

It is unnecessary for us to drag out this bill that will support our armed services, and most especially in light of what happened yesterday. I think it would be a tragedy if we did not finish this bill, and in fact we are going to finish this bill. We are not going to leave to go on a recess if this bill is not finished.

I hope everyone will be committed to that.

I would just take a slight issue with my colleague, Senator NUNN, talking about the stalking bill, because this is something that we have been trying to put forward for all the women and children of America.

It has been held up by Senator LAUTENBERG because he wants to add another amendment, and I think that the talking part of this legislation applies to military bases and military personnel and therefore is quite relevant. I hope that we can give this protection to the women and children that are in our military, and I hope that Senator LAUTENBERG will also take this opportunity to take his hold off the whole bill so that we could send it to the President before we go into recess.

I appeal to Senator LAUTENBERG to allow that to happen, and then I will certainly work with him to allow some vehicle for him to have an airing on the amendment that he wants to put forward. But there is no reason to hold up the ability for us to give all the protection in this country to the women and children who are victims of stalking, harassment, and threats when we are going on a recess. It does not make sense, and I hope Senator LAUTENBERG will hear our pleas, let this go, and let us work with him to get a vehicle for his amendment.

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.

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

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

AMENDMENT NO. 4293

(Purpose: To authorize funding and multiyear contracting for the *Arleigh Burke* class destroyer program)

Mrs. HUTCHISON. Mr. President, I would like to start on a series of cleared amendments so that we can make progress on this bill, and I would like to start by offering, on behalf of Senator COHEN and Senator LOTT, an amendment that would make technical corrections to section 124 of the bill regarding *Arleigh Burke* class destroyers to make its intent more explicit.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COHEN, for himself and Mr. LOTT, proposes and amendment numbered 4293.

Mrs. HUTCHISON. 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 out section 124 and insert in lieu thereof the following:

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

Mr. COHEN. Mr. President, this amendment would modify section 124 of the bill. In its present form this section authorizes three *Arleigh Burke* class destroyers in each of the 4 fiscal years 1998, 1999, 2000, and 2001, for a total of 12 destroyers. The provision was included in the bill as the result of compelling testimony by the Navy's senior acquisition executive that he could save a billion dollars on the cost of 12 destroyers if Congress provided the opportunity for a reliable and stable procurement rate over the 4-year period. In other words the Navy would be able to procure 12 ships, all of them urgently needed, for the cost of 11 and still have funds left over for use elsewhere in a shipbuilding account that is under relentless pressure from competing requirements.

To achieve such cost savings, the Navy will need explicit authority to enter into multiyear contracts and contract options. This amendment would provide that authority, while limiting the Government's liability should unforseen circumstances force a change in future procurement plans.

This amendment makes military sense, cost sense, and industrial base sense. I strongly urge my colleagues to join me in supporting it.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side and I ask we approve it unanimously.

Mr. NUNN. Mr. President, I urge approval of the amendment.

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

The amendment (No. 4293) was agreed to.

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. I also ask unanimous consent that a statement by Senator COHEN be printed in the RECORD.

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

AMENDMENT NO. 4294

(Purpose: To provide funds for the Computer Emergency Response Team at the Software Engineering Institute)

Mr. NUNN. Mr. President, on behalf of myself and Senator SANTORUM and Senator KYL, I offer an amendment which would provide $2 million for the Computer Emergency Response Team associated with the Software Engineering Institute. The amendment contains an appropriate offset. I believe the amendment has been cleared on the other side of the aisle.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside for the duration of this series of amendments. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. SANTORUM, and Mr. KYL, proposes an amendment numbered 4294.

At an appropriate place in the bill, add the following:

SEC. . COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) Funds authorized by Section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

Mr. NUNN. Mr. President, Senators SANTORUM, KYL, and I are offering today an amendment to provide $2 million for fiscal year 1997 for the computer emergency response team associated with the Software Engineering Institute at the Carnegie-Mellon University.

The computer emergency response team [CERT] has operated since 1988 under the sponsorship of the Defense Advanced Projects Research Agency [DARPA]. Its missions are to respond to computer security emergencies and intrusions on the Internet, to serve as a central point for identifying vulnerabilities to hackers, and to conduct research to improve the security of existing systems.

The number of computer emergencies handled by CERT has grown from 132 in 1989 to nearly 2,500 in 1995. In addition to this rising tide of incidents, the severity of the incidents and the damage caused by the intrusions has increased significantly.

During a hearing which I chaired last month before the Permanent Subcommittee on Investigations, we learned that DARPA had decided that the CERT operation is not the kind of cutting-edge research project on which they are focused, and that they were planning to reduce their funding to CERT for fiscal year 1997 by 75 percent. While we agree with DARPA's view of its priorities, a funding reduction of this magnitude would have devastated the ability of CERT to respond to the growing volume of inquiries, and we do not wish to see the CERT capability disappear. Therefore, we are introducing this amendment to provide necessary funding for the CERT activity to continue through fiscal year 1997. The Armed Services Committee will find an appropriate long-term source of funding for the CERT function during its deliberations on the fiscal year 1998 defense budget request.

So as not to increase the funding level of the overall bill, our amendment reduces the funding already contained in S. 1745 for project Athena within O&M, Navy by $2 million. These funds represent hollow budget authority, as both appropriations committees have reduced funding for project Athena by more than the amount of the reduction in this amendment.

I urge the adoption of the amendment.

Mr. SANTORUM. Mr. President, I wish to say a few words regarding the amendment offered by myself along with Senators NUNN and KYL pertaining to the Computer Emergency Response Team [CERT]. CERT is located in Pittsburgh at the Carnegie Mellon University's Software Engineering Institute [SEI] in my home State of Pennsylvania.

This amendment would allocate an additional $2 million to be given to CERT to maintain their funding profile. When the SEI established its emergency response team in 1988, three members of the SEI technical staff were assigned to respond to computer security incidents on the Internet. Nearly 8 years later, use of the Internet has grown by 2,500 percent, and there has been a 2,000-percent increase in the number of network intrusions. The number of computer emergencies that CERT has responded to has grown as well, from 32 in 1989 to 2,500 in 1995. However, due to past congressional actions which have imposed ceilings on federally-funded research and development centers, SEI and specifically CERT, has only been able to expand by nine people, limiting their ability to perform essential services. The invaluable contribution that CERT has provided under the stewardship of the SEI has been highlighted nationally more than 60 times by the New York Times and the Wall Street Journal, as well as featured on the CBS show ''60 Minutes.'' Mr. President, I

urge the adoption of this amendment and am hopeful that this issue of ceilings will be addressed during the House-Senate conference on this bill.

Mr. KYL. Mr. President, I rise to sponsor, with Senator SANTORUM, an amendment to S. 1745, the 1997 Defense Authorization Act, introduced by Senator NUNN. I thank Senator NUNN for his sponsorship of this provision, and his leadership in protecting the Nation's information systems. I believe that his hearings on computer security have awakened many to the need for a national defense strategy against strategic attacks on the national information infrastructure. I am pleased to be a sponsor of this amendment, which will ensure the continued operation of the computer emergency response team [CERT] at the Carnegie Mellon University Software Engineering Institute [SEI] in Pennsylvania for 1997.

The amendment would make $2 million available to CERT for fiscal year 1997. For the last few years, the Defense Advanced Research Projects Agency [DARPA] has allocated between $2.5 million and $3.0 million per year to CERT. CERT requested $2.75 million for 1997. DARPA will fund only one-fourth of that request in 1997 and $0 in 1998. DARPA's administration does not want to fund CERT because it believes that CERT does not properly belong to it. The amendment would correct the problem and move the funding out of DARPA.

Why is this amendment necessary? CERT is arguably the most reliable source of computer security statistics and support in the country. Absent a comprehensive overhaul of national security policy for information systems—which I initiated in last year's bill, with an amendment that requires the President to develop a national architecture to protect against strategic attacks on the NII—there is not another entity better prepared to respond to potential threats. It continues to be DOD's best means of warding off unauthorized entry into the Pentagon's and the Nation's complex computer infrastructure.

The Senate Subcommittee on Investigations, in its staff report on hearings it held on computer security, recommended the creation of a National Information Infrastructure Threat Center that "should have real time 24 hour operational capabilities as well as serve as a clearinghouse for intrusion reports." CERT, for many years, has performed many of the functions cited in the staff report. It should continue to serve DOD until the committee's recommendations are executed.

In 1988, DARPA requested that the SEI set up a computer response team. It was funded through a competitive procurement process, initiated by DARPA with the approval of Congress. DARPA mandated that CERT set up a 24-hour point of contact center to respond to security emergencies on networks and to help prevent future network incidents. This remains its current function.

Since the inception of its response team, CERT has responded to over 7,600 security incidents affecting tens of thousands of network-connected sites. It is clear that CERT has played a key role in the DOD's national defense against attacks on our information systems. The amendment authorizes funding for only 1 year. Congress can reevaluate the importance of CERT again next year. I urge my colleagues to adopt the amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4294) was agreed to.

Mrs. HUTCHISON. 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. 4295

(Purpose: To correct an error made in the reporting of the bill)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would make a technical correction to section 532 to correct an error made in reporting the bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for Mr. THURMOND, proposes an amendment numbered 4295.

The amendment is as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

"(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

"(B) In the administration of subparagraph (A), the following officers shall not be counted:

"(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

"(e) The following officers may not be ordered to active duty under this section:

"(1) An officer who retired under section 638 of this title.

"(2) An officer who—

"(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

"(B) was retired pursuant to that request.".

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

"(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.".

Mr. THURMOND. Mr. President, this amendment makes a technical change to section 532 correcting an error made when reporting the bill.

When section 532 limiting the recall of retired officers to active duty as approved by the committee, it was our intent that the limit not apply to chaplains, health care professionals or officers assigned to the American Battle Monuments Commission. Due to an error in drafting, the legislation does not exempt these categories of recalled retired officers. My amendment corrects this error. Since the amendment changes the existing section to conform with the intent of the committee, I urge its adoption.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4295) was agreed to.

Mrs. HUTCHISON. 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. 4296

(Purpose: To provide that of the funds available for research, development, test, and evaluation for the Air Force for arms control implementation, $6,500,000 shall be available for basic research in nuclear seismic monitoring)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would provide $6.5 million of the authorization for Air Force arms control implementation to be available for basic research in nuclear seismic monitoring. I believe the amendment has been cleared on the other side of the aisle. I urge adoption of the amendment.

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 4296.

Mrs. HUTCHISON. 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:

At the end of subtitle B of title II, add the following:

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available

for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

Mrs. FEINSTEIN. Mr. President, this amendment authorizes $6.5 million for basic research in nuclear test monitoring. These funds ensure that the Department of Defense is able to support a comprehensive research and development program to improve nuclear test monitoring capabilities.

The proliferation of nuclear weapons continues to be one of the most serious threats to our national security. This amendment underscores the need for the United States to maintain an effective capability in detecting and identifying clandestine nuclear tests. Only a sustained level of research involving the university community, in partnership with DOD and small companies, has been shown to be effective in developing and improving the monitoring of nuclear testing.

The Comprehensive Test Ban Treaty [CTBT] will present new monitoring challenges including the detection and identification of events of smaller and smaller magnitude; and the ability to discriminate industrial or other chemical explosions and earthquakes from nuclear explosions. In order to meet these challenges, it is critical that adequate resources be devoted to programs aimed at developing and sustaining the capabilities required to monitor a CTBT.

Under the CTBT, all signatories are committed to permanently refrain from testing nuclear weapons. This treaty would help to curtail the spread of nuclear weapons by outlawing the tests which are so necessary for their development. It would help prevent additional countries from developing nuclear weapons, beyond the five declared nuclear weapons states—the United States, Russia, China, France, and Britain—and the three undeclared nuclear weapons states—Israel, India and Pakistan. The CTBT would facilitate the political conditions necessary to continue step-by-step reductions of nuclear weapons and, perhaps, their eventual elimination. The five nuclear weapons states are all finally on record supporting a CTBT.

My amendment will ensure that there is adequate funding, $6.5 million, for basic research to improve technologies which enhance our ability to detect underground nuclear tests. I am pleased to offer this amendment and ask my colleagues for their support.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4296) was agreed to.

Mrs. HUTCHISON. 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. 4297

(Purpose: To specify the grade of the Chief of Naval Research)

Mrs. HUTCHISON. Mr. President, on behalf of Senator LOTT, I offer an amendment that would specify the grade of Chief of Naval Research when that position is filled by a military officer.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4297.

The amendment is as follows:

At the end of subtitle A of title V add the following:

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).''.

Mr. LOTT. Mr. President, this amendment will strengthen the Navy's Office of Naval Research. This office was established by the Congress in 1946 in recognition of the contributions made by science and technology to the Nation's success during the Second World War.

Like the period after World War II, we are experiencing tight budgets that require downsizing of our military forces. In periods like this, technological superiority becomes more important than ever as a means for retaining control over the sea lanes and to project military power ashore. Our technology base guarantees our sailors and marines have the leading edge weaponry and equipment they need to continue winning—anywhere, anytime.

Today's U.S. naval forces have the ability to deploy anywhere in the world and to sustain forward presence indefinitely. This ability is the direct result of past science and technology successes.

Recognizing the importance of science and technology to the recapitalization efforts of the Navy, the Secretary of the Navy recently established a special study of the Department's science and technology program. It was chaired by Mr. Robert Galvin, chief executive officer of Motorola Corp. Among the findings of this study was that the rank of the senior naval officer in a military organization is one measure of the relative importance of the work conducted by that organization. The study said:

The Department of the Navy should recognize the importance of science and technology program to its own future and return to the practice of assigning a Naval Officer to the Chief of Naval Research position that is equal in rank to the Commanders of the Systems Commands.

This initiative amends section 5022 of Public Law 588 to again establish a requirement for the Chief of Naval Research to be a rear admiral (upper half). The Senate struck this requirement in 1991.

I think this Senate needs to reestablish the two star rank for the Chief of Naval Research to ensure he will be the equivalent of other naval systems commanders and will therefore be able to effectively plan and ensure the viability of the Navy's science and technology programs. As a two star, the Chief of Naval Research will have the stature to be an effective spokesman for science and technology in this current budget constrained environment. Through this action, we will ensure that science and technology, which is a long-term investment, will not be sacrificed for apparent pressing short-term needs. This move ensures the Navy's S&T program has the independence and stature necessary to ensure the Navy's future warfighting capability.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side and I urge its adoption.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4297) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4298

(Purpose: To authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota, and for other purposes)

Mr. NUNN. Mr. President, on behalf of Senator DORGAN and Senator CONRAD, I offer an amendment which would authorize the conveyance of the William Langer jewel bearing plant to the Job Development Authority of Rolla, ND. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DORGAN, for himself and Mr. CONRAD, proposes an amendment numbered 4298.

The amendment is as follows:

On page 393, after line 23, add the following:

SEC. 2828. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

Mr. DORGAN. Mr. President, my amendment would expedite the conveyance of the William Langer Jewel Bearing plant in Rolla, ND, to the Job Development Authority of the city of Rolla. The amendment would enable the General Services Administration to transfer the plant to the Authority more quickly, and in a way that would enable the plant to continue as a going enterprise.

My senior colleague from North Dakota, Senator CONRAD, is cosponsoring this amendment, and the Defense Department and the General Services Administration have no objection to it. In fact, the Defense Department and GSA have cooperated in helping the plant to orient itself more toward commercial markets.

Let me describe the background and purpose of this amendment.

The Langer plant has roots in the cold war. Back in the 1950's, our defense leaders realized that we lacked the ability to produce jewel bearings, which are finely machined bits of carborundum. They were crucial components in military avionics systems. So the Congress located a jewel bearing plant in North Dakota. The Langer plant has been producing jewel bearings as a Government-owned, contractor-operated facility since then.

My colleagues should also know that the plant is a few miles from the Turtle Mountain Indian Reservation. Of the plant's 80 or so employees remaining after a downsizing, about 60 percent are native American. The Langer plant brings crucial skilled jobs to an economically depressed area—Rolette County, where the unemployment rate is one of the highest in the country.

However, changing technology means that the national defense stockpile no longer needs to buy jewel bearings. The Defense Department has now reported the plant to the General Services Administration as surplus property. Those of my colleagues who are dealing with base closures and defense downsizing know that this situation presents Rolla with a crisis and an opportunity.

The future of this factory depends on its ability to become a commercial manufacturer. The local community has a plan to bring this about: the Rolla Job Development Authority, through a subsidiary corporation, is already running the plant for the Federal Government. That subsidiary, called Micro-Lap Technologies, will continue to run the plant after the conveyance.

Normal surplus property rules would require the GSA to sell the plant for fair market value. The problem is that no local entity can afford the plant, which had an original cost of $4.2 million. The plant itself is not now healthy enough in a business sense to finance its own acquisition by a new management team.

In fact, the plant's economic position is so tenuous that the plant will likely run out of money in September, because it has not had a chance to build a strong commercial customer base to replace its defense contracts. The plant has worked hard to cut costs, and it has already had to cut its work force by 30 percent. I am deeply concerned that the plant may not survive without conveyance legislation.

My colleagues will understand that as a Government-owned facility, the plant is not able to compete freely, nor is it eligible for the kind of small business or economic development assistance that is available to private sector firms. However, once conveyed, the plant will be in a position to aggressively seek commercial contracts and assistance from the State and other agencies.

I would like to stress to the Senate that the Rolla community, the State of North Dakota, the Turtle Mountain Band of Chippewa, and the local business community have been working hard to ensure that the plant makes a successful transition to the private sector. The local community is united behind the plan to transfer the plant to the Job Development Authority of the city of Rolla. Of course, the conveyance is conditional on the community and the General Services Administration reaching a mutually acceptable legal agreement on the conveyance. But I am confident that the GSA and the community can reach that agreement swiftly.

Let me also remind my colleagues that in September 1995 the Senate approved by voice vote an amendment of mine to last year's defense authorization bill that was exactly identical to this amendment. And then, in January of this year, the Senate unanimously passed S. 1544, which was a freestanding version of this amendment. However, the House has not yet acted on that separate bill. This will actually be the third time that the Senate has passed this Langer plant conveyance. Fortunately, section 2852 of the House defense authorization bill is exactly the same provision as the amendment I am now offering. I think this means the third time will be the charm.

Let me thank the chair and ranking member of the Governmental Affairs Committee, Senators STEVENS and GLENN, for their support of this amendment. And the chair and ranking member of the Armed Services Committee, Senators THURMOND and NUNN, have been helpful to me on this issue for nearly a year now. Senator MCCAIN has also assisted in expediting this conveyance. I am deeply grateful to all five senators and their staffs for their support and assistance.

Mr. President, to sum up, I would simply say that this amendment tries to give a helping hand to the Langer plant and the city of Rolla. It also will relieve the Federal Government of a facility that the Defense Department no longer needs. I look forward to the Senate's unanimous approval of my amendment, and to its enactment into law.

Thank you, Mr. President. I yield the floor.

Mr. CONRAD. Mr. President, I rise today to urge my colleagues to support an amendment offered on behalf of my esteemed colleague from North Dakota and myself by the distinguished ranking member of the Armed Services Committee, Senator NUNN. This amendment to the fiscal year 1997 Defense authorization bill would authorize the conveyance of the William Langer Jewel Bearing Plant from the General Services Administration [GSA] to the Job Development Authority of the city of Rolla, ND.

As my colleagues may be aware, for over 40 years the Langer plant has been serving the national defense stockpile, manufacturing jewel bearings. Its work has been outstanding. Last year, however, the plant was transferred to the GSA after having been declared surplus by the Department of Defense. Since that time the Rolla community has worked tirelessly to ensure that the plant will remain open and continue to play a vital role in the economic health of the region. Conveyance of this property to the Rolla Job Development Authority is necessary to ensure that this privatization initiative has a chance.

Mr. President, congressional support for this privatization effort is especially worthwhile in light of the very positive impact the plant has on an economically disadvantaged part of my State. Of the plant's 110 employees, about 60 percent are Native American. Unemployment is high on the Turtle Mountain Reservation, and loss of these jobs would be devastating.

Keeping this facility open makes good sense. The Langer plant utilizes unique micromanufacturing technology that helped form a critical part of our defense industrial base and can be reapplied to the private sector. Furthermore, the plant's existing production of dosimeters, used in measuring exposure to nuclear radiation, as well as its hopes to develop a large-scale production of fiber optic cable connectors, known as ferrules, will increase its potential to compete in commercial markets and meet possible future Federal needs.

Legislation introduced by Senator DORGAN and myself which passed the Senate in January would provide for conveyance, as would a provision in the version of the fiscal year 1997 Defense authorization bill passed by the House. Local businesses, community leaders from Turtle Mountain, and State officials are all working together to ensure the success of the plant and its growth as a viable enterprise, but now the Senate needs to act again to ensure that the Congress has done its part.

The Defense Logistics Agency has been very helpful in keeping the plant open until conveyance occurs, but action from Congress is essential if the plant is to continue to play a key role in the future of the Rolla community. This amendment will enable the plant to transition to the private sector, and I would urge all of my colleagues to support it. I thank the distinguished ranking member of the Armed Services Committee for his assistance in this important matter, and yield the floor.

Mrs. HUTCHISON. The amendment is cleared. I urge its adoption.

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

The amendment (No. 4298) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4299

(Purpose: To provide for a study of Department of Energy liability for damages to natural resources with respect to Department sites covered by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THOMAS, I offer an amendment that would require the Department of Energy to carry out a study to determine the extent of liability for natural resource damage at sites controlled and operated by the department.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THOMAS, proposes an amendment numbered 4299.

The amendment is as follows:

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

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C)) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

Mrs. HUTCHISON. I believe this amendment has been cleared by both sides.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

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

The amendment (No. 4299) was agreed to.

Mrs. HUTCHISON. 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. 4300

(Purpose: To require information on the proposed funding for the Guard and Reserve components in the future-years defense programs)

Mr. NUNN. Mr. President, on behalf of Senator ROBB and Senator WARNER, I offer an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, for himself and Mr. WARNER, proposes an amendment numbered 4300.

The amendment is as follows:

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

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

Mr. ROBB. Mr. President, this amendment directs the Secretary of Defense to specify in the future years defense plan—submitted to the Congress as required in title 10—the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for the National Guard and Reserve components.

The fact that this situation has reached this stage is a matter of some concern, Mr. President. Because the Congress cannot require the Executive to submit a budget recommendation at a set level for the Guard and Reserves, the Congress included a useful provision in last year's authorization that required the Secretary of Defense to submit a report on what actions DOD was taking to enhance the Guard and Reserves, how the Department would spend its fiscal year 1997 Guard and Reserves equipment and construction requests, and to provide its future years defense plan for the same. This would have allowed the Armed Services Committee this year to make a more informed judgement on how to increase, if necessary, the Guard and Reserve authorization. To date, DOD has provided no report—in direct contradiction of congressional direction.

Our intent last year was to fix a perennial problem, to wit, that the administration's budget request consistently fails to include any funding for National Guard and Reserve weapons or equipment, and that the MILCON request is consistently underfunded by several hundred million dollars a year. This, of course, necessitates congressional adds that must be drawn out of other defense programs or an increase in the total defense authorization level, neither of which is an acceptable way to effect public policy.

The Congress is compelled to make crucial decisions on weapons and construction procurement with no guidance from the administration. The end result is directed spending that does much for Member interests but little for achieving a balanced total force.

One solution—so-called generic authorization of funds—is a small improvement but far from perfect. With generic funding we abdicate our legislative responsibilities. We don't give the DOD blanket dollar amounts for aircraft and then let the department decide how many B–2's, F–22's and

other aircraft it needs to buy. The generic approach is also troubling because we authorize dollar amounts while pretending we don't know how we derived those amounts or what precisely they will be spent on, when in fact we do make assumptions about what precisely needs to be authorized in order to derive the generic funding totals.

Mr. President, my amendment echoes the requirements outlined in last year's provision on National Guard and Reserve authorizations, but it goes one step further in establishing a permanent marker for the Secretary of Defense. Currently, title 10 requires the Department to submit its future years defense program. This amendment will require in title 10 the submission of the same plan for the Guard and Reserve.

The Congress must have a foundation to work from in determining a rational topline for the Guard and Reserves. Congress may decide on a lower or higher amount, but at least it can make such a decision based on guidance from DOD on the Department's priorities.

Mr. President, I am hopeful that this amendment will persuade the Department of Defense on an annual basis to fully address Guard and Reserve funding in conjunction with deliberations on active-force budgets. To do less is to undermine the Department's concept of total force management—and to invite the Congress to distort and manipulate Reserve accounts based on individual Member interests in lieu of the national interest.

Mr. President, it is my understanding that this amendment has been accepted on both sides and I urge its adoption. I yield the floor.

Mr. NUNN. Mr. President, this amendment provides that DOD provide Congress each year information on the future years defense plan for procurements and military construction for support of the National Guard and Reserve forces. This would give Congress greater visibility on the Department's plan for these important programs. I urge adoption of the amendment.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

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

The amendment (No. 4300) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4301

(Purpose: To amend section 348, relating to shipboard solid waste control)

Mrs. HUTCHISON. Mr. President, on behalf of Senator CHAFEE, I offer an amendment that would modify section 348 of S. 1745 to provide for a report on compliance with annex V to the convention for the prevention of pollution on ships and publication of discharges in special areas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CHAFEE, proposes an amendment numbered 4301.

The amendment is as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

Mrs. HUTCHISON. I believe this amendment has been cleared, and I urge its adoption.

Mr. NUNN. Mr. President, I urge passage of the amendment.

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

The amendment (No. 4301) was agreed to.

Mrs. HUTCHISON. 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. 4302

(Purpose: To require that the Secretary of Energy request funds in fiscal year 1998 for the U.S. portion of the cost of the Greenville Road Improvement Project, Livermore, CA)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would ask the Secretary of Energy to include sufficient funding in the budget for fiscal year 1998 to pay for the Government's cost of transportation improvements at the Livermore lab site. I believe the amendment has been cleared on the other side of the aisle.

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 4302.

The amendment is as follows:

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

SEC. 3161. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget a request for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

Mrs. HUTCHISON. This amendment has been cleared. I urge its adoption.

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

The amendment (No. 4302) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4303

(Purpose: To require the Department of Defense to conduct a study to assess the cost savings associated with dismantling and neutralizing chemical munitions in place as opposed to incineration in place)

Mrs. HUTCHISON. On behalf of Senator BROWN, I offer an amendment which would require the Department of Defense to study the cost effectiveness of dismantling chemical munitions, neutralizing the chemical agent on site and transporting that agent to a centrally located incinerator for destruction versus building an incinerator at each facility. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. BROWN, proposes an amendment numbered 4303.

The amendment is as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 4303) was agreed to.

Mrs. HUTCHISON. 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. 4304

(Purpose: To provide for preventive health care screening of military health care beneficiaries for colon or prostate cancer)

Mr. NUNN. On behalf of Senator WELLSTONE, I offer an amendment which would authorize male service members and former members who are entitled to medical care to receive preventive screening for colon cancer and prostate cancer at intervals prescribed by the service Secretaries. I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. WELLSTONE, proposes an amendment numbered 4304.

The amendment is as follows:

At the end of title VII add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intevals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A) by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

Mr. WELLSTONE. Mr. President, I want to describe briefly an amendment which I am offering today to correct an oversight in the military health care system. My amendment would permit preventive prostate and colon cancer screenings for male servicemembers, and preventive colon cancer screenings for female servicemembers. This commonsense amendment was offered in the House to the DOD authorization bill by my colleague from Minnesota, Congressman OBERSTAR, and was adopted by the full House of Representatives with broad bipartisan support.

Mr. President, I offer this amendment to address a narrow, yet vitally important, shortcoming in current military health care law. Department of Defense health care law presently entitles current and former female servicemembers and dependents to receive preventive screenings for breast and cervical cancer and other diseases. Current and former male servicemembers and dependents, however, are not permitted to receive similar preventive screenings for prostate and colon cancer. Broadening the law to explicitly cover prostate and colon cancer screenings will save substantial money in averted health care costs, as well as countless lives.

The need for this amendment was called to my attention recently by Congressman OBERSTAR, who has been a crusader for responsible Federal health care and research policies designed to combat the scourge of cancer, and provide expanded treatment options for those who fight these terrible diseases. I'd like to dedicate this amendment to JIM's deceased wife, Jo Oberstar, whose long and heartbreaking struggle with cancer, passionate commitment to her family, and fierce determination inspired all of us who knew her. JIM's commitment to fight cancer in all its forms is fired by her memory, and issues in his tireless efforts to honor and redeem her death by fighting to improve Federal policies in this area, and to ensure access to care and preventive treatment for millions of Americans.

In the time since Congressman OBERSTAR offered this amendment to the House bill, the American Gastroentrological Association has brought to our attention the fact that colon cancer affects women in roughly equal numbers to men. The current list of available screenings for female servicemembers, however, does not include this necessary procedure. My amendment would take care of this oversight.

In a time of increasing pressure on the Department of Defense to enlist and retain the highest quality personnel which our Nation has to offer, modest changes such as these are needed to demonstrate our continuing commitment to the well-being of our men and women in uniform. This amendment has generated broad bipartisan support, including in the House National Security Committee, in the full House of Representatives, and in the Department of Defense. I am grateful for the support of those Members of the Committee, Democrats and Republicans alike, who have agreed to accept this amendment. It will be a modest, though important, advance in detecting and preventing colon and prostate cancer for those in our Armed Forces. It is sound social, economic, and medical policy, and I urge my colleagues to support its adoption.

Mrs. HUTCHISON. This amendment has been cleared. I urge the adoption of the amendment.

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

The amendment (No. 4304) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4305

(Purpose: To provide funding for the Scorpius space launch technology program)

Mrs. HUTCHISON. On behalf of Senator DOMENICI, I offer an amendment which would authorize the use of up to $7.5 million in funds authorized for the ballistic missile defense organization to be used for the Scorpius space launch technology program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DOMENICI, proposes an amendment numbered 4305.

The amendment is as follows:

At the end of subtitle C of title II add the following:

SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

Mr. DOMENICI. Mr. President, I have long been concerned over the excessive cost of space launch. We have lost the commercial space launch industry, which America pioneered, to overseas competitors. The burden on the defense budget is inordinate. Current space launch vehicles are still using 1970's technology and have little margin for error. The military spends well over $1 billion per year on space launch. A 15,000-pound communications satellite launch is over $100 million; a 50,000-pound surveillance satellite over $350 million. Today's rockets are engineering miracles in an industry that needs to achieve manufacturing economies.

I have been closely following the progress of Microcosm, a small California company and its Scorpius program, a family of space launch vehicles. This is an effort to lower the space launch cost from its current over $7,000 per pound to low Earth orbit to under $1,000 per pound. For example, if Scorpius is successful, the current launch cost for a 15,000-pound military communications satellite would drop from over $100 million to less than $15 million.

Scorpius's launch crew would be 12 technicians, not the current hundreds,

even thousands of engineers needed for today's. Those same 12 technicians, when not actually firing the rocket, would be assembling them. It is truly a simple design.

Scorpius would be true launch on demand, able to lift off within 8 hours after the payload arrives at the launch site. Its short, squat design, though ugly compared to present rockets, makes it oblivious to weather limitations of today such as high wind. It would not require the extensive launch infrastructure such as a gantry, providing great flexibility of where it could be fired. Our military field commanders would be able to request and receive the satellite resources they need when and where they need them.

Microcosm has received seven SBIR contracts for Scorpius totalling roughly $2.6 million. All SBIR contracts and awarded competitively. The results have been impressive:

Seven engines built, each at a cost under $5,000;

Seven engines test-fired including;

The last test fired engine ran for 200 seconds on a continuous burn-thrust capable of getting a payload to LEO, low earth orbit, for under $1/pound was attained;

The flight computer was designed and built—its recurring cost is about $1,500; total on-board GN&C recurring costs will be under $30,000;

Preliminary tank design has been completed; including a LOX liner technique for the composite tanks; and

Technical spin-offs that could benefit non-Scorpius programs as well, such as the gas generator.

BMDO, which provided funding for the first award, has allocated $1.5 million in fiscal year 1996 money for this effort. The $7.5 million in the bill would allow for ground development and testing to be completed, four suborbital rockets to be built and real flight testing of the rockets. The first test flight would occur in fall of 1997.

The program has been subjected to many senior technical reviews by both government and industry experts. No significant technical problem has been identified.

Scorpius is a bargain. It is a leap-frog technology that could make space launch truly affordable and recapture an American industry—and jobs—now lost to foreign companies.

Mrs. HUTCHISON. I believe this amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4305) was agreed to.

Mrs. HUTCHISON. 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. 4306

(Purpose: To clarify the applicability of section 1102, relating to the retention of civilian employee positions at military training bases transferred to the National Guard)

Mr. NUNN. Mr. President, on behalf of Senators HEFLIN and SHELBY, I offer an amendment which would expand the provision of the authorization bill which authorizes the Secretary of Defense to retain a number of civilian employees in any military base approved for closure by the 1995 BRAC round where an enclave is going to be maintained to support active and resserve training, and where the base is scheduled for transfer to the National Guard in 1997. Specifically, the amendment would remove the requirement that the base be scheduled for transfer in 1997.

I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 4306.

The amendment is as follows:

In section 1102(a)(2), strike out ''during fiscal year 1997''.

Mr. HEFLIN. Mr. President, I rise today to offer an amendment to insure that the National Guard will be able to fully use the training infrastructure of Fort McClellan.

The Armed Services Committee has included a wise provision in its bill that allows the National Guard to retain certain key civilians at each installation they are gaining through the BRAC process. The committee's provision only covered training bases closed before the end of 1997. My amendment would extent this date to 1999, so that Fort McClellan would also be covered. I encourage my colleagues to support this needed change.

Mrs. HUTCHISON. Mr. President, This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4306) was agreed to.

Mrs. HUTCHISON. 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. 4307

(Purpose: To require a report on facilities used for testing launch vehicle engines)

Mrs. HUTCHISON. On behalf of Senator LOTT, I offer an amendment which would require a report on facilities for testing space launch vehicles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4307.

The amendment is as follows:

At the end of subtitle E of title X add the following:

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

Mr. LOTT. Mr. President, this would require a report regarding space launch vehicle test facilities. The report would address duplication between the Air Force and NASA in the area of hydrogen engine testing. I am concerned that we have not adequately coordinated these activities and I believe that additional information is required. I am hopeful that the Secretary of Defense, in consultation with the Administrator of NASA, will provide a useful report as a guide to possible efficiencies. I urge my colleagues to support this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4307) was agreed to.

Mrs. HUTCHISON. 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. 4308

(Purpose: To provide an additional exception for the cost limitation for procurement of Seawolf submarines)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would provide an additional exception for the cost limitation for procurement of *Seawolf* class submarines.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4308.

The amendment is as follows:

At the end of subtitle C of title I add the following:

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and

1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).''.

Mr. THURMOND. Mr. President, in the fiscal year 1996 Defense Authorization Act, Congress imposed a cost cap on procurement of the three *Seawolf* class submarines that Congress has authorized. The principal purpose of this cost cap was to cause the Navy to focus careful attention on the program to forestall the type of cost growth that plagued other major shipbuilding programs in the past. While the Navy was given ample opportunity to participate in its development, the cost cap is a tight one that will require constant attention throughout the construction of the ships.

The Navy has responded by implementing a number of management changes that proved successful during the past year in containing cost growth. Included was the creation of an independent cost review team that has an independent charter to examine the program's books and report any concerns that arise to the Navy's Senior Acquisition Executive. As the team has developed information the committee has been kept informed.

A concern that has emerged this year is the existence and status of program costs that have been allocated to canceled *Seawolf* submarines. As my colleagues will recall, the original Seawolf program called for construction of more than 20 submarines of the class. In the immediate aftermath of the cold war as the defense budget declined, the program was terminated. At the time funds had been fully or partially appropriated for six *Seawolf* submarines.

After careful review Congress has partially restored the Seawolf program to the extent that three or the submarines will be built. However, a considerable amount of sunk cost was incurred as a consequence of contracts detail design and for construction of various components for now canceled submarines that will never be built.

When the Navy was asked to assist in developing a cost cap total last year, it did not propose inclusion of these sunk costs in the cost cap. However, legitimate questions have been raised by the Navy's independent cost review team as to whether some portion of these costs, such as those for detail design or for components that may eventually be used in the three *Seawolf* submarines that are under construction, should be included in the cap.

The committee acted to address the matter of detail design costs in report language that accompanies this bill by acknowledging them and noting that they had not been included in the cost tap. Subsequent to our markup, however, additional sunk costs have been identified associated with the termination of nuclear and nonnuclear components for which an argument could be advanced on both sides as to whether they properly belong within the cost cap. These are not hidden costs that have suddenly appeared. They have been routinely reported by the Navy as part of the total program cost. The issue is whether they should or should not have been associated with the three subs presently under construction.

One course of action that we could have pursued as questions were raised by the conscientious efforts of the Navy's independent cost team would have been to ignore them. However, this course of action could have led to future acrimony as to whether the Navy had breached the cost cap. Another alternative would be to include them in the cost cap number. However, since the cost cap was put in place to safeguard against future cost growth vice documenting sunk costs, this approach would have contributed little, if anything, toward satisfying that objective.

Our recommended approach, the one reflected in this amendment, would be to first reaffirm last year's cost cap, a cap stringent enough to demand constant vigilance by the Navy and concurrently acknowledge in law that certain costs that have been associated with canceled submarines are excluded from it. This approach appears a more prudent means of avoiding any future legal disputes than to employ revised report language to accomplish the same objective.

In my opinion, adopting this amendment will address legitimate issues and also encourage the Navy to continue forthright discourse with Congress on the progress of the Seawolf program. I strongly encourage my fellow Senators to join me in supporting it.

Mr. MCCAIN. Mr. President, I have no objection to this amendment to provide a specific exception from the cost cap for $745.7 million which was expended for termination and other procurement costs associated with cancelled ships. These funds were not included in the calculations by the Navy for the original procurement cost cap.

I should note that the committee was advised earlier this year that $278 million in class detail design costs had been left out of the cost cap calculations. Since these amounts were not directly related to procurement of the three submarines currently under construction, the committee included in its report on this bill a section starting that these costs were not to be considered part of the cost cap.

Only a few weeks ago, the Navy advised the committee that an additional $467.7 million had not been addressed in calculating the cost cap. The Navy requested specific legislative relief from including these amounts in the *Seawolf* cost cap.

Mr. President, again, I have no objection to this amendment. It is clear that the $745.7 million identified in this amendment cannot be appropriately tied to procurement of any of the three *Seawolf* submarines. However, I find it disconcerting at best that the Navy only recently identified these amounts to Congress. In the future, I hope and expect that the Navy's program management team will be able to better track all amounts associated with *Seawolf* submarine procurement in order to remain within the legislative cost cap.

Mrs. HUTCHISON. I believe the amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4308) was agreed to.

Mrs. HUTCHISON. 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. 4309

(Purpose: To strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and to amend section 634 to sunset the authority under that section to pay annuities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and sunset section 634 relating to forgotten widows.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4309.

The amendment is as follows:

At the end of section 634, add the following:

(e) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

Mr. THURMOND. Mr. President, my amendment would strike section 2812 and sunset section 634 of the Defense authorization bill.

Section 2812 would have allowed the proceeds from sales of facilities at base closure sites built with commissary store funds or nonappropriated funds to be deposited into established funds to support commissary stores and nonappropriated fund activities.

Section 634, would authorize the Secretary of Defense to pay an annuity to the surviving spouses of retired service members who died before March 1974. This group of surviving spouses has become known as the ''Forgotten Widows'' since they were widowed before the Survivor Benefit Plan was enacted.

Mr. President, the Congressional Budget Office scored these provisions as direct spending, which is not in the committee's allocation, I am requesting that section 2812 be stricken and section 634 be terminated effective September 30, 2001.

Mr. President, I know of no objection to the amendment and ask that the Senate adopt the amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4309) was agreed to.

Mrs. HUTCHISON. 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. 4310

(Purpose: To state the sense of the Senate on Department of Defense sharing of its experiences under military youth programs)

Mr. NUNN. Mr. President, on behalf of Senator KENNEDY and Senator COATS, I offer an amendment which would provide a sense of the Senate that military and civilian youth program coordinators could benefit from greater exchange of information and close relationship between military installations and the local communities that support them.

I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4310.

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

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

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youth exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

Mr. KENNEDY. Mr. President, today Senator COATS and I offer two amendments addressing the military's child development programs. The first amendment commends the Department of Defense for its successful implementation of the Military Child Care Act of 1989. This landmark legislation has greatly improved the availability, affordability, quality, and consistency of the child care services provided by the Department to service members.

Our second amendment commends the equally important contributions of the Department's youth programs in meeting the diverse needs of older children and encourages continued progress in this area.

Before the implementation of the 1989 Act, children of military personnel were cared for in substandard facilities and received virtually no developmental care. Child care was little more than custodial care. Care givers lacked adequate training, were paid less than grocery baggers at the base commissary, and had a job turnover rate of 300 percent. Worst of all, inadequate oversight led to several documented cases of child abuse.

Since the 1989 Act, developmental care has replaced custodial care and is providing military children with a genuine learning environment. Successful completion of training by child care providers is now tied to wage increases, and the result is a well-trained and highly motivated group of care givers. Their job turnover rate has fallen from 300 percent to 31 percent. Inspections without notice and a national hotline to register complaints are now in place to protect the children being cared for. In short, the Military Child Care Act has dramatically improved the quality of life for thousands of children in military families.

Quality child care is a priority for civilian parents too. It makes no sense for civilian child care providers to waste their time and valuable resources reinventing wheels that have already been developed by the Armed Forces. Military-sponsored internship programs, access to training classes on a space-available basis, and assistance with accreditation are all cost-effective ways for civilian child care providers to benefit from the expertise available in the Department of Defense. The Department in turn benefits from an increased number of quality civilian child care resources available to its military personnel, and from the feedback it receives about its own program.

Our child care amendment encourages closer partnerships between military installations and local communities to encourage an exchange of ideas, information, and materials relating to their child care experiences. These are simply and cost-effective steps to improve the quality of care for all children.

Older children deserve as much concern about their developmental needs as younger children do. Yet military youth programs have not received the same level of attention and resources that have been available for child care since the passage of the 1989 Act. Youth programs are an effective way to combat violence, gangs, and juvenile crime by giving young people a place to turn for support and assistance in finding positive peer groups and activities.

The Department of Defense has begun to address these issues by funding the implementation of 20 model community programs to meet the needs of its youth. Lessons learned in these programs can obviously benefit the civilian community too.

Our youth program amendment encourages continued emphasis on youth programs and a similar exchange of information as with child care programs.

The amendment we are proposing today require no additional funding. They give the Department of Defense the flexibility to implement initiatives that it feels are worthwhile. The Department played a key role in the development of those amendments and is enthusiastic about implementing them.

I urge my colleagues to vote in favor of these important amendments as a needed step toward improving the quality of life for all children.

I would also like to take this opportunity to thank my colleague Senator COATS for his admirable service as chairman of the Personnel Subcommittee. His support for military child care and other quality of life programs has had a positive and lasting influence on the lives of our men and women in uniform.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4310) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4311

(Purpose: To state the sense of the Senate on Department of Defense sharing of experiences with military child care)

Mr. NUNN. Mr. President, on behalf of Senators KENNEDY and COATS, I offer an amendment which would provide a sense of the Senate that military and civilian child care providers could benefit from a greater exchange of information and a closer relationship between military installations and the local communities that support them.

I believe this amendment has also been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4311.

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

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

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4311) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4312

(Purpose: To exclude members of the Selected Reserve assigned to the Selective Service System from the limitation on end strength of members of the Selected Reserve and to limit the number of members of the Armed Forces who may be assigned to the Selective Service System)

Mrs. HUTCHISON. Mr. President, for Senator THURMOND, I offer an amendment that would provide continued military support to the Selective Service System.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4312.

The amendment is as follows:

At the end of subtitle B of title IV, add the following:

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting ", subject to subsection (e)," after "to employ such number of civilians, and"; and

(2) by inserting after subsection (d) the following:

"(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

"(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.".

Mr. THURMOND. Mr. President, I propose an amendment that would provide for continued military support to the Selective Service.

Mr. President, the downsizing of the reserve component force is causing the military leadership to reevaluate their ability to continue providing support to the Selective Service. This amendment will exempt the reservists who are assigned to duty with the Selective Service from counting against the selective reserve end strength. In order to preclude any part from taking advantage of this exemption, the amendment would limit the number of reservists who could be assigned to duty with the Selective Service at the 1996 level.

Mr. President, this is a no-cost amendment which will benefit the Selective Service and the reserve component personnel assigned in support of the unique mission of the Selective Service. I urge my colleagues to support the amendment.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. This amendment has been cleared. I urge its adoption.

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

The amendment (No. 4312) was agreed to.

Mrs. HUTCHISON. 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. 4313

(Purpose: Relating to the participation of the State of Oregon in remedial actions at the Hanford Reservation, Washington)

Mrs. HUTCHISON. On behalf of Senators HATFIELD and WYDEN, I offer an amendment which would require information associated with cleanup of the Hanford Nuclear Reservation in Washington State be provided to the State of Oregon.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. HATFIELD, for himself and Mr. WYDEN, proposes an amendment numbered 4313.

The amendment is as follows:

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

SEC. 3161. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3162. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

Mr. HATFIELD. Mr. President, the Pacific Northwest is home to what many believe is the worst environmental mess on Earth—the Hanford Nuclear Reservation. Today, I am pleased to join with my colleague, Senator WYDEN, to enhance the voice of Oregonians in the cleanup of this site of such tremendous importance to the health and safety of our State.

Let me thank the Senators from the State of Washington, Senators GORTON and MURRAY, for their cooperation in resolving the technical details of this amendment. I look forward to continuing to the cooperative relationship our two States have shared with respect to this complex cleanup process.

Let me also thank the chairman of the Armed Services Committee, Senator THURMOND, and the ranking member, Senator NUNN, for working with Senator WYDEN and myself to resolve a number of concerns with this amendment.

The Hanford facility is located on the Columbia River within the State of Washington. From the early 1940's to the late 1980's, the U.S. Government made plutonium for nuclear weapons at the Hanford site. In the process, Hanford emitted enormous volumes of radioactive and chemical wastes, much of which found its way—through air or water—into the State of Oregon.

Hanford is just 35 miles north of the Oregon border. Not far downstream from Hanford, the Columbia River forms the border between Oregon and Washington. The cool waters of the Columbia River were vital to the locating and operation of the Hanford facility. Hanford used large amounts of water from the Columbia to cool nuclear fuel in eight reactors between 1944 and 1971. Through the years, those waters included high levels of contaminants from Hanford.

As many of my colleagues on this committee know, the shutdown of the weapons production facilities at Hanford and its subsequent cleanup efforts have been a top priority of mine during my tenure as a U.S. Senator. The waste problem at Hanford has immediate and deadly ramifications for the people of Oregon. Some specific areas of concern are the transportation of waste to and from the Hanford Reservation, the seepage of liquid waste into the Columbia River drainage from Hanford's underground storage tanks, and the past aerial releases of radioactive gasses from the reservation in the 1940's and 1950's.

Over the last 10 years, through the energy and water appropriations bill, I have been able to stop funding for the operation of the N-Reactor and Purex facilities at Hanford. I am proud of the fact that DOE's mission at Hanford has successfully been refocused from weapons production to environmental restoration. While I am pleased with the financial priority the Federal Government has placed on the Hanford cleanup operation, and recognize improvements in recent months, I share the concerns of many of my colleagues that sufficient progress has not been made to warrant the billions that have been spent.

My colleagues are also aware of my concern that Oregon is too far removed from the information flow and decision-making process at Hanford. More specifically, Oregon does not possess sufficient access to information upon which cleanup decisions are made. Nor does Oregon have the right to comment upon the important cleanup decisions that are made there.

The amendment now before the Senate will greatly enhance the information available to the State of Oregon and the voice of Oregonians in the decision-making process at Hanford. The State of Oregon will have access to all information required to be provided to the State of Washington under the Hanford Tri-Party Agreement. Oregon will have notice and comment rights in all instances where the State of Washington has such rights. The amendment makes clear that this new requirement will not slow cleanup and will not give the State of Oregon the right to participate in Tri-Party Agreement negotiations. Finally, the amendment makes clear that the States of Oregon and Washington and the Department of Energy have the authority to enter into a memorandum of understanding on areas of mutual concern to the States with regard to this important site.

Mr. President, under this amendment, Oregonians will at last be brought into the loop on Hanford cleanup. We have many decades of cleanup ahead of us. Some believe the site will never be clean. It is therefore of great importance that Oregonians have meaningful access to information about Hanford and the right to comment on that information.

Again, I thank my colleagues for their assistance in this matter and urge adoption of the amendment.

I yield the floor.

Mr. WYDEN. Mr. President, the amendment that Senator HATFIELD and I are proposing is a right-to-know act to help protect Oregonians from the unusual and highly dangerous hazards that the Hanford Nuclear Reservation poses for the people of Oregon.

There is no other contaminated Federal property in the country that has caused the serious injuries to residents of another State that Hanford has already caused to citizens of Oregon. And no other Federal site currently poses anywhere near as serious a threat to the health and safety of citizens of another State as Hanford does to our citizens.

Because of this special situation, the State of Oregon needs direct access to the same information that the Energy Department is now required to provide the State of Washington under the Hanford Tri-Party Agreement. And Oregon needs to have an opportunity to review and comment on how DOE proposes to clean up the Hanford site.

Recognizing the unique conditions present at Hanford and the immediate danger they pose for Oregonians does not set a precedent for other Federal facilities besides Hanford. It will not turn every military base with a leaking gasoline tank into a multi-State cleanup issue.

Let me put that concern to rest. First, there is simply no facility in this country—Federal or non-Federal—that compares to Hanford. In fact, Hanford is generally considered to be the most contaminated site in the Western hemisphere. You would have to go to the former Soviet Union to find a site as polluted as Hanford.

The extent of the environmental problems is mind boggling.

Over the years, 200 billion gallons of toxic and radioactive liquids from nuclear weapons production were dumped at the site. That is enough to cover Manhattan to a depth of 40 feet.

The Hanford site currently contains 56 million gallons of high-level radioactive wastes in 177 tanks. Some of these tanks are as big as the Capitol dome. At least 54 of these tanks are known or suspected to be leaking or pose risks of explosion.

The site also is currently storing 2,300 metric tons of high-level nuclear fuel rods in leaking basins located only a quarter mile from the Columbia River.

And these are just a few of the problems that we know about.

Second, there is also no other site in the country that has affected the

health and safety of residents in another State the way Hanford has affected the citizens of Oregon.

Oregonians living downwind from Hanford have suffered from thyroid cancers and other medical problems caused by airborne releases of radioactive iodine. Starting in the late 1940's and continuing through the 1950's, these releases averaged between 100 and 2,000 curies per month. To put that into perspective, the residents around Harrisburg, PA, were evacuated in 1979 when the Three Mile Island accident released 15–24 curies into the Pennsylvania countryside.

The airborne releases from Hanford were 10 to 100 times what were released from Three Mile Island, and these releases were occurring every month. Ongoing epidemiological studies have linked these releases to increased cases of thyroid cancer and other adverse health effects on Oregonians living near the site.

Hanford also poses a serious health threat to the more than 1 million Oregonians who live downstream from the site. Radioactive materials have been released into the Columbia River when water from the River was pumped through the sites nuclear reactors to cool them. Other hazardous and radioactive materials that were dumped at the site have and are continuing to seep into the River.

The bottom line is many Oregonians are suffering adverse health effects from living near Hanford. And many more are at risk of future harm because of conditions at the site.

Finally, our amendment does not set a precedent for Federal facilities nationwide because it only requires information to be provided to Oregon that is required to be provided to Washington under the Hanford Tri-Party Agreement, which is an agreement between the State of Washington, the Department of Energy, and the EPA governing the Hanford cleanup. The linkage to the Tri-Party Agreement puts the site into a special category of Federal facility cleanups, because there are only a handful of sites with comparable agreements in effect or under negotiation. It draws a bright line that divides Hanford and other major DOE weapons production sites from the hundreds of other contaminated Federal facilities around the country.

The unique factors involved in the Hanford cleanup justify granting the State of Oregon direct access to information about contamination at Hanford and an opportunity for reviewing plans for cleaning up the site.

The State of Washington and its elected representatives in the Senate, Senators GORTON and MURRAY, recognize the importance of this amendment to Oregon and have no objection to incorporating the amendments in S. 1745.

I urge my colleagues to recognize how Hanford has harmed and continues to pose a serious hazard to the people of Oregon by giving our State critical information about conditions at the site and the opportunity to play a greater role in cleanup decisions at the site.

Mrs. HUTCHISON. I believe this amendment has been cleared on the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4313) was agreed to.

Mrs. HUTCHISON. 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. 4314

(Purpose: To propose an alternative section 3158 relating to the redesignation of the Defense Environmental Restoration and Waste Management Program)

Mrs. HUTCHISON. Mr. President, on behalf of Senator MURKOWSKI, I offer an amendment that would modify section 3158 of the National Defense Authorization Act for fiscal year 1997. The amendment would express the sense of Congress that the Department of Energy program known as the Defense Environmental Restoration and Waste Management or Environmental Management Program be redesignated as the Defense Nuclear Waste Management Program. The amendment would retain the reporting requirement relating to the program redesignation.

I believe this amendment has been cleared by both sides.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. MURKOWSKI, proposes an amendment numbered 4314.

The amendment is as follows:

Strike out section 3158 and insert in lieu thereof the following new section 3158:

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program of known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

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

The amendment (No. 4314) was agreed to.

Mrs. HUTCHISON. 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. 4315

(Purpose: To require the Secretary of the Army to complete as soon as is practicable the previously authorized land conveyances involving Fort Sheridan, IL)

Mr. NUNN. For Senators SIMON and MOSELEY-BRAUN, I offer an amendment which would complete the land conveyances at Fort Sheridan, IL. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SIMON, for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 4315.

The amendment is as follows:

At the end of subtitle C of title XXVIII add the following:

SEC. 2828. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

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

The amendment (No. 4315) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4316

(Purpose: To authorize a land conveyance, Crafts Brothers Reserve Training Center, Manchester, NH)

Mrs. HUTCHISON. Mr. President, on behalf of Senators SMITH and GREGG, I offer an amendment which would authorize the Secretary of the Army to convey 3 acres of property to Saint Anselm College in New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SMITH, for himself and Mr. GREGG, proposes an amendment numbered 4316.

The amendment is as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. SMITH. Mr. President, I join today with my friend and colleague Senator GREGG in offering an amendment to convey approximately 3.5 acres of land to Saint Anselm College in Manchester, NH. This land is currently owned by the Army, but will soon be vacated upon completion of a military construction project that is authorized in this bill.

Saint Anselm College is a liberal arts college that was founded in 1889. The college is conducted by the Benedictine Order, and has a longstanding relationship with the U.S. Armed Forces. In fact during the two world wars, Korea, and Vietnam, members of the Benedictine community volunteered to serve as chaplains in the military.

During World War II, Saint Anselm was among the first colleges to participate in the military ''V–1'' program to assist in training young men for military service. In March 1943, the college turned its campus over to the Army Air Corps which used Saint Anselm as a pre-flight school until the end of the war. Members of the faculty were used as teachers of the pre-flight cadets in mathematics and science subjects.

In 1950, Saint Anselm College cooperated with what was then known as the ''organized reserve'' to establish an Army reserve unit on campus. The organized reserve used college facilities, classrooms in storage facilities, and college students served as members of the Reserve in a field artillery battery. The U.S. Government incurred no costs for the use of these facilities which were provided willingly by the college.

In 1954, when the Army decided it needed to establish a permanent reserve facility, Saint Anselm generously offered a building on campus. When none of the on-campus facilities proved suitable to the Corps of Engineers, the Army looked elsewhere. In the end, the site ultimately determined to be most desirable was on property that was part of the Saint Anselm campus.

Again, the college expressed its willingness to cooperate and sought to give the U.S. Government a lease at no cost for as long as the Army needed the property. Unfortunately, Government regulations prohibited building military structures on leased land. Nonetheless, in its continuing effort to cooperate with the needs of the Government, Saint Anselm gave the land to the Army free of charge. When the college donated the property, it retained an easement for a major sewer line that runs through the tract. That sewer line continues to be the principal line flowing from the campus to connect with the Manchester system.

Mr. President, Saint Anselm's had two principles in mind when it agreed to give this valuable tract of land to the Government. The first was that it intended to conduct itself as a good citizen to promote the readiness of our country, and the U.S. Army in particular—an organization with which the college had a long history of service. The second was that students of Saint Anselm College were to be an integral part of the plans which the Army had for the new reserve center.

This relationship did in fact continue, and students of the college became part of the reserve unit, receiving their military training, earning a commission, and fulfilling their military obligation. In fact, more than 50 alumni of Saint Anselm College have given their lives in wartime service to the Nation.

Mr. President, the Army Reserve will soon vacate the crafts brother facility and be absorbed into a new joint service reserve center at the Manchester Airport. The Army will have no further need for this property, which is valued at approximately $300,000. In fact, in this bill we are authorizing the final installment on the military construction project that will render the property excess. I can think of no more fitting or appropriate action than for us to convey this land back to Saint Anselm College just as the college so generously donated it to the Army some 40 years ago.

It is my understanding that the Army has no objection to this conveyance, and that it is agreeable to the managers on both sides. If it is now appropriate, I would move the adoption of this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. Let me make sure I know which amendment we are talking about now. We are talking about amendment No. 4316—this is the Smith-Gregg amendment? This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4316) was agreed to.

Mrs. HUTCHISON. 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. 4317

(Purpose: To provide for the treatment of the Hanford Reservation, Washington, and other Department of Energy defense nuclear facilities as sites of demonstration projects for the clean-up of Department of Energy defense nuclear facilities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would create a pilot program at the Department of Energy's Hanford Nuclear Reservation to grant the site manager enhanced authorities to accelerate cleanup and direct site operations.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4317.

The amendment is as follows:

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not

later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

Mr. GORTON. Mr. President, in the far southeastern corner of Washington State, workers at the Hanford Reservation helped America win World War II and fight the cold war with the strength of our science and technological advancements. We did a good job there, but work remains—and that is the business of cleanup.

For years the Department of Energy has managed Hanford, and all of its sophisticated problems, with varying degrees of competency. I have an amendment today, that has been cleared by the committee, which I hope changes the very nature of management at our site.

A similar version of this amendment appears in the House version of the National Defense Authorization Act, thanks to the hard work of the Congressman from the Fourth District in Washington, Doc Hastings. His dedication to Hanford issues has been unparalleled; his knowledge and perseverance profound. I have worked closely with the Congressman, and am hopeful that when this bill goes to conference, our work will remain intact.

Let me briefly describe for you the origins of this amendment, and what Doc and I are hoping to accomplish.

For fiscal year 1996, Hanford enjoyed a budget that totaled near $1.7 billion. With that money, the Department of Energy oversees the cleanup of 77 million gallons of the worst stuff on Earth: highly contaminated sludge, salt cake, and effluence. DOE employs over 13,000 employees, manages 80 percent of the Nation's plutonium and has stewardship of 562 square miles some of the most beautiful land in Washington State. These are tremendous responsibilities, and it is often overlooked just what type of impact the Department of Energy has on the livelihood of so many Washingtonians and the health of our environment.

Hanford is run by the Department of Energy, which has a manager who oversees all of the site's operations. He makes decisions, everyday, impacting the region's economies and its well being. He does everything from attend Kiwanis Club functions to deciding if hundreds of rods of spent plutonium should be moved away from the Columbia River. It is not an easy job, and we in Congress and the Department's headquarters have done little to make it easier.

Let me give you an example of some of the systemic problems which Hanford, and its site manager, face. Last year the Hanford site manager, John Wagoner, saw the urgent need to move spent plutonium rods sitting mere yards from the Columbia River, away from their present location to a new and safer home far from the riverbanks. Doing this would, of course, cost money—more than the Department allotted for in that fiscal year.

John also knew that there was $30 million available from another program at the site that was simply no longer needed. So rather than simply moving the money from one of the accounts he oversees to another, John was forced to prepare what is known as a reprogramming request.

In a reprogramming request, Department headquarters puts together a list of projects complexwide where money needs to be moved from one account to another and submit them to the Congress for approval. These packages are vetted through departmental budgetary processes and then sent expeditiously to Congress for approval. Or so it happens in a perfect world. Instead, as we saw with John Wagoner's request last summer, the request will languish in a bureaucratic maze. The Department has a ploy which goes something like this: Wait for a number of requests from the sites to arrive at headquarters and place all of them in a reprogramming package and submit them to the various committees, so that those that are objectional will be lost in the flood of requests. So John sent up his simple request, and he waited. And waited. And waited. Almost 7 months went by—while the plutonium remained at the river's edge—while someone, somewhere was sitting on this request, or ignoring it deep in that concrete bunker known as the Forrestal Building.

I wish I could tell my colleagues that the request was found, its importance realized by the Department, and it was rushed to the Hill with an eager Department championing its merits. Well, I am sorry to report that that scenario never occurred.

Instead, the contractor-manager of the K-Basin project, a tenacious young man named John Fulton, contacted my office for our help. So help we did—in fact, I amended last year's defense authorization bill to shift funds so that John Wagoner could do the job he needed to do. It shouldn't be that way—and all of the explaining DOE cares to do on this issue isn't worth the ink it is printed with.

So what my amendment does is this: it says that if a site manager submits a reprogramming request, department headquarters has 30 days to do one of the following: First, accept the request and forward it to Congress; second, reject the request or; third, simply ask for more time to assess its significance.

Not very strict—and at the end of the day quite reasonable. Now if DOE fails to act, then the site manager can take his reprogramming request directly to Congress and it can be vetted through the normal congressional processes.

What we accomplish here is simple: Give the site manager in charge of a defense nuclear facility the stature he or she deserves. I said earlier that Hanford's budget was around $1.7 billion last year. Our site manager can move, at his own discretion without headquarters or congressional oversight, less than one-third of 1 percent of his total budget. In real dollars, that is somewhere near $3 million. The responsibility is so disproportional to the authority we invest with our site manager, it's no wonder in the past we have had so much paperwork and so few results. But that is changing, and the steps taken here will spur that progress forward.

This amendment also directs the Secretary to review just what qualifications are necessary for the job of site manager. We need to turn the spotlight on the job and give site manager the clout and stature his position deserves. It also seems logical that since we are altering the responsibilities and authorities vested in the position today, the position description needs to be revisited. There is ample room here for the Secretary to conduct that review at her discretion. Whomever the Secretary appoints to this position, be it the current site manager or someone else, that person will have the benefit of the Secretary's full trust, as well as the benefit of these extended authorities.

On the matter of new departmental orders, DOE frequently approves orders that are cumbersome and unrelated to cleanup activities at the site. These orders can contribute to excessive overhead costs. Since the Department has taken positive steps to streamline existing orders, this provision applies only to future DOE orders by requiring that any new order be found by the Secretary of Energy to be essential to human health and safety or the fulfillment of critical administrative functions.

Finally, the deployment of innovative and new technologies at Hanford is one of the site's major accomplishments over the past year. The site manager is required to promote the demonstration, verification, certification and implementation of innovative environmental technologies at the facility. New technologies will enable the Department to achieve cleanup at a heightened pace, and with real cost savings to the American taxpayer.

I am happy that my colleagues in the Senate have approved my amendment, and look forward to seeing this bill signed into law.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I urge its adoption.

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

The amendment (No. 4317) was agreed to.

Mrs. HUTCHISON. 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. 4318

(Purpose: To provide funds for the construction and improvement of certain reserve facilities in the State of Washington)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would authorize certain military construction projects for the Navy and Army Reserves in the State of Washington.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4318.

The amendment is as follows:

At the end of title XXVI of the bill, insert the following:

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve Center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

''(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.''.

Mrs. HUTCHISON. Mr. President, I believe the amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4318) was agreed to.

Mrs. HUTCHISON. 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. 4319

(Purpose: To increase penalties for certain traffic offenses on military installations)

Mrs. HUTCHISON. Mr. President, on behalf of Senators THURMOND and NUNN, I offer an amendment which would increase the penalties for certain traffic offenses on Federal property.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, for himself, and Mr. NUNN, proposes an amendment numbered 4319.

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its approval.

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

The amendment (No. 4319) was agreed to.

Mrs. HUTCHISON. 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. 4320

(Purpose: To extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4320.

The amendment is as follows:

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I would like to note for the Record that Mr. Effron, who has worked on a number of these amendments, recused himself from any consideration of this amendment since his name has been sent up as a member of the Court of Military Appeals, if approved by the Senate. So, Mr. Effron played no part in this amendment whatsoever, and it was cleared by other staff members. I think that should be noted for the Record.

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

The amendment (No. 4320) was agreed to.

Mrs. HUTCHISON. 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. 4321

(Purpose: To prohibit the collection and release of detailed satellite imagery with respect to Israel and other countries and areas)

Mrs. HUTCHISON. Mr. President, on behalf of Senators KYL and BINGAMAN, I offer an amendment which would prohibit the collection and release of detailed satellite imagery with respect to Israel and any other country or geographic area designated by the President for this purpose. However, satellite imagery that is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources may be released.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. KYL, for himself, and Mr. BINGAMAN, proposes an amendment numbered 4321.

The amendment is as follows:

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

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

Mr. KYL. Mr. President, I rise today with my colleague from New Mexico, Senator JEFF BINGAMAN, to offer an amendment which would,

prohibit any department or agency of the federal government from issuing licenses for the collection and dissemination of satellite imagery with respect to Israel, or any other country or geographic area concerned that is routinely available from commercial sources. The amendment further prohibits the declassification or otherwise release of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

This amendment is necessary, Mr. President, because on February 24, 1995, President William J. Clinton issued Executive Order 12951, which authorized the release of ''certain scientifically or environmentally useful imagery acquired by space-based national intelligence reconnaissance systems known as the Corona, Argon, and Lanyard missions.'' The Executive order is scheduled to come into effect 18 months after issuance, that is on August 24, 1996.

This broadly written, and seemingly harmless, Executive order could unintentionally have a deleterious impact on the national security of the state of Israel. The Corona series of images contains spy-quality 2-meter resolution details of some of Israel's sensitive fixed target facilities, such as air bases and scientific installations. Enemies of Israel could use the photos released under Executive Order 12951 to target Israel for long-range attacks or assaults by terrorists.

Mr. Presidents, in 1994 I was pleased to moderate an agreement between Orbcom, a private company seeking to sell high-resolution commercial satellite imagery, and supporters of Israel, which resulted in Orbcom volunteering not to image Israel. I applauded Orbcom's decision in 1994, and I applaud it again today, reflecting as it does a keen understanding that images of Israel represent a unique and potentially ominous threat to its national security. This is not precisely the same issue, but it is my hope that the executive branch will work out an agreement with Israel regarding the release of these photos. Unfortunately, to date, little progress has been made in the negotiations.

I understand there will be those who oppose this action, claiming that the commercial market will be stifled. The Commerce Department claims that the Russians are today selling 2-meter resolution images. I know that the Russians have indicated a willingness to do

this, but I have not seen any evidence that this has actually occurred. And France's policy is still to restrict French SPOT imagery to no less than 5-meter resolution. Rather than driving the market to even higher resolution imagery, I believe the United States should establish a memorandum of understanding with France and Russia regarding the type and quality of images to be released publicly. Without such an agreement, we may be creating risk where none exists today and potentially undermining the security of our friend and ally, Israel.

Mr. BINGAMAN. Mr. President, I rise in support of Senator KYL'S amendment with regard to the collection and release of intelligence quality imagery of Israel and other countries.

Mr. President, the Senator from Arizona and I have been working on this issue since he was in the House and serving on the House Armed Services Committee. Back in 1994, when it first came to our attention that a United States firm which was then called Eyeglass was planning to enter into an agreement with a Saudi firm, EIRAD, to establish a ground station in Riyadh that would be capable of receiving and distributing spy-satellite quality imagery of Israel throughout the Middle East, we organized letters from House and Senate Members urging the administration to reject this proposal. Over 60 Senators signed the Senate version of the letter in October 1994. A similar large number of House Members signed the letter organized by then Congressman KYL.

Mr. President, that problem was ultimately resolved in May 1995 with an exchange of letters between the Commerce Department and the firm, by then called Orbimage, in which the firm agreed to exclude the territory of Israel from its viewing area and to put a technical fix on the satellite that would prevent such viewing. With that assurance, the Commerce Department agreed to the rest of the EIRAD deal.

Unfortunately, that did not solve Israel's problem because there are several other United States firms who are planning to launch so-called commercial imaging satellites with resolutions at ground level as low as one meter. Israel, as one of our closest allies, has been working with the administration for the past year, to see if its concerns can be accommodated under the licenses of the other potential American operators of commercial high-resolution satellites. Frankly, the industry and the Commerce Department have been resisting these reasonable requests while many in the national security agencies have been trying to extend the policy established in the Orbimage case.

Why is Israel concerned? Israel is a small country that takes its security very, very seriously. It has enjoyed total air superiority over its territory for decades. A lot of its qualitative advantage over its numerically superior potential foes derives from its control of its airspace and the inability of its foes to find, let alone target critical defense facilities. Obviously, the United States and the former Soviet Union were able to image Israel with their spy satellites, as they were able to image the entire globe. But those spy photos were not shared with Israel's foes, certainly ours were not.

Now with the end of the cold war the United States is leading the way toward commercialization of what once was a treasured secret. There is a technological imperative to do this because as a result of decades of Federal investment and many billions of Federal dollars, our firms clearly have a technological lead. Israel finds this very threatening. It has asked for our help in preserving its qualitative edge as long as possible. I believe we should give our friend this help. Doing so is clearly permitted under the administration's 1994 policy on commercial high-resolution imaging. As the Eyeglass/Orbimage case demonstrated and as the 1992 Remote Sensing Act envisioned, the U.S. Government retains the right to control the shutters of our commercial satellites for foreign policy and national security reasons.

This is a time for such control.

Mr. President, the argument against granting Israel's request was summed up in an editorial in this week's Space News. It claims that our whole nascent industry will come crashing down if this precedent is set. That frankly is hogwash. Our industry cannot and should not try to make profits by providing spy satellite images of Israel to Syria and Libya and Iraq and Iran. If they ever thought that market would be allowed to them, they were misreading the Congress. As I said earlier, the precedent was set in the Eyeglass case that we would go the extra mile for Israel's security.

There are a very limited number of similar cases around the globe. Our policy will ultimately have to deal with those as well, for instance South Korea and Bosnia where Americans are deployed. But the vast majority of the Earth's surface will be available to our imaging firms if there really is a multibillion-dollar commercial market for geographic information systems with 1 meter resolution. I have my doubts about the size of that market, as apparently many investors do as well. But if it's there, excluding Israel from it for the next decade or so will do no damage to our firms' prospects or profits.

Mr. President, I urge the adoption of the amendment.

Mrs. HUTCHISON. Mr. President, I am told this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

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

The amendment (No. 4321) was agreed to.

Mrs. HUTCHISON. 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. 4322

(Purpose: To make funds available for research, development, test, and evaluation activities relating to humanitarian demining technologies)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEAHY, proposes an amendment numbered 4322.

The amendment is as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Mr. LEAHY. Mr. President, I am very pleased that the managers of the bill, Chairman THURMOND and Senator NUNN, have accepted my amendment to increase the budget of the Humanitarian Demining Technologies Program to $18 million for fiscal year 1997. This represents about a $10 million increase above the President's request, but my amendment is supported by the Department of Defense. I have no doubt, based on the inquiries I have received from other Senators who have expressed support for this effort, that if there were a rollcall vote on the amendment it would pass overwhelmingly, if not unanimously. I also want to thank Senators THURMOND and NUNN for finding an acceptable offset for my amendment in the Advanced Concept Technology Demonstration Program—PE#0603750D.

Adequate funding for demining technologies is urgently needed, as the experience of our troops in Bosnia has so graphically illustrated. They found themselves surrounded by millions of hidden landmines that had been scattered randomly over the countryside, with virtually no way to locate them besides hand-held metal detectors and probes. This is the same technology that has been used for decades, and although effective, it is terribly time consuming and dangerous.

Bosnia is just one example. There is wide recognition that the problem of unexploded landmines, particularly in countries where our troops are most likely to be sent on peacekeeping missions, has reached crisis proportions. There are an estimated 100 million of these hidden killers in over 60 countries, each one waiting to explode from

the pressure of a footstep. Many of them are made of plastic, and cannot be detected with standard metal detecting equipment. The cost of locating and destroying the mines is immense, in both dollars and lives.

A great deal of money has been spent to develop more and more sophisticated landmines, and to develop countermine warfare technology to enable our forces to breach enemy minefields. But cutting a path through a minefield quickly and safely is a very different problem from humanitarian demining, which involves getting rid of every single mine in a large area. That is the only way to assure the local population that it is safe to return. Yet until this program, almost nothing had been done to improve the technology for demining. Imagine the time it takes to demine an area the size of half of Angola with a hand-held probe, where there are an estimated 10 million mines, or Bosnia, where there are 3 million mines. It will take generations.

The generally accepted estimate of the cost of demining is from $300 to $1,000 per mine, when you factor in the cost of training and equipment. That is obviously completely unaffordable for countries like Bosnia or Angola.

The Pentagon's Humanitarian Demining Technologies Program was started 2 years ago with $10 million that I requested in the Fiscal Year 1995 Defense Appropriations bill. It was supported by Chairman THURMOND and Senator NUNN at that time. For the past 2 years, the program, which is managed by the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict [SOLIC] and is located at Fort Belvoir, has been supporting research and conducting tests on a wide range of demining technologies. Some of them have been put to use by our troops in Bosnia.

Unfortunately, there is no silver bullet solution to the mine problem, because there are so many variables. Mines are scattered in jungles, rivers, sandy deserts and mountainous terrain. The purpose of the Humanitarian Demining Technologies Program is to pursue any promising concept. We are not looking for high-tech solutions, although we do not rule them out. It will require a combination of technologies to locate the mines in such varied conditions. Most important, we need technologies that are appropriate for low budget operations in places where spare parts may be unavailable.

The Office of the Assistant Secretary for Special Operations and Low Intensity Conflict is the appropriate overseer of this program. Unlike the Army, which does not have a demining mission, SOLIC also manages the Humanitarian Demining Program which sends U.S. military personnel overseas to train foreign personnel in landmine clearance. SOLIC has been a proponent of efforts to rid the world of mines, and has done a good job of managing the demining technologies program so far. My amendment assures that it will continue to do so.

Mr. President, the United States cannot solve this problem by itself. It is going to require the involvement and resources of the international community. But we have capabilities that other nations do not, and there is intense interest in the private sector to develop better demining technology. Every week, my office receives inquiries from representatives of private industry who have ideas about how to do this. Some are impractical, others are promising. This program aims to separate the wheat from the chaff, and I am confident that this relatively small investment in funds will reap real rewards for our troops and millions of innocent civilians.

I thank Chairman THURMOND and Senator NUNN for their support, and the Defense Department for its support and recognition of the need to intensify and expand this program. I ask unanimous consent that a Department of Defense position paper expressing support for my amendment be printed in the RECORD.

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

POTENTIAL AMENDMENT TO S. 1745—SASC VERSION OF THE FY97 DEFENSE AUTHORIZATION BILL

Amendment Number:

Service Affected: OSD, Army.

Statement of Amendment: The amendment would make available $18 million for research, redevelopment, test and evaluation activities relating to humanitarian demining technologies to be administered by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Effect of Amendment: This amendment would increase the funding level of the humanitarian research and development program, and in truth, accelerate the development and testing of additional systems and equipment to determine with reliability the presence of minefields, detect mines and discriminate between mines and other objects, and facilitate volume clearance of mines with increased safety and reliability. The amendment would also allow new states that explore solutions in higher technology areas that are unaffordable at budgeted levels.

DoD Position: Support:

On May 16, 1996, the President announced an initiative to ''significantly expand'' DoD's humanitarian demining program.

The additional funds will accelerate the development and the availability of highly effective systems equipment for Humanitarian demining.

This amendment will allow the Department to implement a robust research, development, test, and evaluation program for humanitarian demining.

Mr. LEAHY. Mr. President, I also ask that the RECORD reflect that Senator BOXER is a cosponsor of my amendment.

Mr. NUNN. Mr. President, I understand this amendment has been cleared on the other side of the aisle. The purpose of this amendment is to increase the funding for RDT&E related to humanitarian demining technologies to $18 million from the requested and authorized $7.746 million and provide for it to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

I understand this amendment has been cleared. I urge its adoption.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

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

The amendment (No. 4322) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I believe that is the end of the cleared amendments. We have made, I think, significant progress, and I just hope that we can continue to make progress on this bill so that we will be able to finish it in the next 2 days.

Mr. NUNN. I share that sentiment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4090

Mr. LAUTENBERG. Mr. President, I want to take a few minutes to discuss an amendment that is pending, as I understand it, and has been reviewed in some conversations on the floor. I want to make sure the record is clear, because I think in the process of comments, I have been accused of holding up an amendment. I want to make sure that everyone clearly understands my position.

I support the amendment offered by the distinguished Senator from Virginia which would help address the problem of the stalking of military personnel and their families. Although limited in scope, this amendment builds on the stalking legislation in the Violence Against Women Act, enacted as part of the 1994 Anticrime Act, which I strongly supported.

That act represented an important national commitment to eliminate domestic violence, a plague that undermines the security, health, and future of millions of American women and their families.

Currently, all 50 States have stalking laws on the books, and these are primary legal tools for addressing the problem of stalking, but the Federal statute also is important in addressing certain types of interstate stalking. Yet, the current Federal statute is drawn narrowly and applies only to a spouse or someone who can be described as an intimate partner.

This amendment would expand the statute to include anyone, including a stranger, who travels across State lines with the intent to injure or harass or coerce or verbally abuse any member of the Armed Forces or their immediate family.

I think it makes sense to include strangers in the scope of the Federal statute, Mr. President, because not all

stalkers are related to their victims, and anyone victimized by this crime deserves protection, no matter who is doing the stalking.

I also think it should not matter who is being stalked, so I support covering all stalking victims, not just those who are in the Armed Forces.

Still, Mr. President, I support this amendment as a limited, but positive, step forward, even though I would like it to go further.

Some of my colleagues may wonder why we are considering an amendment on stalking on a Defense Department authorization bill. In fact, the House of Representatives has already approved a bill similar to this amendment, but that applies to all stalking victims, not just military personnel. That bill is ready for floor action here in the Senate.

I have written to the majority leader to urge that the legislation be taken up as soon as possible. I also indicated in my letter that I would like an opportunity to amend the bill in order to strengthen the protections that it fundamentally is recommending.

My amendment is very simple. It would prohibit any person who has been convicted of domestic violence from possessing a firearm. The amendment says, pretty simply, that those who beat their wives, who abuse their children ought not to have a gun, period. That is the way I see it.

Mr. President, in my view, that would greatly strengthen the antistalking law, and it is a logical complement to it. I have been hoping that both my proposal and the antistalking proposal could be enacted together.

Mr. President, we have heard about the appropriateness of my amendment on this and why it should not be. Mr. President, I would ask why an antistalking amendment of this general nature belongs on a defense bill anyway. I can understand it and would support it because I think whatever we do to protect the health and well-being of our citizens ought to be considered top priority and injected wherever it can be.

So, Mr. President, the thing that I find confusing is, why is it OK to protect people from stalking but not to protect those abused wives and children from a man, husband, or intimate who flies into a rage, rage enough to beat up a woman, beat up a child, and say, ''Well, perhaps that wouldn't be acceptable here.'' Let us find out. Let us find out. Let us have a vote instead of these kinds of personal accusations, ''He's holding it up.''

Senator LAUTENBERG is not holding up this legislation. I want the record to be perfectly clear. Those accusations do nothing to further the cause of protection of women and their families.

Let us face it, the majority has declined to give me an opportunity to have this amendment heard. Why? Is it because people on that side of the aisle, maybe even some on this side, are afraid to say no, that someone ought to have a gun even though they are a wife beater and can fly into a rage at any time, rage enough to beat up a woman. You see scars and abuse, physically, on women constantly.

Courts have an inclination, we unfortunately find, to dismiss charges against wife beaters, saying, ''Well, he's really not a criminal. You know, he just lost his temper.'' As a matter of fact, in Baltimore, not far from here, a man who murdered his wife was sentenced to weekends in jail and not a long time on probation. Why? Because the judge said, ''How can you give a noncriminal a criminal conviction?''

So, Mr. President, what we are looking at here is process, not protection. In my view, this antistalking legislation is important, and so is the ''no guns for wife beaters and child abusers.'' It ought to be enacted together.

The junior Senator from Texas has been opposed to that. As a matter of fact, in conversations that we have had, she suggested, well, it will not pass. Let us find out. You know what I would like to do? I would like to have the public find out. I would like them to see who is going to vote to continue gun possession by wife beaters, by child abusers. That is what I want the public to see. But the junior Senator from Texas said, no, we will keep that little secret among us. We do not want that on this bill.

It is time to fish or cut bait, I think, Mr. President. The concern is, it is too controversial, apparently, to take guns out of the hands of wife beaters and child abusers. That concept is just too controversial.

It is hard for me to believe that many of my colleagues, even those who generally oppose gun control, really believe that wife beaters and child abusers should have guns. At least until now no Senator—no Senator—has been willing to stand on the floor and explain to me why they disagree with my proposal. I would like to hear the Senator from Texas explain why it is a bad idea besides, ''It's a process, and perhaps we'll never get it through.'' Let us find out. Are we interested in politics, or are we interested in protection?

Mr. President, my amendment does not propose broad controls on firearms. At its heart it is a proposal to reduce domestic violence. That is why it is so strongly supported by people like the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, and many others who are concerned about the problem of domestic violence.

So, Mr. President, I continue to hope that we can enact both the broad antistalking proposal and my legislation to keep guns away from wife beaters and child abusers. I hope that the majority will permit the full Senate to take up these proposals without delay.

With that, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am, I have to say, disappointed that the Senator from New Jersey did not come to the floor to say that he would take his hold off the antistalking bill that he made a great statement of support for. I had hoped that he would come and do that, because when he first put his hold on the bill, I thought that perhaps we could work something out so that he would be able to have his gun amendment on some piece of legislation.

In fact, his amendment has not been cleared through the Judiciary Committee and has not gone through the process. I hope that it will be able to be heard in the Judiciary and be able to have its day in court.

But he is mixing apples and oranges when he says that he wants the bill to go through with his amendment on it. That is not the option we have before us. The Senator from New Jersey well knows that it is not that his amendment will not pass. I do not know if it will pass or it will not. It is that his amendment will keep my bill to protect women and children who are victims of harassment and threats, who are victims of people who cross interstate boundaries, my bill will not be brought up. That is the effect of his hold on my bill.

I would love to see Senator LAUTENBERG go to the Judiciary Committee, comply with the rules that everyone else complies with, and let the Judiciary Committee take his amendment, do with it as it will. But for him to say that he requires that his amendment be taken up with this bill, which has been cleared by 99 Members of the Senate, I think is a smokescreen.

I hope that Senator LAUTENBERG, who professes to agree with the merits of this bill, will in fact let this bill go before this week is out. This bill has been pending for a month. He knows it will not be brought up with an amendment. So why not provide the protections that are going to be provided in this Armed Services authorization bill for people in the military and on military bases for every other woman and child that might be a victim of this kind of harassment around the country?

I implore the Senator from New Jersey to lift his hold on this bill, to go through the Judiciary Committee, as this bill already has, and join with every Member of the House of Representatives and every Member of the U.S. Senate and send this bill to the President.

We have every reason to believe that the President will sign this bill, and he would do it quickly. We would provide those protections immediately for the women and children who have known the threats and the harassment and the terror that not only has been perpetrated on people around this country, but, in fact, the sad thing is, Mr.

President, because we do not have all of the tools to prevent this harassment, the threats have in some cases been realized. In fact, women have been murdered in this country by people who have been threatening for months, but we did not have the ability to stop the threat because we did not have the laws on the books that recognized that this could, in fact, lead up to an actual crime. Now we have the ability to do something about this, and Senator LAUTENBERG is holding that bill up. He is holding it hostage for another amendment.

We do not have to argue the merits of his amendment. All we have to argue is whether he will allow my bill to come to the floor, my bill which has been cleared by every other Member of the Senate and the House. Senator FEINSTEIN had an amendment that she wanted to add to this bill, and I asked her if she would allow her amendment to go on another bill and let this bill go. She was a wonderful person. She said, ''Of course I will,'' because she understands that getting this amount of help for the women and children who are victims of harassment and threats in this country is a worthy goal, and she sees it could be realized. She did step back on her amendment.

Senator GRAMM asked if he could put on a very good amendment that would require a registration and notification capability for a person that would move into a neighborhood that had a record of conviction for harassment or even actual sexual crimes against a child. He asked that amendment be put on. It is a great amendment. It is an amendment I am a cosponsor of. He agreed to step aside, because this was a unanimous agreement that we could come to and he did not want to hold up the progress of the bill.

Senator GRAMM and Senator FEINSTEIN both asked for amendments that were good amendments, amendments I support, to be put on this bill, but because it would have to go back to the House, they agreed not to put their amendments on this bill so it could go directly to the President. I hope Senator LAUTENBERG will hear my plea and the plea of Joy Silverman, who was here, who is a victim herself, and others around the country who might be protected if Senator LAUTENBERG would lift this hold. I urge Senator LAUTENBERG to do that. I ask unanimous consent that he be allowed to be named a cosponsor of my bill. I would love for him to be a part of this effort.

Mr. President, Senator LAUTENBERG still has the opportunity to lift his hold and do what is right on this bill, just as Senator FEINSTEIN and Senator GRAMM have done. I hope he will see his way clear to do that before tomorrow so the President can sign this bill and it will not have to go back to the House and we will have more protection on the books for women and children in this country who are victims today of threats and harassment that could be realized if we do not give them the tools to protect themselves.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Warner-Hutchison second-degree antistalking amendment.

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

Mr. THURMOND. I urge adoption of the antistalking amendment and the underlying Kempthorne amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4090.

The amendment (No. 4090) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4089

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4089, as amended.

The amendment (No. 4089), as amended, was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I thank the Senator from South Carolina and the Senator from Georgia for clearing this amendment. I want to particularly thank Senator WARNER and Senator KEMPTHORNE. When I was not able to get the full stalking bill through that would protect every woman and child in America from interstate stalking, it was Senator WARNER who came forward and said, ''Well, let us make sure that our military personnel have this, and we will take the next part of this up another day.''

So I am very thankful to Senator WARNER and Senator KEMPTHORNE for their great leadership in providing the stalking protection for the women and children in the armed services and everyone who is on a military base. This is a great step forward. I applaud them in their leadership, and I hope this encourages Mr. LAUTENBERG to help us do the full job.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 4266

(Purpose: To limit the total amount authorized to be appropriated by the bill to the amount requested by the President and to apply the excess to budget reduction)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. HARKIN, proposes an amendment numbered 4266.

Mr. WELLSTONE. 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:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

(a) LIMITATION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act may not exceed the amount requested by the President for fiscal year 1997 for the national security activities of the Department of Defense and the Department of Energy in the budget submitted to Congress by the President for that fiscal year under section 1105 of title 31, United States Code.

(b) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as a result of the application of the limitation set forth in subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

(c) EXCESS AUTHORIZATIONS TO BE USED FOR DEFICIT REDUCTION.—The reduction under subsection (a) of the total amount that, except for that subsection, would otherwise be authorized to be appropriated for fiscal year 1997 by this Act shall be applied to reduce the budget deficit for fiscal year 1997.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on this amendment be limited to 1 hour equally divided in the usual form, that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

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

Mr. WELLSTONE. Mr. President, this amendment we are now debating, which I propose with Senator HARKIN from Iowa, is an amendment to the 1997 defense authorization bill to eliminate the nearly $13 billion in extra military spending that the Armed Services Committee has authorized above what was requested by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and to use the funds to reduce the deficit.

The total funding authorized, $267.4 billion, is well above what the President had requested. It is also about $1.7 billion above the Republican budget resolution that was passed earlier, a month or two ago.

Mr. President, let me repeat that. The total funding authorized, $267.4 billion, is well above the President's request. It is also $1.7 billion above the

Republican budget resolution passed earlier, a month or two ago.

At the request of the Republican leadership, the committee has authorized $12.9 billion more than was requested. That is right. The majority wants to spend $12.9 billion more than the Pentagon has requested, or than they have indicated they will be able to responsibly use next year.

So we have a proposal here that calls for almost $13 billion more than the Pentagon actually wants. About $4.6 billion of that figure was not included in the Pentagon's 5-year plan, and much of that was not even on the so-called wish lists that were solicited by the congressional defense committees. The Pentagon has said clearly that they do not need these funds now. The projects are not in their 5-year plan, and they are not even on their wish list.

My amendment seeks to redirect these billions in wasteful and unnecessary Pentagon spending, and instead put all of the money into deficit reduction.

Mr. President, about a year ago, the Pentagon's own spending watchdog, its comptroller general, John Hamre, conceded that the Department of Defense could not account for about $13 billion in spending. It has just been lost in an ocean of paperwork at the Pentagon and likely will not be sorted out. In fact, the comptroller has all but given up on trying to find out what happened to most of the money, arguing that it would be more expensive than it would be worth to account for these funds.

They cannot even find out what has happened to about $13 billion in the Pentagon's budget. Coincidentally, the bill provides about $13 billion more than was requested by the Pentagon.

Mr. President, while I appreciate the symmetry here, it is particularly outrageous that the Armed Services Committee has proposed these hefty increases at the same time that the Defense Department is being called to task for not being able to account for billions of dollars in its own spending. Waste, possible fraud in Pentagon spending, and certainly egregious abuses of basic accounting rules. These are serious problems. But no one seems to be doing very much about them. Indeed, instead of vigorously overseeing spending in this budget, we are trying to foist off on the Pentagon an extra $13 billion in military hardware and other spending that they have not requested. We should instead use this money for deficit reduction.

If we pass this bill without my amendment, my Minnesota constituents will continue to pay their taxes to bolster the Treasury of bloated defense contractors, who are building ships and planes and weapon systems that we do not need, cannot use, and that will not make our Nation any more secure.

Mr. President, so there is no mistake, let me repeat that for those who are listening.

We are considering today a defense bill that wants to spend a full $13 billion more than the President has requested in his budget. We are doing this despite the fact that there is no sudden extraordinary threat to justify such an increase. And many of those in this body who are pressing for such a huge increase are precisely the same people who are out here on the floor day after day, week after week, month after month, howling about how we must simply get the deficit under control.

Again, the very people that want to authorize $13 billion more than the Pentagon says it needs are also the very people who are talking about how we need to reduce the deficit.

This amendment is simple. It says that we should not go forward with the additional $13 billion that the Pentagon does not want. We should put it into deficit reduction. And the cuts should be made by the Secretary in a way which protects military readiness and the quality of life of our servicemembers.

Mr. President, while some of my colleagues are talking about deficit reduction, at the same time they are larding the defense bill with billions in spending for the benefit their local shipyards, weapons contractors, or plane manufacturers.

Mr. President, we ought to be very straightforward with people in this country. Is there no sense of limits in this body when it comes to wasteful and unnecessary weapons programs? Controlling the deficit is important, and I have supported reasonable fair-minded deficit reduction proposals totaling hundreds of billions of dollars. But I cannot let this debate move forward without pointing out this contradiction.

If we are serious about deficit reduction, what do we do? Do we spend $13 billion more than the Pentagon says it needs? I don't think so. For the past couple of years we have heard from many of our Republican colleagues who have sought to look like they were reducing the Federal deficit through various proposals and schemes, most of them involving rather nonspecific formulas. Even when they have offered something specific, they tend to go after education or Medicare, or medical assistance, or programs that protect our air, our lakes, our rivers, and so on.

Mr. President, I cannot understand why it is that the very folks who want to cut Pell grants, want to cut Head Start, want to cut programs for kids that come from difficult backgrounds, want to cut environmental protection programs, want to cut into health care programs, are the very people who now want to authorize almost $13 billion in spending above and beyond what the Pentagon has requested.

I know some argue that there has been a drop in defense spending. In fact, one thing is clear: this bill provides more for defense, in dollar terms, than last year. This is in stark contrast to the fact that non-defense spending as a whole is frozen or declining substantially in many areas. And when you consider the recent re-estimates of the likely future inflation rate, it's clear that in the next few years, we can buy as much for our defense dollar as we had planned, but spend almost fifty billion less than we expected we'd have to spend last year.

I see my colleague from North Dakota on the floor. I think I would like to defer to him for a while and then come back a little bit later to conclude. But before I do, let me say clearly: This is a vote for deficit reduction, and it is a vote for priorities that people in the country are demanding from us.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 22½ minutes remaining.

Mr. WELLSTONE. I ask my colleague how much time he may need? I would like to yield to my colleague from North Dakota 10 minutes.

Mr. DORGAN. Mr. President, I shall not use the entire 10 minutes. I only observe this.

I have said previously that I admire very much the chairman, Senator THURMOND, and Senator NUNN, for the work they have done. But I am inclined to feel that we ought to accept the recommendations of the Pentagon in terms of what they choose to spend, while we might want to move some money around here and there.

It seems to me that this issue of dealing with deficits and so on is not one that is an issue in theory. The issue of deficit reduction is not an exercise in theory. It is not an exercise in changing the U.S. Constitution. It is not an exercise in idle discussion, or rumination. When you have an authorization bill coming to the floor of the Senate or when you have an appropriations bill coming to the floor of the Senate, it is an exercise in making choices. What is important? What is not? What can you afford? What can we not afford?

It seems to me that the two guiding issues ought to be on virtually everything we do—whether it is education, environment, health care, or defense—to answer two questions: Do we need this? Can we afford this? If the answer is yes on both counts then we ought to proceed.

The Senator from Minnesota asks the question with his amendment, which I intend to vote for, whether we should at this point add nearly $13 billion to the request that was made of the Congress for spending by the Pentagon. I have no objection to moving some of the funding around, if we feel that some priorities requested have a lower value than other priorities that were not requested. I have no problem with that.

But the judgment that Congress would exercise in saying we think that, even though we talk about reducing the deficit, we should add $13 billion to this authorization bill for the Department of Defense is a curious and I

think questionable judgment at a time when the Department of Defense has not requested that. If the Department of Defense had come to this Congress and said here is what we need in order to adequately defend this country, and here is why we need it, and had made a compelling case in both instances, then I would support it because I think that it is a critically important step to assure that we have the necessary investments and the money available to defend this country adequately. That is not what is at issue here. The Department of Defense has said here is what we need; here is what we want. Then the Congress had said, ''but we would like to authorize some $13 billion above that.''

As I said, I intend to support the amendment offered by the Senator from Minnesota even though, as I have said before, I believe that Senator NUNN and Senator THURMOND do an excellent job. And I commend them for the work they do. My own preference is that—as we address these issues to the Federal deficit that on appropriations and authorization bills where we can, when we can, when it is appropriate—we try in each instance to hold down costs; not boost costs.

So I feel very strongly that this is an amendment that the Congress should look upon favorably and vote for.

Let me yield my time back to the Senator from Minnesota.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. President, I ask unanimous consent to add Senator BUMPERS as a cosponsor and the Senator from North Dakota, Senator DORGAN, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I would prefer to use my time to respond to some of the arguments that were made on the other side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I am trying to move things forward. I know my colleague from South Carolina and my colleague from Georgia have a whole agenda of amendments. I thought I would take another 5 minutes on the amendment, and, if it is OK, I want to reserve a little bit of time to respond to the arguments that have been made on the other side.

Mr. President, I wanted to point out that if this amendment goes down, I will have another amendment that I will introduce either later on today, or tomorrow, with Senator HARKIN and others. It will say that we ought to take the $1.3 billion in this authorization that is even above the budget resolution that we passed, which is only about 10 percent of the $13 billion over what the Pentagon says it wants, or needs, and we ought to put that into restoring funding for Pell grants, low-interest Perkins loans, programs for dislocated workers, and summer jobs programs, and reform of the job training system. We ought to at least put that money into those programs. That to me is really I think the priority that people in the country are interested in. I will do that later on.

I want to make it clear that in this whole argument about whether or not this additional money is needed, I think the reason the Pentagon said we do not need this $13 billion, the reason the President said we do not need it, the reason the Chairman of the Joint Chiefs of Staff says we do not need it, is because right now we spend along with our allies about $510 billion on defense and on our interests worldwide. According to estimates prepared by respected arms control think tanks and other experts, all of our potential enemies combined spend about $140 billion. It is not as if we do not spend a considerable amount of resources for defense. It is not as if we do not need to be concerned about defense. We do. It is not as if we do not need to be concerned—God knows the news of yesterday makes us concerned—about the threat of terrorists and arms proliferation. We do. We all agree on that.

But I'm talking about eliminating waste. I have recited studies already about just some of the inefficiencies within the Pentagon, some of the waste, some of the ways in which we can cut down on expenses internally, not to mention the fact that we can give our allies a larger share of the burden, so on and so forth. There are a whole lot of ways to save money by simply scaling back waste and reassessing our spending priorities, Mr. President.

Let me quote from a New York Times editorial from the other day on defense spending. I find this editorial on the mark in its characterization of the Republican defense authorization bill.

> The not-so-hidden agenda for many Members of Congress is delivering Federal spending to their districts, and there are few better ways to do that than fattening the Pentagon budget and ordering up expensive new weapons systems. The cold war provided cover for this wasteful practice, but it is now indefensible. With vital domestic programs shrinking to bring the budget into balance, Congress should not be buying military hardware the Nation does not need.

Mr. President, we need to maintain a strong defense. We can increase burdensharing by allies. We can impose cost and accountability controls called for by the General Accounting Office. We can eliminate unnecessary weapons programs. We can reassess some of the assumptions that continue to drive continued high Pentagon spending, like the requirement that we be able to fight two major wars at once. But really this debate gets back to an even more simple point. We have in the Republican authorization bill a request for $13 billion more than the Pentagon says it needs.

I think it is just unconscionable for us to be cutting programs and educational opportunities for young people, cutting financial aid programs for higher education, cutting into health care programs that are so important for senior citizens, cutting into environmental protection programs, and say that we are for deficit reduction and then turn around and authorize $13 billion more than the Pentagon says it needs for our defense.

The New York Times editorial was right on the mark, and it is for this reason that I bring this amendment to the floor with Senator HARKIN, Senator DORGAN, and Senator BUMPERS. Senator BUMPERS, probably more than any other Senator, has been the most vigilant and the most eloquent and the most powerful in pointing out we have to be serious about deficit reduction, but we have to do it based upon a standard of fairness. If we are going to talk about administrative inefficiencies, and we are going to talk about waste, then yes, we should focus on waste wherever it is. We should, as some of my colleague has done, focus on the Departments of Energy, or of Commerce, or other agencies. And we should, and we can, hold all these agencies accountable for their own budgets. But what happens when it comes to the Pentagon budget? I can think of very few times in my adult life where the Congress has proposed spending more money than the Pentagon has asked for. I cannot think of a worse time for us to do this. Frankly, it is just downright embarrassing. We should take this $13 billion and put it into deficit reduction.

I withhold the remainder of my time to respond to arguments on the other side.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that time in the quorum call be equally divided?

Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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 South Carolina is recognized.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THURMOND, Mr. President, I rise today to oppose the amendment offered by Senators EXON, BINGAMAN, and

KOHL. Both the Committee on the Budget and the Committee on Armed Services determined there is a sound and compelling need to set the level of funding for defense at the budget resolution level. The amendment, as proposed, reduced defense to the President's level. The Committee on Armed Services has received compelling testimony from the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Chiefs of the military services, and the secretaries of the military departments that the procurement accounts are dangerously underfunded.

Defense spending, as measured by outlays, continues to decline. From fiscal year 1990 to fiscal year 2002, defense spending declines by 34 percent. However, the same is not true for nondefense or mandatory spending programs. Nondefense discretionary programs do not decline, but in fact increase by 8.5 percent over the same period. Mandatory programs increase at an even greater rate. It is not clear to me why defense is the only part of the Government that should take such reductions.

In reality, the Department of Defense continues to get smaller. From fiscal year 1993 through fiscal year 1997, civilian personnel will have been reduced 18 percent. However, nondefense Government civilian personnel will have been reduced just 5 percent. Furthermore, these figures do not take into account the reduction in active duty end strengths of 688,000 active duty service members in the last 10 years.

Mr. President, I continue to hear concerns that the funds added to programs in our bill were not requested by the administration, and, therefore, should not be added. Let me make clear that we do not agree with the President's budget request nor his Future Years' Defense Plan. We believe both are inadequate. If we agreed with them, we would not be proposing to add funds above the request. It should, therefore, not be surprising that we would propose to buy things that are not in the President's budget or Future Years' Defense Plan.

The facts are that the administration's defense budget request barely covers the costs for current operations and does not budget adequately for modernizing the force. The defense budget requires our men and women in uniform to perform their duties without the resources they need. I believe this is wrong.

Deputy Secretary White told the members of the committee that the outyear tail associated with this bill is $20 billion. Last week I inserted the Congressional Budget Office's cost estimate of the defense authorization bill into the RECORD. Their estimate clearly shows there is no outyear tail associated with this bill. We have determined that this claim has no basis in fact and is not supported by any sensible analysis. It just does not make common sense.

Some critics have grown fond of saying the committee added funds that the senior military leadership neither wants nor needs. The record of testimony shows that this criticism is unfounded. The Chairman of the Joint Chiefs of Staff, General Shaikashvili, testified:

> I am very concerned that our procurement accounts are not where I think they ought to be * * * [We] must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.

However, this year's procurement request was for $39 billion. Far less than what General Shalikashvili considers necessary. The former Vice Chairman of the Joint Chiefs of Staff, Admiral Owens testified:

> I want to talk . . . about procurement because I believe it is the crisis in the defense budget today.

The Chief of Staff, Army, General Dennis Reimer testified that:

> The issue still is that we are underfunded in modernization.

The Chief of Staff, Air Force, General Fogelman testified that:

> I [have watched] the Air Force procurement accounts decrease by some 60 percent . . . we are living off the procurement of the past. It has to stop.

Mr. President, we have been down this road before, but it seems that some of my colleagues have forgotten where it leads. Those who oppose a strong defense often attempt to justify their position by reminding us that the cold war is over. They conclude that defense spending should be lower because we do not face an obvious danger from a threat like the Soviet Union. They make a simple argument. This argument is appealing because it provides an easy solution to our funding problems—but the argument is wrong and dangerous.

It is true, our Nation no longer faces a cold war danger from the Soviet Union, but the world is still a dangerous place. The belief that continual reductions to defense are in order is not only flawed, but it also ignores reality and the requirement for both present and the future force readiness. We ask our men and women in the services to respond to crises all over the world. At the same time, the administration seeks to continue to reduce defense spending. This is not right. Right now, we have United States troops on duty in Bosnia, in the skies over Iraq, and on ships at sea near any actual or potential trouble spot in the world.

The Chief of Staff of the Army, General Reimer, testified that,

> Requirements have risen 300% . . . Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home . . . for 140, 160 or 190 days of this past year.

The Secretary of the Air Force, Dr. Widnall, testified that,

> Since Desert Storm, we have averaged three to four times the level of overseas deployment as we did during the Cold War.

The administration itself has been telling Congress, year after year, that it must increase defense spending. Congress has agreed, but the administration has consistently failed to honor its own pledges.

The defense budget requests have continued to decline. The Department of Defense has already been reduced significantly in size and funding, but some continue to seek more reductions.

Mr. President, do we have to learn the same painful lesson over and over? As General Reimer testified,

> . . . a lack of modern equipment will cost the lives of brave soldiers.

I do not know when we will have to commit our Armed Forces. No one knows where the next conflict will occur, but I agree with the testimony of General Reimer who stated:

> We will sometime place soldiers in harm's way, on short notice and ask them to defeat a determined and dangerous foe. When that happens, we should be satisfied that we have done our best to prepare them for the task at hand.

Mr. President, I believe that is our solemn obligation, and I sincerely hope we will heed the hard lessons we have already learned. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say to my colleague from South Carolina that part of this authorization is, in fact, even above the majority party's budget resolution. Again, I point out to my colleagues that if this amendment fails, I will have another later on, with Senator HARKIN and a good many other Senators, I believe—I hope Democrats and Republicans alike—which will take that $1.3 billion above even the budget resolution that the majority party passed and say that ought to go, not to the Pentagon, that ought to go into restoring the funding for Pell grants and low interest loans for higher education up to the President's request.

The second point is, with all due respect to some of my colleagues who have a different point of view, I do not think people should be fooled about what is going on here. Yesterday we voted for an amendment, introduced by Senator LIEBERMAN—I bet it was unanimous, or virtually so, I am not sure—which said, ''Let us take a look at our force structure and let us look at the whole question of modernization of weapons. Let us do a very thorough study and see where we need to go.''

Why in the world, after the U.S. Senate agrees to that unanimously, are some of my colleagues in such a hurry with all of these add-ons for these weapons systems which represent projects back home? This is pork, that is what this is. Let us be crystal clear about it. This is pork. Much of these are special add-on projects, or acceleration of spending for weapons systems which may or may not even be necessary. The Pentagon said it did not need this spending now. And yet we press it on them anyway.

Again, it seems to me that, given the position that the Defense Department has taken, given the position the President has taken, given our concern about deficit reduction, what are we doing spending almost $13 billion on these sort of special pet projects that go into different States that represent, essentially, pork, much of which or some of which are just add-on projects? Yesterday we said we ought to do a thorough force modernization study. What is the hurry to spend the additional $13 billion? Are some worried that an independent panel might urge a major reassessment of al this spending?

I actually could just go over some of these different projects. But there are so many of them it would probably take me more than the little time I have left. Instead, I will simply urge my colleagues: Let us not be in such a hurry to add on $13 billion for pork projects for our States for military weapons contracts and programs that we do not need. Let us not spend $13 billion more than the Pentagon asked for, than the President asked for, than our military leadership asked for, not when we say we are serious about deficit reduction.

Mr. President, let me also make it crystal clear that I think part of what is going on here is a definition of defense. I thought it was in our national defense to invest in education.

I think education is a defense against prejudice. I think education is a defense against ignorance. I think education is a defense against hopelessness. I think education is a defense against poverty. I think education is a defense against despair and bitterness and anger and cynicism.

We have a majority party—not everyone but unfortunately the vast majority of the majority party—wants to cut education programs. They say they are for deficit reduction and now want to authorize $13 billion more than the Pentagon says it needs.

This is a vote for deficit reduction. This is a vote that says, take almost $13 billion and put it into deficit reduction; do not authorize $13 billion of spending more than the Pentagon says it needs for our national defense. This is a reasonable proposition, and I hope it will receive strong support.

Mr. President, I reserve the remainder of my time.

While waiting, I ask unanimous consent to add on Senator FEINGOLD as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, if there will be no more response, it is fine to go to a vote. I do not know what my colleague would like to do. I will defer to the Senator from South Carolina.

Mr. THURMOND. Mr. President, we have several amendments we are going to take up. I suggest we complete debate on this amendment and set it aside and stack the votes, if that is agreeable with the Senator.

Mr. WELLSTONE. I say to my colleague from South Carolina, it certainly is agreeable. I yield back the remainder of my time.

Mr. THURMOND. I believe Senator NUNN wants to speak against this amendment, so I suggest the absence of a quorum, Mr. President, and ask that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. I now yield the able Senator from Georgia such time as he may require.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, please notify me in 6 minutes so I know how much time I consume.

I rise in opposition to the Wellstone amendment which reduces defense funding authorized in this bill by $13 billion. For several years I have been expressing my concern that the actual and projected declining defense budgets are not sufficient from force standpoints, one, to maintain the current readiness of our military forces, two, to provide the standard of living that military personnel and their families expect and deserve, three, supporting the force structure necessary to carry out the full range of missions that we expect our military forces to be able to perform, and, fourth, to provide for the modernization that is the key to the future capability and future readiness of these forces.

Mr. President, modernization is our greatest deficiency. We are in effect living off of the capital of our previous investment in terms of the modernization account. Mr. President, while we all recognize you can live off your previous investments for awhile, you cannot do it forever. We cannot do it in our personal lives; and we cannot do it in our Government; and it certainly cannot be done in our defense budget.

National defense is a continuing obligation of our Government under the Constitution, and the tools we need to do the job simply do not last forever. They have to be replaced. They have to be updated. They have to be modernized. We have to invest in new capital. In this age of rapidly declining technology, our previous investments can become obsolete even before they wear out physically.

The men and women in the military continue to perform superbly every time they are called on. And we are calling on them all the time all over the world. We owe it to them to give them the support they need to do their job. We also have to ensure that the men and women who will be called on in 5 years, 10 years, or 20 years, will have the same advantages vis-a-vis our potential opponents that our military forces have today, including our technological superiority. I do not think we can expect our men and women who volunteer to defend our country to do so with obsolete technology.

During the long defense drawdown, I think military services have done a remarkable job reducing our force in a way that was fair as far as possible to the men and women in uniform as well as the civilian employees of the Department of Defense and the defense industry.

We have gone to great lengths with special incentives to ensure we did not break the force in terms of morale during the drawdown. With some limited exceptions, we have also kept the readiness high while accomplishing this drawdown. Readiness overall is in good shape today. But the problem is, we have been borrowing from the future to accomplish these other desirable goals: Protecting readiness, reducing the force structure gradually enough to keep the quality up, giving generous early retirement benefits to make sure that we treat our forces fairly, and keeping the turmoil in the force drawdown to a manageable level.

I believe the defense spending levels included in the fiscal year 1997 budget resolution are about right. We do know we are going to need to bring our level down by a little over $1.7 billion to get it in compliance with the budget resolution. It is my view that we should do that on the floor. And we should make it clear, before it goes to conference, that we are in full compliance with the budget resolution. The bill is now slightly over. I believe we will have to cut about $1.7 billion from this bill now before us in order to get it in compliance with the budget resolution, which is the guideline that this committee is bound to live by.

While the 1997 defense topline is an increase from the President's budget, it still is below last year's budget level in defense in real dollar terms. So when people talk about the increase in the defense budget in the budget resolution and in this bill, they are really talking about an increase relative to the President's budget, they are not talking about an increase compared to last year. I hope people understand that. Defense, even if the Wellstone amendment is defeated, will still be coming down in real dollar terms. I hope we will start moving towards stabilizing the defense budget by the end of this decade even though it will be at a much lower level than we had at the start of the decade.

While I believe that the funding levels requested for readiness, military pay raises, and quality of life initiatives in the President's budget are about right, I think there are clearly insufficient funds going into modernizing our force. Modernization, for the most part, is delayed into the outyears under the current future years defense program. We all know from experience how illusory these projections become 4 years or 5 years down the road.

The fiscal squeeze on the budget is already intense. As we seek to balance the budget, we should not make it worse by trying to enact tax cuts at the same time, which is what the overall budget resolution calls for. I do not agree with that. I think that is not the right way to go, but this is not the time for that debate. I hope, in the final analysis, we will understand that if we really want a balanced budget, we need to go ahead and get that job done and declare the dividend later, rather than declaring a dividend and having a celebration with a tax cut before we have even gotten the job done and before the U.S. Treasury is in decent shape. Anyway, that is another story.

While outyear projections show funds for defense modernization increasing, I have great concern on that score because I do not think that is in the cards in light of the effort to get the budget balanced in 2002, a goal that I completely agree with. I think we need to remember, first of all, the funding differences between the administration and the budget before us are not that great. The budget resolution is 1 percent higher over the next 6 years.

The PRESIDING OFFICER. The Senator has consumed 6 minutes.

Mr. NUNN. If the Senator will give me 2 or 3 more minutes.

Mr. THURMOND. I yield the Senator such time as he may require.

Mr. NUNN. I thank the Senator.

Mr. President, we need to understand that while the defense spending levels in the budget resolution are higher than the President's budget this year, they are actually lower than the Clinton administration's defense plan in terms of budget authority starting in the year 2001. In other words, the administration is lower than the Congress this year, but higher in the outyears.

I think the administration's outyear defense plan for 2001 and 2002 is about what we are going to need in terms of the defense budget, but I think the budget resolution is probably more realistic in terms of what we can afford for defense if we really are going to drive for a balanced budget in 2002.

However, I feel that both the President's balanced budget plan and the Republican budget resolution, which is also aimed at balancing the budget, both of them assume unrealistic cuts in the outyears in overall discretionary spending, which includes defense, but is not limited to defense. That is betting on the future, and I think is an illusion. We are not going to make those size cuts in the outyears. That means under neither the budget resolution, nor the administration's proposal, are we likely to make the kind of cuts required to get the budget balanced in 2002.

That is why I supported the Chafee-Breaux alternative, which in my view, represented a much more realistic picture of what is achievable, sustainable and sensible in terms of both defense and nondefense spending.

In my view, Mr. President, we need to increase the defense topline now, to restore the balance to our defense program. We also need to extend the firewalls that the Senator from New Mexico has reinstated for fiscal years 1996, 1997, and 1998 in the budget resolution to protect any defense increases we are able to achieve and to provide some stability in the defense budget.

Firewalls do not mean the defense budget cannot be cut. It can be. It does mean it will not be shifted to other nondefense purposes.

We have been reducing the defense budget for a long time. The current builddown started during President Reagan's second term, significantly before the fall of the Berlin Wall. It continued and was accelerated through the Bush administration and the Clinton administration. However, Mr. President, the time has come to stabilize the defense budget as much as possible. The defense budget has already made a major contribution to deficit reduction, more so than any other part of the budget.

I am often intrigued by the arguments made about how many Federal employees we have cut out in the last several years. Mr. President, if you look at the numbers—I do not have the exact numbers in my mind—something like 70 percent of all the Federal employees that have been cut from the payroll have been cut from the Department of Defense. Defense is doing its part, has done its part. We need to begin to level it off. Even if we defeat this amendment, there would still be a decrease in the defense budget in real-dollar terms from last year.

Mr. President, modernization funding should be increased. The future readiness and future capability of the Defense Department requires modernization and it requires research and development. Those are the programs that have been cut most deeply during the defense drawdown.

The pressure to achieve and maintain a balanced budget will make it very difficult to increase the defense budget above current levels—yet current levels are still artificially low as we work back towards a normal level of procurement and a normal level of infrastructure investment.

Because we were reducing the size of the force and were able to keep the most modern equipment as we downsized, a temporary decline in procurement was appropriate. But we are now reaching the point where we have to get our modernization budget back up to a long-term level that will sustain our forces for the future. We have to start increasing the procurement budget to prevent the average age of our weapons technology from reaching unacceptable levels. At the same time, because the personnel drawdown is nearly complete, we are not going to be able to continue to reduce that part of our defense budget. It is unrealistic to expect this long period of declining defense budgets to continue.

Similarly, during the BRAC era we underinvested in facilities modernization because nobody wanted to waste money modernizing facilities we might be about to shut down. But now that we have made those decisions and the BRAC process is over we are going to have to put more money in modernizing and maintaining the facilities we have left.

So our children will be to have a budget that is slightly larger than the ones now planned. If we are going to balance the budget, it is unrealistic to plan for more than a slight increase. The budget resolution only increases the defense budget by about 1 percent over the levels in the administration's request—in order to have adequate funds for capital investments in weapons and facilities.

This is why I oppose amendments which would reduce the defense topline number below the levels agreed to in the budget resolution. The funds added to the administration request by the committee have gone almost entirely to modernization—in other words, they have been invested in the future. I think my colleagues will find that the funds the Armed Services Committee added to the modernization accounts have gone mostly, not completely, to programs the service chiefs have requested, and most of these were programs the administration was already planning to do.

So, I urge my colleagues to vote ''no'' on the Wellstone amendment.

Mr. WELLSTONE. Mr. President, I ask the Senator from South Carolina if I can reclaim my 3 minutes for a brief response to the Senator from Georgia.

Mr. THURMOND. Mr. President, I have no objection.

Mr. WELLSTONE. I want to make sure I understand. You do intend to propose an amendment to bring the authorization down to the budget resolution, the $1.7 billion, is that correct?

Mr. THURMOND. Yes, we do.

Mr. WELLSTONE. I ask the Senator from Georgia, did I hear correctly that you intend to propose an amendment to bring the authorization down to $1.7 billion, down to the budget resolution?

Mr. NUNN. Yes, that is my belief of what we should do. I am not absolutely certain that will be done yet. I hope that would be done.

Mr. WELLSTONE. If you do that, please include me as a cosponsor.

Mr. NUNN. I say to the Senator, is he assuming his amendment may not pass. If it is adopted, I will not be proposing that $1.7 billion.

Mr. WELLSTONE. I think it will be very close, but it may not pass.

Mr. NUNN. I will include the Senator on that if we are so fortunate as to defeat the Wellstone amendment.

Mr. WELLSTONE. I thank the Senator.

I point out to the Senator from Georgia the wording of the amendment is important, because I listened to what he said about readiness and quality of life.

On the allocation of reductions, the amendment reads, ''The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as the result of the application of the limitation set forth in subsection (a) so as to not jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel,'' my assumption being that clearly the Pentagon and Defense Department in their budget request have already taken this into account.

I wanted to be clear about the wording of this.

Mr. NUNN. I understand. I know what the Senator was doing. I will respond briefly.

There is the problem, though, that the reduction here will have to come out of modernization. This is a procurement account, which is already where the problem is.

Mr. WELLSTONE. Finally, Mr. President, in response to that, I was pointing out before the Senator came to the floor, we voted 100 to 0 for what I think is an important study of force structure and modernization yesterday, but my concern is that what we have here is an acceleration of weapons programs that may not be necessary, may be obsolete, and we ought to go forward with that study.

I finish up quoting from Senator MCCAIN's view on the Armed Services Committee. His comments:

> Again, I believe this is overall a very good defense bill, and I voted in favor of reporting the bill to the Senate. However, I feel that the additional $13 billion included in this bill may not survive the congressional budget review process this year. In the event that this bill must be reduced by $3 billion or $4 billion or more, I hope my colleagues will look carefully at these pork-barrel add-ons. We must protect the high-priority military programs which contribute to the future readiness of our Armed Forces. If this bill must be reduced, we should cut out the pork first.

That is what this amendment is about. I really believe in cutting out this pork and doing the deficit reduction, going after the $13 billion above and beyond what the Pentagon requested, the President requested, the military leadership requested.

I yield back the rest of my time.

UNANIMOUS-CONSENT REQUEST—H.R. 3525

Mr. THURMOND. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 453, H.R. 3525, relating to damage to religious property, and that time on the bill be limited to the following: Senator LOTT, 10 minutes; Senator DASCHLE, 10 minutes; Senator FAIRCLOTH, 10 minutes; Senator KENNEDY, 10 minutes. Further, that the bill be limited to one amendment to be offered by Senators FAIRCLOTH, KENNEDY and HATCH. Further, no other amendments be in order, and that immediately following the disposition of that amendment and the expiration or yielding back of the time, the bill be read a third time and the Senate then immediately proceed to a vote on passage of H.R. 3525 as amended, if amended.

Mr. EXON. Mr. President, I rise to raise an objection. I was sorry I was not able to hear fully what the unanimous consent agreement was by the Senator from South Carolina. As the Senator from South Carolina and the Senator from Georgia know, I have been trying to work through several things that are pending to move this bill along. I think it is important that we finish the defense authorization bill. I say that as a member of the committee.

Would the Senator from South Carolina please restate, basically, to this Senator what his unanimous consent request was. I may not object, but I was not able to ascertain what the thrust of the unanimous consent request was.

Mr. THURMOND. I have another unanimous consent, if that might please the Senator.

I also ask unanimous consent upon the expiration or yielding back of time on the WELLSTONE amendment, that amendment be temporarily set aside to consider a Thurmond-Nunn amendment regarding the authorized funding levels in the bill, with no second-degree amendments in order, so that the amendment following the debate on the Thurmond-Nunn amendment, S. 1745, be temporarily set aside and the Senate return to consideration of the church burning bill under the provisions of the unanimous consent agreement.

Mr. EXON. I object.

The PRESIDING OFFICER (Mr. THOMAS). The objection is heard.

Mr. THURMOND. 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. 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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4266

Mr. EXON. Mr. President, I ask unanimous consent that the WELLSTONE amendment be temporarily set aside for the purpose of this Senator offering an amendment.

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

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

The PRESIDING OFFICER. The Senator from Nebraska still has the floor.

Mr. EXON. Mr. President, I had asked for unanimous consent to temporarily set aside the WELLSTONE amendment for the purpose of the Senator from Nebraska offering an amendment. That has been objected to by the chairman of the subcommittee, which blocks my attempt to offer the amendment. Therefore, 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. COATS. 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. COATS. Mr. President, may I inquire how much time is left on the Wellstone amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes remaining.

Mr. COATS. Mr. President, I wonder if the Senator from South Carolina will yield me the 5 minutes.

Mr. THURMOND. I yield 5 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, while we are debating and straightening out a procedural quandary we are in with a number of amendments, let me use up the remaining time on the Wellstone amendment and speak in opposition to it.

The assumption behind the amendment is that defense is overfunded. We talk about the adding of additional billions of dollars to the defense bill as if the adding was over and above what the defense ought to be and, therefore, is surplus pork barrel, extraneous money.

I think it is important to understand that, first of all, defense has been declining, as has been stated, for 12 straight years. Funding, overall, for defense is down 41 percent in real terms since 1985, at 1950 levels of funding; modernization is at 1975 levels of funding, and the budget resolution funds defense at $7.4 billion below last year's defense level in real terms.

Maybe this chart can better illustrate what I am trying to say. In fiscal year 1996, the Appropriations Committee appropriated $264.4 billion in spending for defense for fiscal year 1996. That represented the 12th straight year of decline in defense spending in real terms.

Now, the Clinton administration came in and said, even though that is a reduction from previous years, we want to reduce it even further. They brought the level down to $254.4, an additional $10 billion cut.

Then we in the Senate brought forward legislation which would fund defense at last year's spending level—adjust it, in other words, to buy the same amount of defense this year that we bought last year. Without increasing it, but just buying the same level, it would have been, because of inflation, $273 billion.

What we have proposed in this legislation is a $267.3 billion total, which is,

of course, above the President's request. But the President's request was way below just keeping level with defense.

Now, this total increase here is $18.6 billion over the President's request, just to buy last year's defense. We did not think we could go that far and meet our obligations to help balance the budget, so we took two-thirds of that and went to $267.3 billion. So the assumption that we are somehow throwing an additional $10 billion into defense is simply wrong.

The defense outlays have been reduced 11 percent just since 1993, while nondefense outlays for the same period have increased 23 percent. It is not defense that is overfunded; it is defense that is underfunded. We are just trying to keep part of what we had, without falling further and further behind.

The second point that we hear over and over is that the Defense Department did not request this money, therefore implying it is all congressional add-ons. I have two responses to that.

No. 1, since when does the Congress simply buy off on the requests from the various departments of the administration without challenging or looking at the requests or going a little further than what their stated public request is? That is our job. We are elected to make the final decision in terms of how much we spend for education, how much we spend for the arts, how much we spend for transportation, how much we spend for defense, and every other item in the budget. That is why we have a Budget Committee, that is why we have Appropriations Committees, that is why we have authorization committees, to determine how much we ought to spend. That is what we are doing here.

Second, and probably more important, the Department of Defense—I have 17 pages of quotes here from representatives from the Department of Defense saying we need to spend more. Obviously, what happened here is that the Department of Defense has been told by this administration that ''you will not spend more than $254 billion. Now you salute and make it work and sound like that is all you need.'' So it is false to say that the Department of Defense did not even request the money.

I can go down through the 17 pages of the list, from the Secretary of Defense to the Chairman of the Joint Chiefs of Staff, to the chiefs of the various services, and quote from every one of them, saying: We are dangerously below where we ought to be. Modernization is dangerously underfunded. We ought to be funding it at a $60 billion level. Instead, we are funding it at nearly half of that, roughly $38 billion.

I do not have time to give all these quotes, Mr. President, so I ask unanimous consent to have printed in the RECORD excerpts of the quotes from members of the Department of Defense as to why this budget of $254.4 is too low and why we are dangerously underfunding defense needs for the future.

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

EXCERPTS OF TESTIMONY BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, ON THE DEFENSE BUDGET REQUEST FOR FISCAL YEAR 1997

MODERNIZATION—CRITICAL NEED

. . . what I am projecting for you is that we have to start increasing the modernization program or this curve will just keep going straight up, and we will start to have a real problem in obsolescence of equipment in the field.—Secretary of Defense William J. Perry, March 5, 1996.

. . . the modernization account in FY 1997 will be the lowest it has been in many years, about one third of what it was in FY 1985.—Secretary of Defense William J. Perry, March 5, 1996.

I am very concerned that our procurement accounts are not where I think they ought to be . . . [We] must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.—Chairman of the JCS, GEN Shalikashvili, March 5, 1996. [The procurement budget request for FY 1997 was $38.9 billion.]

We've got to stop promising ourselves and start doing something about this procurement issue which, I think, is the basis of our ability to recapitalize America's military, not just the ships and tanks and airplanes, but also . . . remarkable technologies.—Vice Chairman, JCS, ADM William Owens, February 28, 1996.

Unless we recapitalize, we are not going to be ready to meet the threats of the future.—Chief of Staff, Air Force, GEN Ronald Fogelman, March 14, 1996.

If we do not modernize, we ultimately place future readiness at risk.—Chief of Naval Operations, ADM Michael Boorda, March 14, 1996.

Further deferral of modernization will incur significant risk to future readiness.—Chief of Staff, Army, GEN Dennis Reimer, March 13, 1996.

I want to talk . . . about procurement because I believe it is the crisis in the defense budget today.—Vice Chairman, JCS, ADM William Owens, February 28, 1996.

In the long term, our most urgent need is to modernize our fighter force. By the time the F–22 reaches IOC in 2005, the F–15 will be in its fourth decade of active service as our front-line fighter.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

Procurement has continued to pay the bill for readiness and force structure over the past decade and now hovers at a post-World War II low of about $40 billion.—Chairman of the JCS, Gen. Shalikashvili, March 5, 1996.

General Shalikashvili estimates the services would need about $60 billion of annual procurement funding. The Department of the Navy would need about $28.5 million annually to sustain its Bottom-Up Review force structure.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

We preserved our readiness and force structure at the expense of modernization and equipment replacement. We still need to keep readiness a top priority. But we have been able to enjoy a procurement hiatus, so much so that our procurement account has actually shrunk to just below $40 billion, the lowest since the Korean War . . . This procurement hiatus . . . cannot be sustained indefinitely.—Chairman of the JCS, Gen. Shalikashvili, March 5, 1996.

Investment accounts . . . have been at relatively low levels for several years, and I have reported on that each of the 3 years that I have come before you.—Secretary of the Army, Hon. Togo West, March 13, 1996.

For the Marine Corps, since 1971 we have averaged about $1.2 billion annually for procurement. This year we are at about $556 million. You can see the concerns that we have.—Commandant, Marine Corps, Gen. Charles Krulak, March 12, 1996.

Equipment . . . permits us to remain dominant on the battlefield . . . In order to maintain this edge, we must continue to modernize.—Secretary of the Army, Hon. Togo West, March 13, 1996.

Like the F–15, the F–16 will be entering its fourth decade as the most numerous fighter in our inventory by the time its replacement begins to arrive.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

Procurement accounts have been at relatively low levels for several years . . . the Army will have to once again fund modernization more robustly.—Secretary of the Army, Hon. Togo West, March 13, 1966.

We must modernize to protect our soldiers . . . [This makes them] more survivable . . . [and gives] them the edge.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

The greatest potential threat to Army readiness is the medium and long term impact: of an increased operational pace and insufficient modernization funding . . . by failing to modernize and update our equipment, we put tomorrow's soldiers at risk.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

In the event of a conflict, a lack of modern equipment will cost the lives of brave soldiers.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

Further forestalling of modernization would greatly increase risk. There are long lead times for modern equipment and longer lead times to develop and train the leaders who will employ it. Consequently, further deferral of modernization could delay a modernized force beyond the limits of our ability to anticipate future security challenges. Creating such a window of vulnerability could lead to a future environment where the interests of the United States are directly threatened.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

30 years ago, our predecessors . . . structured the fighter force that has served this Nation so well in the decades since. It is now up to us to show that same foresight as we look towards the uncertain world of tomorrow. We owe that to this Nation and to the young people . . . who will face the risks of combat.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

We need to think about future priorities in terms of the range of capabilities useful for the world that is coming . . . we need forces which are broadly useful, not just capable on a single set of narrowly defined battlefields.—Commandant, Marine Corps, Gen. Charles Krulak, March 14, 1996.

We end up deferring programs and finding work-arounds. We end up increasing the bill in the outyears. It is very difficult for me to specifically point out a big problem in that it is a lot of little slices that impact us because it impacts the stability of our modernization programs.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

I ask your help to ensure that your Nation's Air Force has the proper equipment and the best quality people to meet the needs of the 21st Century.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

The issue still is that we are underfunded in modernization.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

We know that we cannot procure everything in the near-term, so we . . . built a time-phased modernization plan . . . [that] is

very delicate. And we cannot afford to see procurement dollars slide out to the right.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

We have benefitted from the aircraft procurement of the 1980's. That is what has really sustained us.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

I am sure you realize as well as we do that severely constrained modernization resources have extended fielding times, have delayed modernization of the total force, have delayed deploying a next generation of systems and from a business standpoint have resulted in some inefficient programs.—Assistant Secretary of the Army for RD&A Gilbert Decker, March 28, 1996.

Somewhere along the lien when you [slow procurement] you get risk . . . then comes the risk in casualties because you don't close with the right type of force, with the right application, and so the prosecution of your battle just takes longer.—Commander in Chief, United States Central Command, Gen Binford Peay, March 28, 1996.

Our men and women don't ask you for very much and they don't ask us for very much. They want and require ships and weapon systems that are effective, and they need that not only today but they need it in the future. We talk about quality of life—that is the ultimate quality of life if you go in harm's way.—Commandant, Marine Corps, Gen Charles Krulak, March 13, 1996.

I [have watched] the Air Force procurement accounts decrease by some 60 percent . . . we are living off the procurement of the past. It has to stop.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 13, 1996.

READINESS

[The Marine Corps is] the Nation's force in readiness, and charged [by Congress to be] most ready when the Nation is least ready . . . they must be ready to go at a moment's notice, and when they go they must be ready to win. Commandant, Marine Corps, Gen Charles Krulak, March 14, 1996.

[the issue] that we face today in the Air Force is primarily a long-range readiness issue. We are confronted with the requirement to invest in tomorrow's readiness to begin to recapitalize the force to modernize our Armed Forces.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

In our business, we need to be ready not only twenty minutes from now, but twenty years from now as well . . . If we do not modernize, we ultimately place future readiness at risk.—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

The Army has maintained current readiness . . . by deferring modernization . . . Further deferral of modernization will incur significant risk to future readiness.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Throughout the downsizing, our priority has been on maintaining current readiness.—Chief of Naval Operations, Adm Michael Boorda, March, 14, 1996.

If we work our people too hard, and by ''too hard'' I mean being away from home, they will not stay with us . . . If we work our equipment beyond its reasonable limits or do not maintain it well because it is deployed, then our people have to work harder to try to keep it up and they will not stay with us. Those are lessons we learned the hard way not too many years ago . . . We cannot afford to get in [that position again].—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

I will admit to you that we have probably mortgaged the modernization account in order to take care of our people . . .—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Regardless of how we rationalize . . . if [the force] gets too small it will not be ready because we will not see the requirements go away, we will just [do] them on the backs of our people . . . We have been down that road before . . . It is not pretty.—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

The Army is nearing the end of an historic drawndown . . . About 450,000 volunteer soldiers and civilians have left the Army . . . [that is] about as many people as are employed by Ford and Chrysler Motor Companies combined . . . Many did not want to leave . . . It was important to us to ensure that we took care of [these] people and to keep the remaining Army trained and ready . . . In order to do this, the accounts for modernization were reduced . . . there was a cost . . . We paid a price that may not be seen for some time. We have yet to see the drawndown's effects on leadership and retention. In cavalry terms, our units have been ridden hard and put away wet.—Chief of Staff, Army Gen Dennis Reimer, March 13, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

We have received help from the Hill. It has been greatly appreciated . . . But we are not where we ought to be . . . I went with my godchild to his barracks . . . and I was appalled at what he was living in. 'Appalled' is probably a mild word for it . . . We are building some barracks, we are building some homes . . . but it is not to the level that I, as Commandant, or you, as a public servant, would be very pleased about. It is simply a matter of available money.—Commandant, Marine Corps, Gen Charles Krulak, March 13, 1996.

ON ADDING FUNDS ABOVE THE BUDGET REQUEST

. . .we have to start increasing the modernization program or this curve will just keep going straight up, and we will start to have a real problem in obsolescence of equipment in the field.—Secretary of Defense William J. Perry, March 5, 1996.

The issue really revolves around the fact that we do not have enough in the modernization account.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

I should point out that we do have a bow wave in the out-years that, should the Congress choose to invest additional funding, we think that reducing that bow wave would be advantageous.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

Yes [We could use additional funds if Congress provided them in fiscal year 1997]. We still have some holes in our modernization account.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

Last year we had an authorization for three DDG–51s but not enough funds. An average of three DDGs across every year is the fewest we should buy, not the maximum. A long term strategy should call for more than that.—Chief of Naval Operations, Adm Michael Boorda, March 12, 1996.

[In response to the question of whether there is a need for additional funding] We would be willing—we would be delighted, actually, to work with you to give specific programmatic examples. . .we would apply such money to. . .acceleration of existing programs. . .upgrades of platforms. . .[and] recapitalization.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

If additional funds became available, we could indeed convert two ships for [Maritime Prepositioning Force purposes]. If Congress added funds, an additional ship could be converted this coming year. . .I agree with the Commandant concerning advisability of those ships.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

We are short, still, in the Army some 40,000 trucks.—Chief of staff, Army, Gen. Dennis Reimer, March 13, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

I applaud the efforts of this Congress in most of the items that were added to the 1996 bill because you did what I requested during the discussions here with this committee, which is that most of that add-on was not pork.—Secretary of Defense William J. Perry, March 6, 1996.

You helped me on [procurement] last year, and I really appreciate it. And I will tell you it made a big difference for about 44,000 Marines.—Commandant, Marine Corps, Gen. Charles Krulak, March 13, 1996.

I would like to thank you for your support last year, both in your quality of life initiatives, particularly in the MILCON [military cnstruction] area. Folks sometimes would like to describe these plus-ups in quality of life as unnecessary, but the fact of the matter is, the plus-ups that we saw in MILCON last year were accelerations of things that our people would have had to wait for, so we did not see that as wasteful.—Chief of Staff, Air Force, Gen. Ronald Fogelman, March 13, 1996.

I want to take this opportunity to thank this committee, particularly the Military Construction Subcommittee, for the very good support you have given us in improving the quality of our housing * * * I am not satisfied with the effort on housing, as you are not satisfied with it * * * It would be a lot easier if I simply has more money.—Secretary of Defense William J. Perry, March 6, 1996.

We saw that the plus-ups in the procurement accounts were * * * the kinds of things that help us with the procurement that we see out there in the future.—Chief of Staff, Air Force, Gen. Ronald Fogelman, March 14, 1996.

DEFENSE—GENERAL

Few people know, few people understand, few people have spent the time to look across the spectrum of American warfighting capabilities and technologies.—Vice Chairman, JCS, Adm William Owens, February 28, 1996.

Past experience shows us that when you try to precisely project yourself into the future, you are probably going to be precisely wrong:—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

The chaotic and uncertain strategic environment looming just over the horizon creates an even more pressing imperative for a military force that can remain versatile yet act decisively . . . a force that can quickly and surely anticipate change and adapt to a new reality.—Commandant, Marine Corps, Gen Charles Krulak, March 14 1996.

Our heavy units are general purpose forces that not only can win our wars but can also accomplish other missions, as the First Armed Division has shown in Bosnia. We must modernize their equipment to deter mid and high intensity conflict.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

. . . at the end of the day, you are still going to have to have the beans and bullets and lift . . . technology is just simply not a panacea.—Commander in Chief, United States Central Command, Gen Binford Peay, March 19, 1996.

. . . at the end of the day, you need combat capability in the field.—Commander in Chief, United States Atlantic Command and Supreme Allied Commander Atlantic, Gen John Sheehan, March 19, 1996.

The challenge that we face is that [in] the Army [we put about 45% of the budget into

military pay] . . . another 30% . . . goes towards training . . . so you are left with very little in terms of procurement.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Mr. COATS. Second, Mr. President, let me state that there are a number of programs in the past that the Department of Defense has not requested, which this Congress has determined are important to be added to the Department of Defense budget. And we have done so. Looking back, in hindsight it is a good thing that we did. Strategic sealift: Now the Department of Defense comes and says it is one of their top priorities. They did not require it, nor request it before, maybe because the administration said do not do it. They are darned glad that we did not abide by their request. Some of the C–17's, the V–22, countermine efforts—we find that we were seriously underfunded and underprepared in the past in terms of dealing with countermine activity. This Congress made a decision to go forward and fund some of that. We are darned glad they did, and the Defense Department is darned glad that they did.

So let us be realistic on this. I urge my colleagues to vote against the Wellstone amendment for the reasons stated. It is simply a misstatement of what the request is from the Department of Defense. It is more a statement of what the administration would like out of defense, which is to cut it, to cut it, and cut it so that they can take the money and fund their favorite programs and not provide for adequate security for this country.

Mr. President, how much time is left?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. I regret that because I am just getting warmed up. I will cease and desist.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I notice that the negotiations are still going on. I am prepared to stop talking as soon as they are prepared to go forward. In the meantime, rather than dead air, I thought I would say one more thing about the Wellstone amendment.

I have had the opportunity in the last few years as a member of the Senate Armed Services Committee and chairman of the Personnel Subcommittee to examine our military housing that we provide for soldiers, sailors, airmen, and marines, both married personnel and their families, as well as single personnel.

It is a shocking statistic to note that more than 60 percent of current military housing, family and single housing, is substandard by military standards. Military standards are generally lower than civilian standards. The houses that you and I live in, the apartments that the single individuals live in, are built to a far higher quality and standard than what the military enjoys.

It is part of the nature of the military that they salute and serve and do not complain. But it is virtually a disgrace to note the condition of some of this housing: Deteriorating ceilings, leaking pipes, asbestos-lined pipes in the ceilings, falling plaster, crumbling stairways, inadequate space for families and for children.

I commend the Secretary of Defense and the Department of Defense for recognizing this problem and taking some initiative to deal with it. But we are a long way from solving this problem. In fact, if we stayed at the current pace of renovation, it would take 30 years to bring military housing up to the standard level. Of course, by that time all housing that is standard today would be substandard.

So it is a never-ending cycle. We need to accelerate that process, and we hope we will accelerate that process. But to suggest that defense is overfunded when we are asking our service families to live in substandard housing and when we are asking our service members to live in substandard barracks and are asking them to live in the conditions that they live I think it is misunderstanding the situation as it currently exists in the United States military.

Just recently I was touring some barracks and housing facilities in Georgia. I was informed by the commander of a number of units that the soldiers were on their off time on Saturdays and Sundays and weekends going out to Home Depot to purchase materials and voluntarily giving up of their time to repair some of their facilities just so that they can take showers and live in some kind of decent housing situation.

So I think it is important to recognize that this continual 12-year decline in real terms in defense spending is not only affecting our ability to fight future wars, to have the technology, research and modernization necessary but it is eroding the quality of life of our service personnel which is going to affect our ability to attract the kind of people we want to serve in the military.

I hope my colleagues will take that into consideration in considering the vote on the Wellstone amendment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the church burning provision of the previous unanimous-consent request made by the Senator from South Carolina alone be renewed. So I am asking unanimous consent that that portion of the overall request propounded by the Senator from South Carolina which was objected to, the church burning part of that, alone be renewed.

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

CHURCH ARSON PREVENTION ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3525) to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

The Senate proceeded to consider the bill.

AMENDMENT NO. 4341

(Purpose: To propose a substitute)

Mr. FAIRCLOTH. Mr. President, under the unanimous-consent agreement, I send an amendment to the desk on behalf of myself and Senators KENNEDY, HATCH, BIDEN, KOHL, SARBANES, and NUNN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. KOHL, Mr. SARBANES, and Mr. NUNN proposes an amendment numbered 4341.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Church Arson Prevention Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

(3) Changes in Federal law are necessary to deal properly with this problem.

(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.

SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (c) of this section'' and inserting ''subsection (d)'';

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively;

(3) by striking subsection (b) and inserting the following:

''(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

''(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).'';

(4) in subsection (d), as redesignated—

(A) in paragraph (2)—

(i) by inserting ''to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section,'' after ''bodily injury''; and

(ii) by striking ''ten years'' and inserting ''20 years'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;'';

(5) in subsection (f), as redesignated—

(A) by striking ''religious property'' and inserting ''religious real property'' both places it appears; and

(B) by inserting '', including fixtures or religious objects contained within a place of religious worship'' before the period; and

(6) by adding at the end the following new subsection:

''(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.''.

SEC. 4. LOAN GUARANTEE RECOVERY FUND.

(a) IN GENERAL.—

(1) IN GENERAL.—Using amounts described in paragraph (2), the Secretary of Housing and Urban Development (referred to as the ''Secretary'') shall make guaranteed loans to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism in accordance with such procedures as the Secretary shall establish by regulation.

(2) USE OF CREDIT SUBSIDY.—Notwithstanding any other provision of law, for the cost of loan guarantees under this section, the Secretary may use not more than $5,000,000 of the amounts made available for fiscal year 1996 for the credit subsidy provided under the General Insurance Fund and the Special Risk Insurance Fund.

(b) TREATMENT OF COSTS.—The costs of guaranteed loans under this section, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(c) LIMIT ON LOAN PRINCIPAL.—Funds made available under this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $10,000,000.

(d) TERMS AND CONDITIONS.—The Secretary shall—

(1) establish such terms and conditions as the Secretary considers to be appropriate to provide loan guarantees under this section, consistent with section 503 of the Credit Reform Act; and

(2) include in the terms and conditions a requirement that the decision to provide a loan guarantee to a financial institution and the amount of the guarantee does not in any way depend on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF INCLUSION IN LIST OF CRIMES ELIGIBLE FOR COMPENSATION.

Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended by inserting ''crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code,'' after ''includes''.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years 1996 and 1997 such sums as are necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 844 of title 18, United States Code.

SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.

The first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking ''for the calendar year 1990 and each of the succeeding 4 calendar years'' and inserting ''for each calendar year''; and

(2) in subsection (c), by striking ''1994'' and inserting ''2002''.

SEC. 8. SENSE OF THE CONGRESS.

The Congress—

(1) commends those individuals and entities that have responded with funds to assist in the rebuilding of places of worship that have been victimized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue the rebuilding process with maximum financial support from private individuals, businesses, charitable organizations, and other non-profit entities.

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes.

Mr. FAIRCLOTH. Mr. President, the Church Arson Prevention Act of 1996 is designed to meet two goals: One goal is to prosecute criminals who would sink so low as to burn churches to begin with.

Second, we want to send a clear message that people of faith will not stand for this type of violence.

Senator KENNEDY and I have worked together on this legislation, and it is bipartisan legislation, in order to demonstrate that America's commitment to protect houses of worship across philosophical and geographical boundaries; that we are united in this effort. As I said last week, if we in Congress cannot agree that church burning is a despicable crime, what in the world can we agree upon?

Several North Carolina churches burned down in the past year and a half. Some of these fires were accidents while others were clearly intentional. The criminals who set fires on purpose, whatever their reasoning, should be prosecuted and punished to the fullest extent of the law.

In most of these cases, State and local law enforcement is more than capable of handling arson investigations. There is nothing in this bill to imply that we do not think local law enforcement is capable of doing their job. But there may be special circumstances such as criminals moving State to State setting fires where Federal assistance and a Federal statute is needed to adequately resolve the problem and to correct the situation.

The Faircloth-Kennedy bill gives prosecutors the tools they need to fully punish guilty parties. It raises the penalties for church arson from 10 to 20 years. It extends the statute of limitations for church arson from 5 to 7 years. Both of these changes make the penalties consistent with other Federal arson crimes.

Additionally, this bill authorizes funding for the Treasury and the Justice Department to train local law enforcement investigating church arson, and in many cases this is needed.

The legislation does not provide any new funding. This will be determined by the Appropriations Committee.

Also, the legislation allows the HUD Secretary to take money that has already been appropriated to use as loan guarantees for the rebuilding of these churches. I really do not believe that such funding will be needed. I believe the American people through their own charitable good will will put forth the funds to rebuild these churches. In fact, in the bill I inserted a sense-of-the-Senate commending those that have and will bring forth the funding. I urge other private individuals and companies to continue to join in these efforts to rebuild these sanctuaries without calling upon the Federal Government.

Growing up and living in the rural South, I understand how the church serves as the center of the family and the community. Burning these churches is an assault on everyone's family and community. The violence must end now, and this bill will bring it to a halt.

Mr. President, I believe the Senate realizes that this bill is not about liberals and conservatives. It is not about blacks or whites. It is about something much larger and encompasses all of us—the power of justice, the importance of faith, and the ability to distinguish between right and wrong. This is a joint effort on the part of Senator KENNEDY and many others in this Senate to clearly make the distinction between right and wrong.

Mr. President, I yield the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today Senator FAIRCLOTH and I come before

the Senate in a spirit of bipartisanship to address the festering problem of church arson. This horrifying epidemic, which was originally confined to the South, has recently spread to elsewhere in the United States. The wave of arsons primarily directed at African-American churches is a reminder of some of the darkest moments in our history—when African-Americans were mired in a quicksand of racial injustice. The American people are growing sick and tired of waking up seemingly every morning only to learn of another church arson.

This is not a regional problem. It is a national problem. It is vitally important for the American people to recognize that all Americans—Democrats and Republicans, whites and nonwhites, Catholics, Protestants, Jews, and Muslims—must speak with a united voice in condemning and combating these outrageous acts. We must send the strongest possible signal that Congress intends to act swiftly and effectively to address this festering crisis.

It is in this spirit of unity that Senator FAIRCLOTH and I have worked together to develop a bipartisan bill to deal with the issue. I commend Senator FAIRCLOTH for his leadership on this legislation. I also commend Senators HATCH and BIDEN for their leadership and assistance in crafting this bill. I also applaud my colleagues in the House, HENRY HYDE and JOHN CONYERS, who crafted a bipartisan House bill that passed swiftly and unanimously.

During the course of the past week, House and Senate Republicans and Democrats have worked together to resolve the differences between the House and Senate bills, and to craft a comprehensive bill to respond to the church arson problem. The substitute that we are offering today is the product of this bipartisan cooperation between the Senate and the House. I fully expect that by the end of this week, the Senate and the House of Representatives will be on record 535 to 0 with a strong statement of Federal resolve to combat the church arson epidemic.

Let me briefly outline the basic components of the bill that have been worked out by House and Senate leaders. First, it provides needed additional tools for Federal prosecutors to address violence against places of worship. The bill amends the primary Federal statute dealing with destruction of places of worship to make it easier to prosecute these cases. Current law contains onerous and unnecessary jurisdictional obstacles that have made this provision largely ineffective.

In fact, despite the large number of incidents of destruction or desecration of places of religious worship in recent years, only one prosecution has been brought under this statute since its passage in 1988. Our bill will breathe new life into this statute by removing these unnecessary obstacles.

In addition, our bill strengthens the penalty for church arson by conforming it with the penalties under the general Federal arson statute. By conforming the penalty provisions of these two statutes, the maximum potential penalty for church arson will double from 10 to 20 years. Our bill also extends the statute of limitations from 5 to 7 years, giving investigators needed additional time to solve these difficult crimes.

Giving prosecutors additional tools will enable to address this crisis more effectively. However, we must also deal with the aftermath of the arsons that have left some needy communities without a place of worship. The bill contains an important provision granting the Department of Housing and Urban Development the authority to make loan guarantees to lenders who provide loans to places of worship that have been victimized by arson.

This provision does not require an additional appropriation of funds to HUD. It simply gives HUD authority to use funds it already has. Although the private sector will assume the primary responsibility for rebuilding, these loan guarantees will serve an indispensable function to help expedite the rebuilding process and the healing process.

Some of the churches have been insured. Some belong to congregations that are representative of a broader national scope but many of them are small community churches. I think all of us are enormously encouraged by the outpouring of support from all parts of the country to help local communities rebuild those churches. We want to make sure that those that may have difficulty in gathering the funds are not going to be left out or left behind, and this very modest program of loans can provide help and assistance to those very small communities that might not otherwise have it.

The bill also contains a provision that ensures that anyone who is injured as a result of these cowardly acts will be eligible to apply for assistance under the Victims of Crime Act.

These arsons have place an enormous burden on State and local law enforcement, who also must investigate the crimes and address the tense aftermath within their communities.

This bill contains two measures to assist State and local law enforcement and local communities in responding to these vicious crimes. The Department of Treasury is authorized to hire additional ATF agents to assist in these investigations, and to train State and local law enforcement officers in arson investigations.

There is very sophisticated new technology and understanding about the nature of arson, and that new kind of technology available to local communities is something that we should do so they, local communities can use it to help resolve these crimes.

The bill authorizes the Department of Justice to provide additional funds to the Community Relations Service, a small but vital mediation arm established by the Civil Rights Act of 1964. The mission of the community Relations Service is to go into a community and reduce racial unrest through mediation and conciliation. It earned the respect of law enforcement officials and community leaders nationwide.

Unfortunatley, its budget was recently cut in half, forcing it to contemplate layoffs at a time when its services are in greatest demand. The bill authorizes restoration of funds to the Community Relations Service.

Finally, the bill reauthorizes the Hate Crimes Statistics Act for 6 years. Reauthorizing the Hate Crimes Statistics Act is essential, and law enforcement groups, religious leaders and civil rights leaders throughout the Nation strongly support it.

This again, is bipartisan legislation. Senator HATCH, Senator SIMPSON, and other Members who have long been in the lead in hate crime legislation support it.

It is not simply a political imperative for the Senate to act. It is a moral imperative. Civil rights remains the unfinished business in America. Just as Congress spoke in a swift and bipartisan fashion during the civil rights struggles of the 1960's, we must again do so today.

Out of these tragic events, we have already witnessed countless acts of courage by people of all races and religious backgrounds.

The courage and faith demonstrated by parishioners and clergy of the burned churches is an inspiration to the entire Nation. For example, tomorrow in the Judiciary Committee we will hear from a pastor of a church in rural Alabama that has been burned down not once but twice. While the bricks and mortar, bibles and pews may have been burned, his faith endures—stronger than ever. He is truly a profile in courage.

The outpourings of generosity from the private sector have been enormous. Every day, we learn of a new offer of financial or technical support from various private sector sources across the political and religious spectrum. This generosity, as Martin Luther King once said, ''will enable us as a nation to hew out of the mountain of despair a stone of hope.''

America is being tested, and scores of courageous and generous Americans have met the challenge. It is time for Congress to meet this challenge.

I urge my colleagues to join me in expediting action on this urgent legislation.

Ms. MOSELEY-BRAUN. Mr. President, the perpetrators of the rash of hate crimes and church burnings in this country are no more than cowardly domestic terrorists. They work under cover of darkness and anonymity in an attempt to intimidate some and encourage others precisely because they have neither the will nor the courage to be associated with the evil they seek to unleash on our land. I strongly condemn these actions and urge my fellow Americans to combat

the atmosphere of hatred that allowed them to happen. These fires must be stopped—now.

H.R. 3525, the Church Arson Protection Act of 1996, will give the Federal Government additional tools to help ensure that it is stopped, that those who perpetrate this violence are caught and punished, and that the damage they have caused our communities is mitigated. I am a proud cosponsor of the bill because it is a concrete demonstration that the American Congress, as the representatives of the American people, are committed to bringing this violence against our communities to an end.

As we enter the 21st century, America is anxious to put the ugly legacy of racial division behind us. Unlike a century ago, the masses of people who make up our national community cannot be seduced by the messages of hate and conflict which consumed us in the past. Those messages lost their power with the moral victory of the civil rights movement, and our country has matured in ways which cannot be undone by racist terrorism. We are not intimidated, Mr. President, but embarrassed, and challenged by these criminals and their destruction.

Most Americans are appalled and outraged. Our Nation as a whole, without regard to color or religion, is shamed by this horror. Since January 1995 there have been 75 fires in churches nationwide. Thirty-six fires have occurred in predominantly African-American churches in the Southeast United States. From the President of the United States to the neighbors in areas which have witnessed these crimes, the leadership taken by individual citizens to affirm a climate of respect and community gives truth to the fact that our Nation will not fall prey to the forces of fear.

Make no mistake but that the perpetrators of these fires are criminals. The act of arson is a crime, when directed at a church it is a crime of unspeakable dimension. But that is precisely why we are called upon, each of us, to speak and act in ways which will demonstrate our collective intolerance of such hate crimes. Our community, as a whole, must dedicate itself to the rebuilding of the churches. We must engage our Government and law enforcement apparatus to investigate and uncover the perpetrators of this terrorism. No stone should be left unturned in our search for the truth. Federal, State, and local law enforcement must approach these hate crimes with the same vigor and sophistication as would be given the most heinous foreign threat.

I applaud the strong message that is being sent to the arsonists. With well over 200 FBI and ATF investigators working together with State and local authorities, we are letting the arsonists know that solving these crimes and putting those responsible behind bars is a top priority.

I agree with the President when he said,

> We must rise up as a national community to safeguard the right of every citizen to worship in safety. That is what America stands for.

The President has launched several efforts to demonstrate his determination to apprehend and prosecute those responsible for the fires, as well as rebuild what has been destroyed.

The President has established a toll free tip-line that is available for citizens to provide any information they have on these fires. That number is now available 24 hours a day, 7 days a week. If anyone has any information about the fires they can call 1–888–ATF–FIRE.

Other initiatives, the President promoted include, having ATF inform churches of steps they can take to protect themselves from arsonists. Churches throughout the South will be visited by ATF special agents to answer any questions church leaders and parishioners may have. Furthermore, during the meeting the President had with several Governors last week, he urged them to support neighborhood watch programs and increase local patrols around where the threat exists.

The President has also asked Congress to consider a request for a fiscal year 1996 supplemental appropriation to increase the ability of the Department of Treasury's Bureau of Alcohol, Tobacco and Firearms to investigate and solve these acts of arson.

While the outpouring of support and comfort for the victims of terrorism has been consistent and multiracial there is much more we can do. Our President has stood up to be counted. We all need to stand up and be counted. We can stop these vicious crimes.

This bipartisan bill does a lot to help rebuild the churches and help law enforcement investigate and prosecute those responsible. It has five main components. First, it amends the Federal Criminal Code to make is easier to prosecute cases of destruction of religious property. Currently in cases of destruction of religious property, there is a requirement that the damage exceed $10,000. Moreover there is a very high interstate commerce requirement. This bill eliminates the monetary requirement and replaces the interstate commerce requirement with a more sensible scheme that will expand the scope of a prosecutor's ability to prosecute church arsons and other acts of religious desecration. The bill also conforms the penalty of church arson and the statute of limitations to that of the Federal arson statute, thus raising the maximum potential penalty for church arson from 10 years to 20 years and the statute of limitations from 5 to 7 years.

The bill also contains a provision that HUD will have the authority to use up to $5 million from an existing fund to extend loan guarantees to financial institutions who make loans to 501(c)(3) organizations that have been damaged as a result of terrorism or arson. These loan guarantees will help the rebuilding effort. While this provision will help restore the ability of people to practice their first amendment right, it does not violate the establishment clause of the Constitution because it targets all organizations that have been damaged as a result of terrorism or arson.

In order to help State and local authorities investigate the crimes, H.R. 3525 provides authorization language for ATF to hire more investigators and technical support personnel. The bill also authorizes the Department of Justice to provide additional funding for the Community Relations Service, a small mediation arm of the DOJ that goes into communities and quells racial unrest through mediation and conciliation.

Last, the bill provides for permanent reauthorization of the Hate Crimes Statistics Act, so we can get a better understanding of the magnitude of hate crimes nationwide.

Mr. President, this is one of those historic moments for America, when the path of our future will be chosen. In our collective repudiation of domestic terrorism, in our aggressive prosecution of its perpetrators, in our vigilance against hate and in the vitality of our response to it, we will build the New Jerusalem of a stronger, more moral and more inclusive country. The bill sends an important message that crimes against houses of worship will not be tolerated. It deserve's the Senate's unanimous support.

Mr. KOHL. Mr. President, I rise today in support of the church arson prevention measure.

Since the beginning of this year, a series of fires have swept our country. More than 30 predominantly African American churches in the Southeast have been burned. Some of these fires were set by people with obvious race hatred. Two people with ties to the Ku Klux Klan were arrested for fires in South Carolina. But in other cases, the fires were set by teenagers who had no obvious racist motive but who were so infected by an undertow of racism that they thought black churches would make a worthy target for their vandalism.

In some ways, this disorganized brand of racism is more frightening than any organized conspiracy. When hate groups spread their message we know how to answer them. But attacking the subtle racism that has infected so many children is a much more daunting task.

Today, this Senate must come together and speak with one voice against racism of any kind—the vicious and organized racism of hate groups, and the silent racism that lurks beneath the surface. This legislation, sponsored by more than 30 of our colleagues and drafted by Senators as ideologically diverse as TED KENNEDY and LAUCH FAIRCLOTH, shows that we can sometimes put aside our partisan differences to do what is clearly right.

Mr. President, no State or Senator is immune from the effects of these fires

in the South. A fire in Tennessee has been felt in Wisconsin. My friend Reggie White's church in Knoxville, TN was burned. That fire impacted and saddened all of us in my home State. And the people of Wisconsin have responded. Children from Wisconsin emptied their piggy banks to rebuild the church of their Green Bay Packer hero.

Mr. President, for too long in our history, we did not do enough to defend and protect the two great pillars of our Constitution: Religious liberty and equal rights. But that is no longer the case. Today, with this piece of legislation, we will assure that the Federal Government can prosecute church burners to the fullest extent of the law. Our legislation is simple. The current law requires that prosecutors prove a series of connections between a church burning and interstate commerce. Proving all of those connections is not constitutionally mandated, so with this legislation we eliminate them. In addition, we eliminate the requirement that damage be in excess of $10,000. Once this measure becomes law, it will be easier to prosecute the people who have set these fires.

Mr. President, let us pass this legislation quickly.

Mr. DODD. Mr. President, I rise today to voice my strong support for the Faircloth-Kennedy Church Arson Prevention Act.

As I come to the floor today, it is difficult for me to imagine a more outrageous and disgraceful act of violence than the destruction of a house of worship.

Our religious institutions, be they churches, synagogues or mosques are more than just bricks and mortar. They are the cultural, spiritual, and physical lifeblood of our communities and our society.

To attack a church is to attack more than a building; it is to strike at the heart of our faith as a Nation and as a people.

A recent article in the New York Times, in my view, accurately describes church burnings for what they are; ''an act of a singular profanity.''

This article goes on to say of these church burnings:

> Its violence lies in the attempt to disrupt a community of believers, desecrate their altars and smash the spiritual rhythm of their lives. The arsonist attacks not just planks and shingles but the space where life's most important transitions are marked, where babies are baptized, marriages celebrated and the dead eulogized.

What may be most tragic about these events is that they were aimed primarily at African-American churches.

To attack a black church is to attack an institution that throughout our history has been at the forefront of our Nation's struggle on behalf of civil rights for all Americans.

One would hope that with all the progress we've made as a Nation, church burnings would be a distant memory, relegated to our history books and not the front pages of our newspapers.

Like many Americans who lived through the civil rights era, I am haunted by the memory of the terrible fire bombings that often characterized that period.

In particular, it is difficult to erase from our collective memories the four young girls killed in a Baptist Church in Birmingham, AL, by a racist bombing, in 1963.

Lamentably, those incidents, of what I believed was a bygone era, are eerily similar to approximately 30 church burnings of the past 18 months.

Regrettably, the evil forces of racism continue to find shelter in our midst. To our great misfortune we cannot change the anger in the hearts of those who committed these deeds.

Indeed, I urge all Americans when they attend their houses of worship to take the opportunity to pray for the souls of those who would practice such heinous acts.

While we cannot legislate attitudes, as a Nation governed by the rule of law, we must do all we can to make clear that these acts of violence will not go unpunished.

The legislation before us today would make clear to those who would take up arms against a house of worship; you can burn down a building, but you cannot avoid the opprobrium of the American people.

The Faircloth-Kennedy bill would make it easier to prosecute those charged with desecrating a place of worship, it would provide additional resources for law enforcement agencies investigating these crimes, it would allow the Department of Housing and Urban Development to extend loan guarantees for rebuilding churches and it would reauthorize the Hate Crimes Statistics Act, of which I was a cosponsor.

I believe it is shameful and unfortunate that the acts of a cowardly few have forced this Congress to spend its time on such legislation. We should be talking about balancing the budget, raising the minimum wage and dealing with the economic issues that affect each and every American.

But part of our role as leaders is to take action when our national values are threatened.

In fact, if there is a silver lining to be found in this whole situation, it is the outpouring of support among the American people to lend a hand in rebuilding these burned churches.

In my State of Connecticut, two congregations, the Kensington Congregational Church and Spottswood A.M.E Zion Church came together and have pledged to raise $10,000 on behalf of the rebuilding efforts.

Additionally, the sense of outrage, seemingly felt among all Americans is a palpable sign that the vast majority of people see these events for what they are: Blatant acts of racist hatred.

In fact, if the American people need any better indication of the strong sense of consensus on this issue I urge them to look at the two Senators cosponsoring this bill—Senator FAIRCLOTH and Senator KENNEDY.

These are two Senators who probably don't see eye to eye on too many issues. But, when it comes to church burnings they came together on behalf of the American people.

Their cooperation sends a strong signal to the American people that this is truly one issue that is above partisan wrangling.

Religious freedom is one of the bedrocks of our democracy, and these acts subvert all that we hold dear as a Nation. However, the spirit of religious individualism lives on.

I think Reverend Terrence Mackey, whose Mt. Zion A.M.E Church was burned down last June said it best:

> They didn't burn down the church. They burned down the building in which we hold church. The church is still inside all of us.

I urge all my colleagues to support this legislation and lend our voices in the struggle against racial and religious intolerance in our Nation.

Mr. BIDEN. Mr. President, one wouldn't have thought that 40 years after the Montgomery bus boycott, 35 years after the freedom rides, and over 30 years after this Congress passed the most sweeping civil rights legislation in history—we would be on the Senate floor discussing an epidemic of burnings of historically African-American churches in the South.

But we are here, because what is happening is an affront to all Americans—whatever their race, whatever their religions. In the 5 years between 1990 and 1995, there were 29 fires at predominantly African-American churches in the South. In the past 18 months alone, there have been at least 43 such fires.

While a handful of these have been deemed accidental, most of them were intentional acts of violence—acts of violence not just against any property, but against churches.

The burning of a church is not merely a crime against a piece of property or even against an individual, as terrible as such violence may be. An attack on a church reaches deeper; it is an attack against an entire community.

A church, like any house of worship, is sacred. The sanctuaries, the pulpit, the artwork, and the prayer books all hold special meaning for the congregants.

To witness the destruction of a house of worship, to see its walls reduced to charred remains, is a wrenching experience.

When you lose your church, your synagogue, or your mosque, you lose something that goes to the core of what it means to be human, and to the core of the most basic freedom on which our Nation was founded.

For burning a church is a challenge to the entire concept of faith itself. I ask you, how could anyone who believed in God intentionally destroy a place where God is worshiped?

On top of this layer of emotion, we must also consider the special context of these particular church burnings. For, in African-American communities, churches not only serve an important spiritual role, they also have served a predominant cultural, social, and political role throughout the past century.

During the Jim Crow era, churches were the only institutions where African-Americans could choose their own leaders, participate in governance, and be treated with genuine equality.

Not surprisingly, almost all the leaders of the civil rights movement emerged from the African-American churches and these leaders infused the movement with its spiritual, moral, and non-violent character.

For this reason, when the segregationist or the men in white robes wanted to strike a blow against the civil rights movement, when they wanted to intimidate those who were taking to the streets to protest injustice, when they wanted to slow the change that was coming to the South, they attacked the churches.

Think back to May, 1963, when over 900 children packed the 16th Street Baptist Church in Birmingham, AL. And as they filed out of the church to demonstrate against segregation, Bull Connor turned his powerful water hoses against them, and demonstrated, for all the world to see, the unmitigated ugliness of segregation.

Four months later, a powerful firebomb ripped through the 16th Street Baptist Church. Four young schoolgirls were killed. Again, the country watched in horror.

So the violence against historically African-American churches in the South is especially meaningful and especially hurtful. These arsons hearken back to a time, when, to paraphrase Dr. King, people were judged not on the content of their character, but on the color of their skin.

They remind us of a time when violence and hatred against African-Americans was the norm, and justice appeared to be reserved for only one part of society.

These arsons represent not only attacks on spiritual institutions, but direct messages of exclusion to the African-American community. The purveyors of hate that are burning these churches are trying to say: You are different, you do not belong, we reject you.

But by standing here today and voicing our opposition, it is the perpetrators of this violence who are being rejected. It is their message of hate that is being reviled by the entire country.

And when we pass legislation to address church arson, the U.S. Senate will be standing on the side of the congregants of these churches and against those narrow-minded individuals who seek division and conflict rather than unity and harmony.

Even though these church arsons have been denounced by the overwhelming majority of Americans, and the Federal Government is conducting a full-fledged investigation into these crimes, these incidents stand as a vivid reminder that we still have a long way to go in building the type of society to which we all aspire.

We would all like to believe that we live in a color-blind society—that our country is filled exclusively with people of good faith that no longer take race into account in their daily lives.

But incidents like the Rodney King beating, or the Mark Furhman tapes, or the burning of three dozen African-American churches, hit us square in the face, like a splash of cold water, with the hard reality that, in America, race still matters.

Racism has been a cancer in the body politic since the birth of this country. We took the first step toward treating this illness after the Civil War, and we took another big step during the civil rights movement of the 1960's.

But even though the cancer has receded, it has not been eliminated root and branch. It continues to infect our society. If we pretend that we no longer need to be vigilant, if we accept the illusion that we live in a colorblind society, if we legislate or decide court cases on that basis, then racism will grow and spread—and we will see more churches burned and more manifestations of this lurking disease in years to come.

I do not mean to suggest that there has been no progress—there has been. Thirty years ago, many stood in silence when the churches burned. States and localities saw Federal authorities as intruders bent on changing their way of life.

Today, the public response has been overwhelming. Everyone opposes these church burnings; everyone wants to bring the perpetrators to justice.

Over 200 Federal agents, working together with State and local law enforcement, are investigating these fires, making this the largest civil rights investigation in history. Nation's Bank has put up a $500,000 reward for information leading to the prosecution of the arsonists. Habitat for Humanity has promised to assist all the communities that have lost churches.

Three decades ago, Southern legislators virulently opposed civil rights legislation. Today, the bill to address church burnings is being sponsored by Senator FAIRCLOTH from North Carolina and Senator KENNEDY, whose brother was President during the tensest moments of the civil rights movement.

So, we have made some progress, just not enough. As Dr. King said from the steps of the State capitol in Montgomery, AL following the historic march from Selma: ''The arc of the universe is long, but it bends toward justice.''

We must join together to face this violence, and through our collective efforts, bring it to an end. Let this violence serve to bring us together to fight the prejudice that remains, to prod us to redouble our affirmative efforts to bring the races closer together.

Only through continued vigilance in our Government, in our schools, and in our homes, can we ensure that the ''arc of the universe'' will continue to ''bend toward justice.''

The legislation being introduced today, which I am cosponsoring, is a necessary response to the church arsons blotting our Nation.

First, it will make it much easier to prosecute church arsons as a Federal crime. It provides that anyone convicted of burning a house of worship based on racial, ethnic, or religious bias will be facing a potential 20-year jail sentence.

The bill also eliminates the current statutory requirement that $10,000 worth of damage must have occurred to trigger Federal jurisdiction for prosecuting a church burning.

Under this bill, anyone who defaces religious property—whether by shooting out the windows of a church or painting a swastika on a synagogue wall—will have committed a Federal felony.

The bill also authorizes the Department of Housing and Urban Development to provide loan guarantees for reconstruction projects to churches and other nonprofit organizations that have been victims of arson, and it provides additional funding for mediation services and training for local arson investigators.

Senators KENNEDY and FAIRCLOTH are to be commended for putting together this legislation. It has my unqualified support and I urge the leadership to bring it up for consideration as quickly as possible.

Although I fully support this legislation, I want to emphasize that the best way to end these cowardly crimes is to apprehend a perpetrator, prosecute him, and lock him up.

Swift action of this sort will send the message that this conduct will not be tolerated and that anyone who desecrates religious property will be punished severely.

I am confident that the FBI and BATF are doing everything in their power to investigate these crimes and hopefully we will hear of some progress in the coming weeks.

Together, the Congress, our Federal, State, and local law enforcement officials, or communities, and each of us as individuals, can make a difference. We can force this campaign of terror to come to an end—and in doing so we will reaffirm the equality and the religious freedom of all Americans.

Mr. HATCH. Mr. President, I wish to express my appreciation to the Senate for its swift action in passing H.R. 3525, the Church Arson Prevention Act of 1996.

This bill strengthens the commitment and ability of the American people and the Federal Government to protect two of our most sacred principles—religious liberty and the equality of all Americans, regardless of race, ethnicity or religion.

America as a great haven, where individuals could openly acknowledge and freely practice their faith, whatever that faith may be, is a concept even older than the United States itself. Throughout its history, this great land, which came to be the United States of America, has been the destination of individuals from every corner of the globe seeking freedom from religious persecution. Freedom of religion is the first freedom protected in the Bill of Rights. Religious liberty and tolerance are at the heart of our being as a nation. As a result, an attack on a house of worship is more than damage or destruction to a building; it is an attack on religious liberty itself, and thus an attack on America.

Such crimes are a matter for grave concern for Americans of all religious faiths. As a member of a minority religious faith, whose leader was murdered in Illinois in 1844; whose adherents were hounded, harassed, and killed; against whom Governor Boggs of Missouri, in 1838, signed an extermination order, and who were eventually driven outside the then-existing border of the United States, I understand this well.

While the recent series of church arsons have destroyed houses of worship across our Nation, serving people of different faiths and different races, the largest number of burnings have involved identifiably black churches. Many have been small churches, located in rural areas, which have existed for generations. Historically, churches have served a special role in the black community, serving not merely as places of weekly worship, but as the spiritual and cultural centers of their communities. The unique place occupied by black churches in lives of their parishioners, and in the history of the black community and of our country, generation after generation, intensifies the pain and loss felt by a community victimized by this loathsome type of crime.

I am pleased to note that this legislation will include a 6-year reauthorization of the Hate Crime Statistics Act, which I sponsored together with my good friend Senator SIMON. The collection of data on crimes, including arson, motivated by racial, religious, disability, sexual orientation, or ethnic bias can help alert local communities and their law enforcement agencies to any pattern of hate crimes in their neighborhoods, and can help alert Federal law enforcement agencies to patterns or types of hate crimes, such as attacks on houses of worship, enabling law enforcement to respond to such crimes more quickly and efficiently, before they spread like a plague across our Nation.

I am gratified by the response of the American people to these crimes; that so many private citizens and organizations are pitching in to help rebuild these churches. We live in a free and good society, and we have made progress in tolerance and in assuring protection of the rights of persons who belong to minority racial, ethnic, and religious groups. We are, however, not yet done. Today, with this legislation, we take another step forward.

I wish to commend my distinguished colleagues, Senator FAIRCLOTH and Senator KENNEDY, for their work on this bill. The very fact that these two Senators, of different parties and such differing political beliefs on so many other issues, have worked together so effectively to pass this legislation, sends a loud and clear message to all Americans of our resolute and complete condemnation of these reprehensible crimes, and our determination that the perpetrators be brought to justice.

OUTRAGE ABOUT CHURCH BURNINGS

Mr. LAUTENBERG. Mr. President, I rise today to express my deep concern and outrage about the rash of church burnings in our Nation and to urge support of H.R. 3525.

Mr. President, the great German playwright Goethe once remarked, ''There is nothing more frightening than ignorance in action.'' Unfortunately, we are currently witnessing the fires of ignorance and prejudice engulfing African-American churches throughout the South.

As of June 24, there were 37 suspicious fires at these churches in the last 18 months. The smoldering ruins are the tangible evidence of a smoldering racism in our country.

Mr. President, just 30 years ago, the Night Riders cut a swath of fear across the South, torching churches and homes. Hopefully, it is not the faint sound of similar hoofbeats which we again hear galloping toward us.

But unlike three decades ago, those responsible for these heinous actions do not appear to be organized groups, and those who have been apprehended have revealed various motives. Also, there are roughly an equal number of suspicious fires at white churches and those of other races which are currently being investigated by the ATF.

Mr. President, it is critically important that we loudly repudiate the purposeful destruction of any house of worship. This is not just a religious issue; it is an American issue, because it destroys an individual's right to worship according to his or her conscience, free from fear and violence.

Yet the destruction of small, often isolated and rural, black churches in the South is especially chilling; it is being done to promote a climate of fear and intolerance. Which is why every American, whether black, white, Christian, Jew, Muslim or atheist, must denounce these fires of hatred which are burning across the landscape of our Nation.

I hope, Mr. President, that perhaps we can salvage something good from these horrible incidents. The phoenix, the fabled mythological bird, is said to be able to rise from the ashes to a new and better life. Thirty years ago, the flames of the Night Riders helped to galvanize American opinion against the policies of segregation and to start our Nation along what the Rev. Dr. Martin Luther King called a superhighway to freedom. Perhaps today's flames will vividly remind us how of far we must still journey down that road.

At a time when America seems to be splitting along class and racial and ethnic lines, perhaps these deplorable actions will force us to finally stop and look down the road on which we now seem headed.

Those who are setting the blazes hope they can fan the fires of prejudice and ignite a conflagration of violence. When in actuality, the flames may help illuminate the dangers of intolerance, and how it affects all of us.

Recently, the Senate adopted a resolution, Senate Resolution 265, condemning the desecration of churches. But words must be backed by action. The pending legislation, which I have cosponsored, would make it easier to investigate and prosecute these crimes and would establish tougher penalties for those convicted of setting fire to houses of worship. The bill would authorize additional resources for ATF investigations, and it would facilitate rebuilding efforts in affected communities. A provision in this legislation would also permanently reauthorize the Hate Crimes Statistics Act. This bill needs to be signed into law without delay.

Mr. President, I am confident that this legislation can make a real difference. However, by itself no law can wipe away the problem; all of us must work together to end hate crimes and the bigotry which spawns them. We need to follow the example of Reverend William Watley, pastor of St. James' African Methodist Episcopal Church in Newark, the largest AME church in New Jersey. Last week, Reverend Watley brought together over 500 people, including pastors and representatives from the burned churches, for a special service to denounce the violence. He also pledged help from New Jersey's religious community for the affected parishes.

Mr. President, I urge every American to join me in condemning these terrible acts of violence, of prejudice, of cowardliness. Because if we do not loudly condemn them, then we silently condone them.

Mr. THURMOND. Mr. President, I am pleased and proud to be a cosponsor of an amendment originally sponsored by my friends Senator FAIRCLOTH of North Carolina, and Senator KENNEDY of Massachusetts, that addresses the disturbing crime of church burnings.

It has become increasingly apparent that there has been a disturbing trend occurring throughout the United States over the past 18 months, the willful and malicious destruction of churches by arson. There is something particularly hateful in the crime of arson, for it is a crime that is usually motivated by factors other than personal gain. It takes an individual who

possesses either tremendous rage, or tremendous mental and personal problems, to set someone's property on fire for the mere purpose of watching it burn to the ground. When the target of such an individual's attack is the holy land of a place of worship, the crime becomes all the more sick, unsettling, senseless, and vile.

The amendment I have cosponsored seeks to draw a tough line against those who commit acts of arson against churches in our Nation. It establishes tough Federal penalties for those who destroy churches through fire, and it appropriates money—from existing funds—to pay for additional Federal arson investigators. Without question, this amendment will send a clear signal to those who are contemplating fire attacks against a church that there will be severe consequences to their actions, and that the people of the United States will not tolerate such hateful acts of violence against our citizens and our places of worship.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 28 seconds.

Mr. KENNEDY. Mr. President, I yield the remaining time to my colleague and friend, who has been involved in this whole effort.

The PRESIDING OFFICER. The Senator from Massachusetts has 3½ minutes.

Mr. KERRY. Mr. President, I thank my colleague from Massachusetts. I thank him particularly for his leadership and the leadership of his family with respect to all issues of civil rights over the turbulent period of the modern history of this country. I join with Senator KENNEDY and Senator FAIRCLOTH in supporting this legislation.

I think every single one of us in America is outraged at the cowardly acts of hatred and violence which have now become much too commonplace in America. It is clear that there still is a systematic prejudice that lives on, both in those who did not learn the lessons of the turbulent period of our civil rights history, or even among the young generation who have not lived through the suffering and confrontation of that period of time in this country. Those who have set churches ablaze have really succeeded in rekindling a national desire to stamp out bigotry and prejudice throughout this country. They have rekindled our commitment and our desire to speak out loudly and clearly to achieve equality, equal rights, and justice in the face of a world that seems too willing to forget history and to repeat it.

For those of us who were involved in the civil rights movement and joined with men and women of good will, white and black, we thought somehow we had progressed beyond this. We thought the images of the 1960's, of hatred and of malice and prejudice against black Americans for no other reason than the color of their skin—we thought somehow we had grown beyond that and were reaching at least toward an era of progress. So the church burnings in the last few weeks bring back to us, in stark and horrible terms, a period of time we would rather forget. It is sad we have had to come to this floor again, in 1996, to fight about it.

I think it is clear in this legislation that we cannot and will not let the hatred and ignorance of a few criminals tarnish what all of us want to achieve in this country. We cannot in the face of the haters and the bigots and the racists, avoid strengthening our own resolve to tear down the walls that still divide us and stand together, shoulder to shoulder, in solidarity against this kind of intolerance.

As a nation and as a people, we have to recommit in these times to our constitutional, religious and philosophical belief in equal justice under the law. I think it is important to remember the words of Martin Luther King, who said:

> I have seen too much hate to want to hate, myself; and I have seen hate on the faces of too many sheriffs, too many white citizens councils, and too many klansmen of the South to want to hate, myself. And every time I see it I have to say self-hate is too great a burden to bear.

It would be appropriate to let Dr. Martin Luther King's words be our lesson as we seek out these criminals, bring them to justice, and rally together to end the hatred and intolerance of this Nation. I commend Senators KENNEDY and FAIRCLOTH for their initiative to help us make it clear to everyone that, when you burn one church in this country, you burn the Constitution; when you attack one place of worship, you attack all Americans; and none of us should stand silent in the face of that.

The PRESIDING OFFICER. The time of the Senator has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. I yield to Senator WARNER for the remaining time I have.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my distinguished colleague from Massachusetts and indeed the senior Senator from Massachusetts and the Senator from North Carolina for taking the initiative. I have spoken before on this floor about this very serious issue. I simply want to remind all Senators that the very purpose for America was religious freedom. This Nation was founded by persons who left foreign shores and sailed into the unknown to take risks that today are almost incomprehensible in magnitude. With only the very rudiments of navigation, the bare necessities of life, to plow out across largely unchartered seas to come to a land, to settle that land for one purpose—religious freedom.

Therefore, this issue brings about a responsibility on every single American, irrespective of race, color, creed, or religion to unite together, arm in arm, brothers and sisters, to fight this crime and to preserve the very reason for our forefathers coming to settle this Nation.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. FAIRCLOTH. 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. DASCHLE. 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. DASCHLE. Mr. President, I join with my fellow Senators today in condemning the rash of church burnings that has plagued our Nation in recent years. Since 1991, we have seen over 150 fires at houses of worship serving people of all races and faiths. In the past 18 months more than 35 African-American churches have been burned to the ground. These churches and temples are the heart and soul of the communities they serve, and their destruction represents an egregious act of hatred against these worshippers. As a nation, we cannot stand idly by and allow Americans to be denied their fundamental right to the free exercise of their religion, nor can we tolerate racial hatred and religious intolerance.

I am proud that President Clinton has spoken out so forcefully against these heinous acts and hopeful that his commitment of all possible Federal resources to the investigation and prosecution of these crimes will bring an end to this national tragedy. The President has offered both moral leadership and the full power available to him as the chief executive in the fight to bring these criminals to justice, and I commend him for his actions.

I am also heartened by the fact that the legislative effort has been a bipartisan one. Here in the Senate, my colleagues Senator KENNEDY and Senator FAIRCLOTH have jointly introduced legislation that will aid the President and Federal law enforcement officers in the investigation and prosecution of these crimes. In the House, Representatives HYDE and CONYERS have shown similar leadership. I am confident we can enact this legislation expeditiously, and I urge our Federal law enforcement officers to use these new tools to pursue the investigation of these fires with swiftness but also with respect and sensitivity for the congregations affected by the violence.

While legislative responses will help solve the crimes that have already occurred and convict the perpetrators, the prevention of further destructive acts requires the moral force of our Nation. It is only through the expression of our deep outrage at racial hatred and religious intolerance that we as a society demonstrate that such beliefs

and actions have no place in America. We must stand together to reject this attack on our fundamental principles. I am confident that we will do so and that we will continue in our progress toward a more just society.

With that, I yield the floor.

Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to the amendment.

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

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

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

Mr. LOTT. Mr. President, I rise to speak in support of the legislation that has been developed by the Senator from North Carolina, Senator FAIRCLOTH, and the Senator from Massachusetts, Senator KENNEDY. They have worked together and have produced very good legislation concerning the penalties and the Federal laws that are applicable to the burning of churches or damages to religious property.

This is truly a bipartisan effort. It is one that all Senators, I know, will support. It is one that the American people, I believe, will receive in a very positive way.

The burning of religious facilities, churches, throughout our country is a totally despicable act. It is incomprehensible that people in America would resort to that sort of conduct. While it may not be clear what the motivations are, while there may not be any definite pattern that could be used to explain this, there is no question that it is an unacceptable thing in our country, and action must be taken to deal with it severely. This legislation, I think, does that.

I think these Senators should be commended for their work. Of course, the House has already acted, I believe unanimously, on somewhat similar legislation. But I believe that this bill improves on the legislation that passed the House.

It does do that by making the burning or damaging of religious properties a Federal crime. Quite frankly, I was surprised to find out that that was not already the case, because I know there are already some strong laws on the books. But, clearly, it should be made a Federal crime.

This legislation raises the penalties up to 10 to 20 years for being involved and convicted of burning or damaging such property.

Under the current law, there is a $10,000 limit on when the Federal activities would be involved. It has to exceed $10,000 in damages. There should not be some artificial cap like that. If you put it at $7,000 or $5,000, I mean, many small churches in America in rural communities do not cost that much. They cost less.

So it is appropriate that there not be some artificial cap on the amount of damage that has occurred. This bill would take it down to zero, which is where it clearly should be. That is one area where I believe our bill does vary from the one that passed the House. I think they reduced the threshold, but they still had a threshold above which damage had to add up to before this bill would apply.

It authorizes additional agents to investigate and determine what is happening here, to find the parties that are guilty, and to bring them to justice. It does not provide funds. There is a normal process for doing that, an appropriations process. That will be done in due course. But it does provide the necessary authorization.

It also moves the statute of limitations from 5 years to 7 years. This is good legislation. It definitely should be done. We should not wait another day to pass it through the Senate.

As I understand it, the House is prepared to take this legislation and move it immediately through so it can go to the President for his signature this very week. Mr. President, I am pleased to join in supporting this good legislation, and I urge we adopt it as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to a vote on or in relation to the Wellstone amendment, which would follow the vote on H.R. 3525, the church-burning issue. After we have voted on the church-burning issue, we will go to the Wellstone amendment No. 4266 with 2 minutes of debate in the usual form, to be followed by a vote on the amendment.

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

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate pursuant to the unanimous-consent request?

If not, the question is on agreeing to amendment No. 4341, offered by the Senator from North Carolina [Mr. FAIRCLOTH].

The amendment (No. 4341) was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill is considered read the third time. The question is now on the passage of H.R. 3525, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Alabama [Mr. HEFLIN] are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—98

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

NOT VOTING—2

Bumpers	Heflin

The bill (H.R. 3525), as amended, was passed.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4266

Mr. THURMOND. Mr. President, I urge the Senate to oppose the drastic cuts proposed by the Wellstone amendment. Senator NUNN and I had planned to introduce an amendment to cut the funding by $1.7 billion to bring the bill into compliance with the budget resolution. However, the Senator from Nebraska objected.

I want to put the Senate on notice that we will introduce our amendment after Senator EXON completes his amendment.

I urge the Senate to support this amendment of the Armed Services Committee to reduce the funding level of the bill by $1.7 billion.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. How much?

The PRESIDING OFFICER. Two minutes.

Mr. WELLSTONE. Mr. President, this amendment, which I offer with Senator HARKIN, Senator DORGAN, Senator BUMPERS, and Senator FEINGOLD, simply says, look, we now have an authorization, roughly speaking, $13 billion above and beyond what the Pentagon has requested, what the President has requested, and what the military leadership has requested. Too much of it is add-on projects. There is a question of whether or not these weapons systems are needed.

We voted 100 to zero for the Lieberman amendment which is an important amendment dealing with force structure, dealing with modernization. Let us go through with that study but let us not start adding on projects. This is an amendment that really goes after some of the pork and add-ons. We should not be doing this.

It is a deficit reduction amendment. It says this is a place where we can take $13 billion and put it into deficit reduction. That is what we should do.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4266 offered by the Senator from Minnesota.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

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

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—34

Baucus	Graham	Moseley-Braun
Biden	Grassley	Murray
Bingaman	Harkin	Pell
Boxer	Hatfield	Pryor
Bradley	Jeffords	Reid
Brown	Kennedy	Rockefeller
Bryan	Kerry	Sarbanes
Conrad	Kohl	Simon
Daschle	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Feingold	Levin	
Glenn	Mikulski	

NAYS—65

Abraham	Coats	Faircloth
Akaka	Cochran	Feinstein
Ashcroft	Cohen	Ford
Bennett	Coverdell	Frahm
Bond	Craig	Frist
Breaux	D'Amato	Gorton
Burns	DeWine	Gramm
Byrd	Dodd	Grams
Campbell	Domenici	Gregg
Chafee	Exon	Hatch
Heflin	Lott	Santorum
Helms	Lugar	Shelby
Hollings	Mack	Simpson
Hutchison	McCain	Smith
Inhofe	McConnell	Snowe
Inouye	Moynihan	Specter
Johnston	Murkowski	Stevens
Kassebaum	Nickles	Thomas
Kempthorne	Nunn	Thompson
Kerrey	Pressler	Thurmond
Kyl	Robb	Warner
Lieberman	Roth	

NOT VOTING—1

Bumpers

The amendment (No. 4266) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The majority leader.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Madam President, I ask unanimous consent that the agreement entered yesterday be modified to reflect that summaries of amendments must be submitted to the two leaders no later than 3 p.m. today; and further, that the two leaders now have until the hour of 4 p.m. today to void this agreement, with all other provisions of the consent agreement still in order.

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

Mr. LOTT. Madam President, I ask unanimous consent, with regard to the pending legislation, that the pending amendments be set aside and that Senator EXON be recognized to offer an amendment with respect to funding; that there be 90 minutes for debate with the time equally divided and controlled in the usual form, with no amendments in order to the amendments or any language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and that Senator THURMOND be recognized to offer an amendment for himself and Senator NUNN; that there be 20 minutes for debate with the time equally divided and controlled in the usual form, with no second-degree amendments in order, nor to the language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and Senator WELLSTONE be recognized to offer an amendment with respect to funding, with 90 minutes for debate equally divided in the usual form, with no second-degree amendments in order, nor to any language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and the Senate then vote on or in relation to the amendments in the order in which they were debated, with 2 minutes equally divided for debate on each amendment prior to the vote, with no other intervening action in order.

I finally ask unanimous consent that upon disposition of the above amendment, the Senate then resume consideration of the Kyl amendment regarding underground nuclear testing; that there be 90 minutes for debate prior to a motion to table, with the time equally divided and controlled between Senators KYL and EXON; and that upon the use or yielding back of time, without intervening action, Senator HATFIELD be recognized to move to table the Kyl amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Reserving the right to object, I should like to inform the majority leader that I have asked Senator EXON if he would be willing to defer for 10 minutes, or so, for a morning business statement on my part, if it is agreeable with the majority leader, before further debate.

Mr. EXON. Madam President, I simply say to the majority leader, in order to accommodate my friend and colleague, I will delay for 10 minutes.

Mr. LOTT. Madam President, I modify the unanimous-consent request to provide for 10 minutes for Senator GORTON before we go to the lineup that I have described here.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, and I hope not to object, I understand there is further wording on the unanimous-consent request at the end of everything that the majority leader enumerated that would add these words:

> Provided further that Senator HATFIELD is permitted to move to table prior to the expiration or use of all time on the motion to table.

Mr. LOTT. Madam President, I amend the unanimous-consent request to include that additional sentence, whereby Senator HATFIELD would be permitted to move to table prior to the expiration or use of all time on the motion to table.

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

Mr. LOTT. I do want to say, I appreciate the cooperation of all the Senators on this—the chairman, the Senator from Virginia, the Senator from Georgia, Senator EXON and Senator KYL. A lot of give and take was involved here. This helps move major portions, for needed action on this bill, forward. So I commend the Members. Now I hope we can get on these amendments and stay with them until we get them completed.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, we commend the distinguished majority leader. He has been on this floor since early this morning endeavoring to help the managers, and this is clear evidence of the success he has had. This will get this bill passed by tomorrow night. My understanding is this is your goal, and it is our goal. I thank the leader.

The PRESIDING OFFICER. The Senator from Washington.

WISDOM OF RENEWING MFN

Mr. GORTON. Madam President, tomorrow the House of Representatives will debate the renewal of most-favored-nation trading status for China. It is about to vote, as the President wishes, in favor of renewing MFN.

Knowing that MFN was to be at issue this summer, earlier in the spring I wrote to nearly 350 of my constituents, mostly business people and academics particularly interested in trade with China. In my letter, I explained my frustration with China's consistently autarkic market practices, and told them that I had serious concerns about the wisdom of renewing MFN for China. China has established an egregious prohibition on Washington State wheat, while market access for our applies has been blocked by arbitrary quotas and tariffs. Moreover, China continues to bleed our software industry with its state-sponsored pirating of United States intellectual property. With this in mind, I asked my constituents to share their views with me, and I now believe it appropriate to share my own with my colleagues and constituents, as it seems unlikely that this issue will come formally before the Senate.

To the 341 letters I sent, I received 195 responses, and of those responses 12 were against renewal.

From Pacific Northwest wheat growers, who are denied access to the Chinese market on totally specious grounds, I heard this: ''Despite the fact that Washington producers are still unable to participate in the wheat export to China, [we] are in full support of granting China MFN for another year.''

From Washington State's apple, pear, and cherry growers, who face tremendously unfair barriers in gaining access to Chinese markets: ''We are in an industry that lives on exports . . . this business requires as normal a trading regime as possible between our country and potential markets.''

From the software industry, which continues to hemorrhage because of Chinese piracy: ''The flagrant violation of U.S. intellectual property rights is of primary concern to [us] . . . we are concerned [however] that failure to renew MFN at this time will constitute too big a blow to the remaining threads of the U.S. relationship with China.''

The Boeing Company certainly benefits from trade with China, as well—it predicts that Asia will be the largest market for airplanes in the next 50 years. In Washington State, Boeing has close to 300 subcontractors that provide it with goods and services. And those small companies, like Bumstead Manufacturing in Auburn, Stoddard-Hamilton in Arlington, and Dowty Aerospace in Yakima, all depend on Boeing selling its airplanes for their own well-being.

Even the Port of Longview has an interest in American trading with China. Archer-Daniels Midland Corporation intends to build a state-of-the-art facility for the export of Midwest corn to Pacific rim markets in that community. China certainly figures into that equation.

Madam President, many of the people who wrote to me believe that engaging in trade with China will lead to better trade and economic conditions in both China and America. One person argued that:

> Maintaining a healthy trade partnership with China will ensure that our influence in areas such as human rights and fair trade practices survives; curtailing that partnership as a punitive measure will only lead China to lose the incentive to cooperate.

It is certainly clear, that—at least in the short-term—American companies that trade with China would be hurt if MFN were not renewed. My constituents, in their letters, made that point eloquently.

Because of my deep respect for these constituents, I would vote to extend MFN this year if the Senate were to vote on the subject, and I commend such a vote to my Washington State colleagues in the House.

But, Madam President, in casting that affirmative vote I would be wrong. I do acknowledge the importance of trade with China to the people of my State, but I want to explain why the President is wrong, and why I would be wrong, as well, to support him.

I would be wrong because the chances of China changing its dismal trading practices, or stopping its violations of United States intellectual property rights, or acceding to a freer, more open market as a result of MFN renewal are about as close to zero as you can get.

China is an unrepentant free trade rejectionist. China is one of the world's most corrupt nations. China steals our software and CD's. China arbitrarily closes its market to United States goods. And China, aside from eleventh-hour propaganda tricks, does nothing to clean up its act. For years the United States has pinned its hopes for a more cooperative, law-abiding China on MFN. MFN advocates talk about ''engagement.'' If we only ''engage'' in trade with China, they argue, the Chinese will change their ways, they will come around to the idea of free trade and open markets and all that goes with them.

Many of my colleagues here in the Senate, Madam President, have been making the engagement argument for years. Back in July of 1991, for example, my distinguished friend from Rhode Island, Senator CHAFEE, said that ''we want China to move toward the implementation of a market-based economy,'' implying that MFN was the way to do it. Senator CHAFEE also argued that ''[t]o withdraw MNF would virtually destroy * * * business leaders and entrepreneurs [in the more economically liberalized southern part of China. * * * They will go down the drain because they will not have access to the U.S. markets to sell their goods.''

My friend from Montana, Senator BAUCUS, said, also in 1991, that:

> Rather than isolating China from the world by cutting off economic ties, we should seek to engage China—to bring China into the 20th century.
>
> Trade is the link that allows us to engage China. It is the bridge that allows western values into China.
>
> If we are truly interested in reform in China, if we are truly interested in improving the lives of Chinese citizens—we should seek to expand economic ties, not to cut them off.

These words sound persuasive, do they not, Madam President? But keep in mind they were uttered 5 years ago. Five years ago our trade deficit with China was a little under $13 billion. Now it is almost $34 billion. We have been engaged with China that whole time, and where has it gotten us? Another $20 billion in the hole. Will we never learn? Are we destined forever to demonstrate the triumph of hope over experience? What has the engagement of the past 5 years accomplished to cause us to parrot today the very arguments that have so signally failed in the past?

This engagement argument, Madam President, can be refuted by a cursory glance at China's wretched record on trade with America. Indeed, our trade relationship with China totally belies the assertions of those who consider MFN a tool for making China more cooperative.

Madam President, over the years, especially in the years since Tiananmen Square and the fall of the Soviet Union, many issues besides trade have been injected into the MFN debate. Human rights, nuclear proliferation and relations with Taiwan are three of the most prominent of those issues. I have chosen to stick solely to the matter of trade, but I do understand that these other concerns are at the front of many people's minds.

I say this, Madam President, by way of addressing what I consider to be a glaring error in the arguments of many MFN advocates. They argue, rightly, that the MFN debate is not the place for a discussion on China's human rights record or its practice of selling nuclear components to countries unfriendly to America. I agree with that argument. The Chinese Government gets an ''F'' on how it treats its citizens, and it should be severely dealt with for its shameless sales of nuclear technology to the villains of the world. But MFN is trade policy, and we should stick to trade in our arguments on its extension, be they pro or con.

That is all well and good, Madam President, but I am struck by how often MFN advocates violate their own ground rules. In an attempt to make MFN renewal more savory, the spice up their arguments with the theory that trade with China will bring democracy to China. If we keep renewing MFN, the argument goes, we will help usher in an era of freedom and democracy to

that country. That is one of the most far-fetched claims I have ever heard, and the people who are making it need to submit themselves to a reality check. Considering our current circumstances—the trade deficit, Chinese piracy and trade barriers, and all the rest—it is hard for me to believe that America is now in a position to coax China into the ways of democracy. We cannot get the Chinese to take our apples, Madam President, so how can we expect them to embrace our political values?

In other words, Madam President, let us, for the purpose of this debate, leave aside the question of trade as a precursor to democracy. We have enough on our hands just dealing with trade by itself. And I think the debate over whether MFN renewal is or is not in our long-term trade interests should be sufficient to occupy this body.

Let us look at the current trade situation. China, using a completely fraudulent rationale, bans all wheat from the Pacific Northwest, and bans practically all Washington State apples. Cherries and other fruits are not even given a chance. Mainly as a result of Chinese trade barriers to American goods, we have a $33 billion bilateral trade deficit with China. The Chinese Government countenances widespread piracy of American intellectual property, costing United States companies over $2 billion a year. China, in short, flouts international trade norms and mocks the basic principles of free trade.

Now, proponents of MFN will say,

> Yes, things could be better, but the only way to make sure things improve is to maintain trade ties with China. By remaining economically engaged, we can pressure the Chinese to change their ways. If we cut off MFN to China, not only do we lose that market, but we forgo our leverage with the Chinese as well.

Madam President, I believe that I have already demonstrated that those who have latched onto MFN as some sort of magical instrument with which we can solve all problems are mistaken. They have not only overstated the importance of MFN, but of the Chinese market as well.

Madam President, when I listen to the arguments of those who favor renewing MFN for China I am struck by a common denominator, as it were, and that is a universal overestimation, an exaggeration, of China's economic importance to our national economy. MFN advocates would have us believe that without China our economy will be devastated. Let me say, that is not the case.

China is our 13th largest trading partner. Our trade with China accounts for less than 1 percent of our gross domestic product—0.81 percent, to be exact, hardly an earth-shattering figure. And Mr. Marcus Noland of the Institute for International Economics said in a recent Washington Post article that ''Chinese imports are mostly displacing imports from Mexico, [South] Korea, [and] Taiwan.'' In other words, most of the things we import from China we could just as easily import from these other nations. Nations, in the case of Mexico, South Korea, and Taiwan, that are friends and allies, with whom we have good, strong trade agreements. Each of these friends is a better and more open customer than China, by far, whose purchases of our goods and services will promptly match our increased purchases from them. And with our neighbor Mexico, for example, we know that its market is fully open to American goods—no hassles. What a contrast with China.

The trade story is quite different from the Chinese perspective. China needs the United States badly. China's trade with America accounts for well over 8 percent of its gross domestic product. While we export less than $12 billion to China, China exports $45.5 billion to us. The United States makes up nearly a third of China's total export market.

Now why, taking these lopsided facts into account, would China risk its own financial and economic well-being by thumbing its nose at America as it does? Only because we allow China to do so. Our solicitous, all-forgiving policy toward China can be summed up in one word: Appeasement.

How well our policy of appeasement—which its apologists call ''engagement''—how well this policy is working can be demonstrated by the fact that we had a standoff with China a year-and-a-half ago on, guess what, intellectual property rights violations. And, guess what, at that time China promised to mend its errant ways. It committed to ending its piracy of American goods. Now, less than 2 years later, we are at it again. There is a song, Madam President, called ''Stop Me if You Think You've Heard this One Before.'' That ought to be the theme for these trade negotiations. We have indeed heard from the Chinese before that they would clean up their act, stop the violations, and play by the rules.

I direct my colleagues' attention to a recent article on Chinese piracy in Business Week magazine. The article's title says it all: ''A Pirate Under Every Rock.'' Madam President, I will read a short excerpt to illustrate just how meaningless last year's agreement was:

> When China signed its Intellectual Property Rights accord with the U.S. last year, Beijing promised that it would assign inspectors to each Compact Disc plant. The government also promised that plants would print a code on their products to identify where they were produced. But during a raid on the Jin Die [Science & Technology Development Company in the south] organized by Chinese authorities and Microsoft Corp. in April, no copyright monitors were on duty. No special codes were on the goods. Workers labored around the clock, producing CD–ROMs from three unauthorized presses. The plant has an estimated 100 employees and the capacity to stamp an astounding 200,000 CDs a day. Beijing announced in early June that it might close Jin Die.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GORTON. Madam President, I ask for an extra 4 or 5 minutes.

The PRESIDING OFFICER. Is there any objection?

Mr. EXON. What is the request?

Mr. GORTON. Four more minutes.

Mr. EXON. I say, Madam President, there are people we have lined up waiting. I thought I yielded 10 minutes. I thought that would suffice.

How much more time?

Mr. GORTON. It looks about 4.

Mr. EXON. I will agree to 2 additional minutes.

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

Mr. GORTON. That shows you, Madam President, how good China's word is, and how much we can expect from these trade agreements. The Chinese are now putting on a show of contribution for all the world to see. Its state-run television has shown tapes of bulldozers rolling over pirated CDs, and the government has announced with great fanfare that it is shocked by the piracy and is closing down dozens of counterfeiting factories. Madam President, give me a break.

That is all for show, and anyone who thinks it is a serious effort that will bring substantive results is kidding himself. Last week's ballyhooed agreement is unlikely to be more than marginally more effective than the last one.

In fact, Business Week also writes that ''Chinese production capacity [for counterfeit CDs] this year will be about 200 million CDs, up from about 50 million last year.'' That agreement last year really did the trick, didn't it, Madam President? China has increased its counterfeit operations to four times last year's level.

Here is another important point, Madam President: A recent study, which was reported in the Washington Post and elsewhere, named China as one of the top five most corrupt countries in the world. And Business Week reports that ''[m]any CD plants'' in southern China ''have local backers such as units of the Public Security Bureau and the People's Liberation Army.''

Madam President, what we have here is a deeply corrupt country that either has no respect for, or simply cannot maintain, the rule of law.

So, knowing all of what we know about China—its corruption, its unrepentant thievery, its consistent trade violation—why on earth do we continue to coddle it? I think, Madam President, we do so because our attitude toward China is still steeped in a cold war mentality. During the cold war we placed great importance on China as a counterbalance to the Soviet threat. Now that the cold war is over, however, we have not re-assessed China's strategic importance. One could make a strong case for China's strategic importance when America strove to contain, and then roll back, the Soviet Union's influence and aggression. But today, China enthusiasts—and most MFN advocates—are

caught in a bit of a time warp. They say that China is of the utmost importance because—because—well, they cannot say because of the Soviet Union because it's gone. So they simply insert the word ''trade'' where ''Russia'' used to be and make the argument as best they can.

Madam President, that won't do for a trade policy. It is short-sighted, risky, and just plain dumb to ignore massive trade violations such as those practiced by China. We cannot go on like this forever, Mr. President, with China stealing more and more of our intellectual property rights, throwing up barriers to our goods and causing our trade deficit to go ever higher.

I hope I'm wrong. I hope that by this time next year an enlightened China will be operating in a free trade atmosphere under the rule of law, welcoming our goods and services as we do its. If so, I will be an enthusiastic supporter of renewal. But I don't believe it for a New York minute.

On the other hand, Madam President, let me say that if China has not reversed herself on these trade violations by next year, I will vote against MFN renewal. I hope my critics prove me wrong, but if not I will personally lead the fight on the Senate floor against it.

You do not encourage free trade by allowing violations of free trade. If, in fact, free trade—and not appeasement—with China is our goal, then we must let the Chinese know that they must play by the rules or face penalties. That is what we demand of our other trading partners, and that is what we should demand of China.

Mr. President, I am not at all insensitive to the exhortations of American companies who stand to lose money and contracts in the short term if MFN is not renewed. I take that very seriously, and I hope that we may have a strong, vibrant trade relationship with China—but that is possible only if China ceases its destructive practices. Now, Madam President, representing, as I do, a very trade-dependent State, it would seem the easiest thing in the world for me to go ahead and express my full support for MFN without reservation. There are certainly a lot of people who would like me better if I did. But the easiest things are not always the best, and I consider it my highest duty to think ahead to the best interests of my State and the country. And I do not think it in our best interests to continue in our current policy.

If we don't take a firm stand with China, and if China does not cease and desist, I fear that our relationship will degenerate into one in which we are the constant appeaser and China is the constant violator. In the long run, our current passivity could come back to haunt us.

A constituent and a good friend of mine has made this point eloquently. He is involved in several investment efforts in China and writes:

> I believe that . . . the United States will have to take the lead for the rest of the free trading world and stand up to China's rapacious trading behavior by denying MFN extension. I recognize that taking this position is not in my own short term interest. Nevertheless, I can't let immediate short term interest stand in the way of that which is right and that which I believe will, over the longer term, provide a superior result.

Madam President, I couldn't put it any better. For all we know, China may soon step up its illegal practices and trade violations to encompass not just intellectual property rights and agricultural products, but planes and other American products as well. We are setting a bad, potentially dangerous, pattern. We must stop it soon, or we may soon regret it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4345

(Purpose: To ensure that the total amount authorized to be appropriated by the bill does not exceed the total amount of the authorizations of appropriations reported by the Committee on Armed Services)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. KOHL, Mr. BINGAMAN, Mr. LEVIN, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 4345.

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

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

The amendment is as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions to this Act is $263,362,000,000.

Mr. EXON. Madam President, there are several important cosponsors of this amendment. One is on the floor at the present time. I simply inquire of the Senator from Wisconsin—and I have agreed to yield him 7 minutes—if his time will allow him to wait, I will make opening remarks. However, if the Senator is cramped for time, I will yield at this juncture.

Mr. KOHL. Madam President, I will wait for the Senator from Nebraska to deliver his opening remarks.

Mr. EXON. I thank my friend from Wisconsin for his usual courtesy.

Madam President, the amendment I have just sent to the desk is on behalf of myself, Senator BINGAMAN, Senator KOHL, Senator DORGAN, and Senator LEVIN. This amendment reduces—Madam President, reduces—the total funding level in the bill by $4 billion. This would still allow, I emphasize, this would still allow an increase—increase—in the President's request of $9.0 billion. A $9 billion increase would be allowed even if the Exon amendment is accepted. This is an increase of $155 million —an increase of $155 million—above this year's funding level.

To put that in perspective, I have a chart to which I will direct the attention of the Senate. It is headed ''Comparison of the Fiscal Year 1997 Defense Spending Proposals.'' Billions of dollars are on the left side, with the first graph showing $263.2 billion, which would be if we had just taken the whole defense budget and froze it at last year's level, $263.2 billion. Under the Exon proposal, from the standpoint of last year, there would be an increase of something around $200 million or up to $263.4 billion, an increase of about $200 million still going up in national defense over last year's expenditures.

Compare that, if you will, with this big broad green graph on the right. If we go with the defense authorization bill that is presently before the Senate, we would balloon that to $267.4 billion for the same time period of fiscal year 1997.

Madam President, this amendment is a modest attempt, and I underline the word modest, a modest attempt to control Federal spending within reason, reduce the budget deficit and eliminate wasteful spending.

The bill before the Senate contains some $4.6 billion more than the Pentagon requested for fiscal year 1997 or for any of the next 5 years. I think the Congress could easily be able to identify $4 billion, either from this pork-barrel-laden $4.6 billion or from other sources to meet the requirement of this amendment.

Madam President, we are debating legislation that increases the Pentagon's request by a whopping $13 billion, nearly double last year's increase of $7 billion. At a time when we are considering deep reductions in Medicare, Medicaid, education, the environment, and other programs, I find it absolutely astonishing that between last year and this year we are proposing to give the Pentagon $20 billion more—to give the Pentagon $20 billion more—than the Pentagon had requested. Certainly in this case it is not the Pentagon that we can blame. The Pentagon came forth in cooperation with the President with what I thought was a workable program.

Madam President, I am under no illusion whatever. I understand the dynamics and the politics of the situation. I understand that Congress will, inevitably, increase this year's defense request, although it is still uncertain whether the President will sign a bill calling for such an excessive increase of $13 billion.

What this Senator from Nebraska is saying is, rather than $13 billion, maybe if the President recognizes that we just reduce that to $9 billion over his request, there may be some chance of avoiding a veto.

Before this Congress sanctions this $13 billion increase, I think we should first examine how the majority proposes to spend it. For several weeks we

have been hearing that most of the increase will be devoted to accelerating acquisition of weapons systems that the Pentagon wanted in future years but could not afford this year. If that were true, some of the increase would almost seem reasonable under that argument.

We have since learned otherwise. According to the Defense Department itself, of the $12 billion this bill adds for procurement, research and development, the so-called modernization—that is a great term; for modernization—$4.6 billion of that, or almost 40 percent was neither in the Pentagon's 1997 request nor in its 5-year plan for 1997 through the year 2001.

This second and last chart that I reference at this time I think elaborates and demonstrates the size of this increase. As I have just said, increases to the Pentagon's fiscal 1997 request for procurement and research and development is vividly demonstrated here. $11.4 billion is the total; $4.6 billion was not even in DOD's 5-year plan.

That is some way for conservatives to budget. I simply say that the budget request that was suggested by the Pentagon, and recommended and approved by all of the people in the Pentagon, was aimed at long-range budget planning that was realistic. And I might add, it was approved and endorsed by the Secretary of Defense, the joint staff, and the individual service chiefs, as the optimal way of allocating the roughly $1.3 trillion that both parties agreed to spend on defense over the next 5 years to fulfill our joint military requirements.

Madam President, I should also note that the Pentagon has calculated that, over the next 5 years, increases for these items not in its 5-year plan would cost $25 billion. Let me say that again, Madam President. This plan that is being forced down the throat of the Pentagon and the President would cost $25 billion above and beyond what is already budgeted for. In essence, it amounts to an unfunded mandate on the Pentagon.

To bring this point home, Madam President, I will read a letter dated June 26 from John White, the Deputy Secretary of Defense, written to Senator DASCHLE:

In response to your question with regard to the funding levels contained in the FY 1997 Department of Defense Authorization Bill, I want to assure you that the President's defense budget and Future Year Defense Program (FYDP) as submitted to the Congress is sufficient to meet the security requirements of the Nation and to satisfy the policy directions of the Administration. Three times in three years the President has increased the level of resources made available to the Department to support the Bottom Up Review. We can achieve the objectives of the national security strategy with the resources requested by the Administration.

I am particularly concerned that many of the proposed increases contained in the Defense Bill now under consideration are for systems or programs which are not included in the Department's FYDP. These increases bring with them funding tails for the out-years which could limit future production of critical technologically advanced modernization programs now in development.

Madam President, that drives home the point that I referenced just a few moments ago about this $25 billion above and beyond what has already been budgeted for. Let us look at some of these increases. Let us look at some of the programs that these increases propose to embrace. Remember, Madam President, none of them was in the Pentagon's 5-year plan. I am going to mention a few: $202 million for the Navy's Distributed Surveillance System; $183 million for the Army's AH–64 Apache helicopter; $158 million for the Army Kiowa Warrior helicopter; $234 million for Navy's F/A–18 C/D fighter; $107 million for the Air Force's F–16 C/D; $205 million for the Air Force's WC–130.

There are some 100 examples, none of which are in the Pentagon's comprehensive 5-year plan.

You can spend all day looking for them, and you will not find them. They are an expensive collection of pet projects, congressional pork, and outright wasteful spending. These increases are precisely the sort of deficit and budget-busting spending that would be subject to the line-item veto, if Congress had given that power to the President this year, as we once voted for here in the U.S. Senate.

I ask unanimous consent that a complete list of these increases be printed in the RECORD at this point.

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

FISCAL YEAR 1997 SENATE DEFENSE AUTHORIZATION BILL: SUMMARY OF ADDS NOT IN THE PENTAGON'S 5-YEAR PLAN

[In millions of dollars]

	Total adds in bill	Adds not in 5-year plan	Percent of total add not in FYDP
RESEARCH, DEVELOPMENT, TEST & EVALUATION (RDT&E)			
Army	653	342	52
Navy	1,717	685	40
Air Force	555	160	29
Defense-Wide	1,185	278	13
Total	4,109	1,465	36
PROCUREMENT			
Army	2,269	1,053	[1] 46
Navy	3,357	506	[1] 15
Air Force	1,430	777	[1] 54
Defense-Wide	830	760	[1] 92
Total	7,885	3,095	39
Grand total	11,994	4,560	[1] 38

[1] Percent of total add not in 5-year plan.

Note: Prepared by Senate Budget Committee, based on DoD Comptroller Data.

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan

[In millions of dollars]

Research, Dev., Test & Evaluation (RDT&E)	
Army:	
Weapons and Munitions Technology	20.0
Nautilus Thel	25.0
Tractor Red	3.5
Landmine Warfare and Barrier Advanced Technology	4.0
Tractor Dump	13.6
Armored System Modernization: Advanced Development	12.0
Javelin	4.5
Air Defense Command, Control, and Intelligence—Eng. Dev	61.8
Longbow: Engine Development	12.0
Force XXI Initiatives	100.0
DoD High Energy Laser Test Facility	21.7
Missile/Air Defense Product Improvement Program	55.0
Other Missile Product Improvement Programs	9.0
Subtotal, Army RDT&E	342.1
Navy:	
Surface/Aerospace Surveillance and Weapons Technology	9.0
Surface Ship Technology	6.0
Air Systems and Weapons Advanced Technology	7.5
Ship Propulsion System	8.0
Advanced Submarine Combat Systems Development	48.0
Advanced Submarine System Development	60.0
Gun Weapon System Technology	27.0
Other Helicopter Development	11.0
Electronic Warfare Development	65.0
Aegis Combat System Engineering	21.9
Arsenal Ship	147.0
Airborne Mine Countermeasures (MCM)	10.0
Distributed Surveillance System	202.0
Marine Corps Program Wide Support	40.0
Joint Service Non-Lethal Weapons Technology Program	15.0
Acquisition Center of Excellence	8.0
Subtotal, Navy RDT&E	685.4
Air Force:	
Advanced Spacecraft Technology	75.0
Variable Stability In-Flight Simulator	1.4
Rocket Systems Launch Program (Space)	25.1
F–15E Squadrons	29.0
Advanced Medium Range Air-to-Air Missiles	10.0
Sensor Fused Weapons	19.1
Subtotal, Air force RDT&E	159.6
Defense-Wide:	
Anti-Satellite Program (ASAT)	75.0
Tactical Technology	3.0
Materials and Electronics Technology	15.0
Defense Nuclear Agency	12.0
Experimental Evaluation of Major Innovative Technologies	72.3
CALS Initiative	14.0
Environmental Security Technical Certification Plan	8.0
Boost Phase Intercept Theater Missile	15.0
National Missile Defense-Dem/Val	50.0
Other Theater Missile Defense/Follow-On TMD Activities-Demo	10.7
Defense Support Activities	3.0

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan—Continued

[In millions of dollars]

Subtotal, Defense-wide RDT&E	278.0
Total, RDT&E	1,465.1
Procurement	
Army:	
Aircraft:	
C–XX (Medium Range) Aircraft	35.0
AH–64 Apache Attack Helicopter	183.0
CH–47 Cargo Helicopter Modifications (Multi-year Program)	52.3
Kiowa Warrior Helicopter	158.4
Subtotal	428.7
Missile:	
Mobile Launcher Rocket Systems (MLRS)	147.0
Patriot Modifications	12.0
Avenger Modifications	29.0
Dragon Modifications	25.0
Subtotal	213.0
Weapons & Tracked Combat Vehicles (W&TCV):	
Field Artillery Ammunition Support Vehicles	50.8
Howitzer, Medium SP FT 155mm M109A6 (Modification)	61.2
M1 Abrams Tank (Modification)	26.5
Medium Machine Guns (Modifications)	20.0
Subtotal	158.5
Ammunition:	
CTG Mortar 60mm Illum M721/M767	7.0
CTG Mortar 60mm HE M720	12.5
Proj Arty 155MM HE M795	55.0
Selectable Lightweight Attack Munitions (SLAM)	3.0
Armament Retooling Manufacturing Support (ARMS)	58.0
Subtotal	135.5
Other:	
Medium Truck Extended Service PGM (ESP) (PREV SLEP)	3.0
Inland Petroleum Distribution System	33.0
Items less than $2 million (Construction Equipment)	54.0
Base Level Commercial Equipment	27.0
Subtotal	117.0
Total, Army procurement	1,052.7
Navy:	
Combat Aircraft and Weapons:	
F/A–18C/D (Fighter) Hornet	234.0
EA–6 Series	33.3
F–18 Series	50.0
H–53 Series	14.0
Tomahawk Modifications	14.4
Subtotal	345.7
Shipbuilding & Conversion: Oceanographic Ships—SWATH	45.0
Subtotal	45.0

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan—Continued

[In millions of dollars]

Other: Oceanographic Support Equipment	6.0
Subtotal	6.0
Marine Corps:	
155mm CHG, Prop, Red Bag	24.0
155mm D864, Base Bleed	45.0
FUZE, ET, XM752	29.0
AN/TPQ–36 Fire Finder Radar Upgrade	1.7
Trailers	9.3
Subtotal	109.0
Total, Navy procurement	505.7
Air Force:	
Aircraft:	
F–16 C/D (Multi-year Program)	107.4
WC–130	204.5
B–1B	56.5
AWACS Reengineering	109.0
Other Aircraft	21.2
DARP	182.2
Subtotal	680.8
Missile:	
HAVE NAP	39.0
AGM–130 Powered GBU–15	40.0
Conventional ALCMs	15.0
Hard Target Smart FUZES	2.0
Subtotal	96.0
Total, Air Force procurement	776.8
Defense-wide: National Guard & Reserve Equipment	759.8
Total, Defense-wide procurement	759.8
Grand total, procurement	3,095.0
Grand total RDT&E	1,465.1
Grand total, procurement	3,095.0
Super-total	4,560.1

Mr. EXON. Madam President, these programs, in the opinion of most senior military leaders, are unnecessary. Even if the Pentagon had the money, the Secretary of Defense and the Joint Chiefs have said that they would not fund these programs this year, not next year, not in 1999, not in the year 2000, and not in the year 2001.

Since both the administration and the Republican majority propose to spend virtually the exact same amount on defense over the next 6 years, funding these programs directly takes away from others that the Pentagon says it needs. Is this a way to budget responsibly for our national security? I suggest not. Is this a way we should spend the taxpayer's hard-earned dollars? I think not.

Some of my colleagues will assert that some of these increases are justified because they were included on one of the infamous wish lists that the services circulated on Capitol Hill. But none of these service lists was ever approved by the joint staff, who determines what is necessary. They are the experts.

It seems to me that we should realize and recognize that the full coordination with the services and our joint military needs should be kept in mind when we implement our military strategy.

Over the past 40 years, Congress has worked hard in a bipartisan manner to strengthen the joint capabilities of our armed services—first, by unifying the command of the services under the Secretary of Defense, and then by creating a strong joint staff and a strong Chairman of the Joint Chiefs of Staff. This year's use of the wish lists directly undermines 40 years of work by promoting the services' parochial interests at the expense of our overall national defense strategy.

Madam President, I believe my friend and colleague on the Armed Services Committee, Senator COATS from Indiana, a dedicated Republican, who has great knowledge of national defense issues, summarized the situation well when he said at a conference on April 24, 1996:

> Few priorities on the ''wish lists'' stress how the programs can improve joint warfighting capabilities. It seems counterproductive that the services would work to a consensus . . . only to deviate from this course during the authorization cycle. . . Such lists are not effective ''gap closers'' when they do not adhere to a logical, overreaching defense plan.

So the fact that some of these increases in the defense authorization bill were on a wish list is in reality no justification whatsoever for Congress to fund them.

Madam President, how long can this Congress continue doling out scarce discretionary funds to the Pentagon with this blank check philosophy? As many have warned, spending of the taxpayers' dollars so irresponsibly will undermine the public's confidence in the Congress as well as erode its support for adequate funding for national defense.

We have heard many speeches about how we need to cut unnecessary Government spending. This is an ideal opportunity for Senators to stand up and do just that.

This amendment is reasonable. This amendment is moderate. I wish we could do more. I am willing, although reluctantly, to give the Pentagon this year an additional $9 billion for programs it did not request this year. I am even willing to give the Pentagon an additional $600 million so that it can fund so-called congressional priorities. But enough is enough. Some sense of fiscal sanity is necessary.

Madam President, I simply say that the $4 billion in the cut that myself and the others are proposing is going to be accepted, at least in part, by a follow-on amendment that I understand will soon follow my amendment offered by the two leaders of the Armed Services Committee, by my distinguished friends, Senator THURMOND from South Carolina and Senator NUNN from Georgia. What they are proposing to do is to take roughly half of the cuts

that this Senator has proposed and reduce the Senate Armed Services Committee bill from its $13 billion increase figure down to the budget resolution figure of $11.4 billion. I salute them for that. It is a step in the right direction.

The Exon amendment roughly cuts $2.4 billion below that to make an overall reduction in the armed services authorization figure of $13 billion less $4 billion down to a $9 billion increase.

In a nutshell, that is the difference between what the Exon amendment does and what is proposed to be done on a lesser scale by the chairman and ranking member of the committee.

Mr. WARNER. Madam President, will the Senator yield for a question?

Mr. EXON. I will be glad to yield in a moment.

I am even willing to give the Pentagon an additional $600 million so that it can fund some of these so-called priorities. I want to emphasize that. But I still say that we are going way too far.

I think that is such a reasonable amendment that I cannot imagine it not being endorsed and accepted by the Senate as a whole.

In closing, I urge my colleagues to join me in saying ''no'' to some of these wasteful increases to the Pentagon's request. They are unwise and they are unaffordable in the budget climate that we find ourselves in.

I urge all to vote ''yes'' on this amendment.

I yield the floor. I will be glad to yield for a question so long as it is on his time.

Mr. WARNER. Madam President, I am glad to have this charged to time under my control.

I have the greatest respect for my colleague. We have served together on this committee many, many years, and his work on the Budget Committee has been a tremendous benefit to our committee through the years.

I would like to draw his attention to a document he is aware of, the Congressional Budget Office document of May 15, 1996, in which on page—does the Senator have one of these?

Mr. EXON. I do not have it.

Mr. WARNER. I will send it back so the Senator can examine it. But on page 2, the Congressional Budget Office analyzes the outyears spending subject to appropriations actions and proposed changes. The estimated authorization level for fiscal 1997 is 268, and then they have a series of zeros out here showing no tailing increase.

I will send this up to my distinguished colleague and allow him to look it over. Maybe after he has had a chance to examine it, he can respond to my question.

Mr. EXON. I will be glad to look at it and give you my explanation of it.

I will simply point out that the Exon amendment still allows for a $9 billion increase over what the President and the Pentagon has recommended. I would think, regardless of the technical details, that most realize and recognize that such should be fully adequate given the budget constraints that we face.

I yield 7 minutes to my colleague from Wisconsin.

Mr. WARNER. Madam President, I sent a document. It is right behind the Senator. Will he have an opportunity to look at it and at the conclusion of the remarks of the other colleagues perhaps he can address that?

Mr. EXON. I will be glad to do that.

Mr. WARNER. My recollection is that the Senator from Nebraska specifically talked about the outyear implications of this funding request by our committee. It seems to me that this document attempts to refute that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Madam President.

Madam President, I am pleased to join my colleague from Nebraska in offering this amendment to eliminate $4.0 billion in defense spending for items that are not included in any of the next 5 year's defense budgets. The Pentagon does not want or need these additional funds. There is no reasonable rationale for Congress to provide them.

I have listened to the arguments that we need to be spending more on defense because of a shortfall in procurement funding, and I have heard the justifications for the $13 billion increase in budget authority contained in this bill, on the grounds that we are only accelerating projects the service chiefs have said they want and need. I say to my colleagues who embrace these concerns—even though I have to say that I am skepical—listen carefully to the details of this amendment. This amendment targets the special interest projects and wasteful spending in this bill which were not requested by the service chiefs.

There are more than 4 billion dollar's worth of projects in the bill before us which were not requested by the service chiefs. There are more than 4 billion dollar's worth of projects in the bill before us that appear no where in the Pentagon's future years defense plan. They are not priorities, and we cannot afford to be spending scarce taxpayer dollars on programs that at best are marginal.

After our amendment is adopted, and I am hopeful it will be, the defense authorization bill will still be $9 billion more than the administration has requested.

I am weary of hearing how this defense budget compares to defense budgets in previous years in real terms. Why do we not look at other budget functions in real terms? The reason is that if we did, we would realize that all domestic accounts are being cut in real terms. Many of them deeply. Yet, the defense authorization bill before us would increase defense spending $4.2 billion above last year's defense budget. Only in Washington is an increase in defense spending a cut. When we freeze education spending, we hear denials that we are actually cutting education funding. It is just a freeze they say, the same as last year. Well, in real terms we are cutting hundreds of domestic programs that contribute to the well being of our society. We are holding no one harmless in our effort to balance the budget.

Except defense.

How can we make a credible case to the American people that we are serious about reducing the deficit when we continue to increase defense spending? No one has made an effective case as to why we must be spending more on weapons systems that have not been identified by the service chiefs and are not in any of the next 5 year's defense plans. And we certainly gave the services the opportunity to ask for this funding.

Why is it that we cannot approach defense spending in the same way that we approach any other spending? The services have been more than forthcoming in telling us their requirements and identifying their needs. Now it is our responsibility to determine how best to meet these needs against all other competing requirements. This is how we fulfill our responsibility to oversee the budget and set spending. For some reason, however, we are reluctant to do so with defense.

We must ask ourselves over and over again: Is our defense spending relevant to the threats of the future? Are the projects included in the $4 billion we would cut in our amendment so crucial to our response to these future threats? This amendment was carefully crafted to identify those programs that do not meet even the most conservative requirements. This amendment cuts $4 billion in programs we cannot afford and should not buy.

Above all, let's remember that we are facing no major threats today. When the American people talk today about insecurity, they are talking about job security, personal security, and perhaps moral security. Even the threats to our national security posed by episodes of regional instability and conflict are less likely to be resolved with military force, and more likely to be resolved through political or diplomatic intervention. To be sure, we need a strong defense. We need to develop a strategy and maintain a force structure to protect and advance our interests in a constantly changing global environment. If we could start over again and create a new force structure from scratch to meet the challenges of this era, I am confident that we would have a leaner, more mobile and more efficient force at far less cost.

I am puzzled by arguments that we must front load defense spending in the early years of a 7-year plan because spending in the outyears cannot be relied upon.

Madam President, the spending we vote for today—much of it devoted to new procurement and new research and development projects—lays the groundwork for increased spending down the

road. The spending proposed today ensures the reductions proposed for the outyears will not occur. However, if we adopt this amendment and cut $4 billion in spending in this year's budget, then we will be eliminating $25 billion in unnecessary spending in future years.

Last year, we passed a defense budget that was $7 billion more than what the Pentagon wanted. I came to the floor during last year's defense authorization bill and offered a bipartisan amendment to cut out that extra $7 billion, and we almost succeeded. That amendment was endorsed by a variety of groups focused on deficit reduction and included in the annual scores generated by the Council for a Livable World and the Concord Coalition. And now, here we are, a year later, considering a defense bill that adds $12.9 billion more than what the Pentagon wants.

Is it any surprise that in the budget resolution we passed last week we increase the deficit during the first 2 years of the plan? No one has explained how we can afford to increase defense spending above even the highest levels identified by the services and yet reduce the deficit. We cannot continue to spare the Defense Department from the deep regimen of cuts that we are asking the rest of our society to absorb. The $4 billion that we propose to cut in this amendment is a modest cut.

If we are committed to reducing the deficit and balancing our budget, then we must make the hard votes. And I know for some this will be a hard vote. However, I urge my colleagues to vote for this very responsible approach to defense spending.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I yield myself 5 minutes.

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

Mr. COHEN. Madam President, as I listened to the arguments being offered by my colleagues, it seems to me they start from the premise that Congress really should not take any action which differs from that of the requests sent up here by the administration. All we need do is have the President of the United States send up a budget and what we need to do is to look at the budget and either give it our stamp of approval or withhold that stamp of approval; there is no room for discretion. After all, if we were to add something, that would simply be another pork barrel project, would it not, under the logic that is being utilized by my colleagues who are offering this amendment? Why should Congress have any role in this? After all, they are the experts over there. The service chiefs, those who are involved in our military personnel, they are the experts, so why should we have any role whatsoever in terms of altering, increasing, or decreasing the spending for our defense needs?

That is the position, it would seem to me, that those who are arguing on behalf of this amendment are taking—that Congress really, any time it makes a change in the Defense Department request, is simply adding pork barrel spending.

I suggest, how about the Nunn-Lugar proposal? That will most likely be added. Is that pork barrel? Or is that something that is substantive, that will contribute to the national security interests of this country?

What about when we add more funding for the C–17, to buy more of them, so they can be produced at a more efficient rate and save hundreds of millions of dollars. I suppose that is just pork barreling as well. What about the V–22 replacing our aging helicopter aircraft that are ferrying about our Marine Corps? I suppose that is pork barrel, too. So the notion is somehow, whenever Congress adds funding, whenever the Armed Services Committee adds funding for programs, that is just simply pork barrel. And I suggest to you that is simply pure nonsense. That is pure nonsense.

Also, it seems to me we would think that it is the requirements, the military requirements that ought to determine how much we spend and to drive policy. But, in fact, most of us know it is not the military requirements that drive policy but, rather, it is the political policies and the priorities established by the President that drive the requirements.

Year after year, we have been listening to our military experts come to the Congress and say, look, it is getting very thin. We are getting to the ragged edge. Yes, we can carry out the mission, but it is getting very difficult to do so. And we cannot give you assurances we can do so in future years; it is getting that close.

I hear my colleagues talk about cuts in other programs. In terms of percentage of real change in outlays between the years 1990 and 2002, this chart shows domestic discretionary outlays going up almost 12.5 percent; national defense outlays decrease by almost 35 percent, mandatory outlays increase 34.2 percent. So we can see where the priorities are. Defense spending is coming down and discretionary spending, mandatory entitlement programs are going up.

However, there is another issue I want to focus on, and that is the issue of promises. This is something that is of concern to me. It has been to a majority of our colleagues in the Senate and the House. We have had promise after promise that we are going to deal with the shortfalls that are coming next year.

In 1993, we were promised that defense procurement spending was going to go up, and here is where it came out, where this green line is now. It went down. We were promised by the President it was going to go up again in 1995. It went down, saying wait until next year, a promise to go up. It went down. In fact, it will not go up in procurement spending until after the next term of either President Clinton or President Dole expires. And so the absolute military necessities are being pushed out into the year 2001, 2002, saying, well, we will get to it just like the Red Sox are going to win the pennant next year and every time next year comes by say, well, we cannot afford it.

Let me read to you what Admiral Owens, former Vice Chairman and Chairman of the Joint Chiefs Oversight Council, had to say about the administration's procurement plans for our Armed Forces. I am going to read this. ''We are facing a procurement crisis.''

> Here you can see that in 1993 the President's budget had for procurement $62 billion. In 1994, procurement would be at $64 billion. Of course, what really happens, it went down to $48 billion. In 1995, the administration was projecting $55 billion. In fact, it was $46 billion. But then the administration promised it was going to go up. And in 1996 we are now down to $39 billion. And we keep promising and promising ourselves it is going to go up. We have got to stop promising and start doing business.

That is from a very highly respected member of the military. Stop breaking promise after promise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COHEN. I yield myself an additional 3 minutes.

Mr. WARNER. Mr. President, we will yield to the Senator such time as he requires and charge it to me. I would like to ask the Senator a question at the conclusion of his presentation.

Mr. COHEN. Madam President, shortly prior to his death, I had a conversation with Admiral Boorda. We spoke initially on the phone and then he came to my office because we went through this process. We said look, we understand. You are under orders to come up to the Hill and testify as to whether you can live with this particular budget. And each time the military has done their duty as required apparently by their obligations and they said, yes, we can live with what the President has requested; he is our Commander in Chief; we can live with this, this year for the first time they started sending other signals that said ask us basically what we really need over and above what is being requested.

And so we asked the question: If more money were added, what would you request? Admiral Boorda sent a request to me that was in excess of $7 billion, alone, for the Navy—$7.9 billion over and above the President's request just for the Navy. And I told him it was completely and wholly unrealistic. He said, look, we have a bow wave coming. I am not going to be here. I am retiring. He would not be here when his period for being CNO had expired and left the Navy, he said, but in the year 2000, 2005, 2010, we have an enormous tidal wave of procurement coming and, frankly, he did not see whether we could ever have the will or spirit to measure up to the responsibilities to fund the programs. So he said, I am

putting in my request. This is what I need.

So that is just one service. Here we are on the Senate floor saying let's just take another $4 billion out totally across the board.

Madam President, I think that we have to get realistic about where we are headed, that we know and everybody knows that by the year 2000 spending is going to have to go up dramatically in order to meet the requirements of our military, or else what?

We can simply revise what we have to do throughout the world. We can say, fine, we are not going to defend our interests in the Pacific. We are not going to defend our interests in Europe or NATO. We are simply going to shrink back to the continental United States.

We can do that. We can revise the Bottom-Up Review. We can say we are not going to meet major regional contingencies, two of them simultaneously, and say we will just meet one. We can do that, and it will be a much more honest approach than what we are currently taking because what we are doing today is saying, yes, we can meet the Bottom-Up Review requirements when, in fact, we cannot—when, in fact, we are holding out an illusion, when in fact many of the same personnel and equipment required to fight in one particular regional conflict will be required to fight in another.

So, it is time we get honest with ourselves and, if we do not want to be the superpower, capable of extending our reach in various parts of the globe, if we do not want to exercise military power and projection in various parts of the globe, say so. But let us not go through this routine, saying we will do it next year and next year and next year. This year is an election year. This year it is more for education and environment and other things. We will push the requirements of the military out into future years, and we will let that generation deal with the problem. We will not be here. We will be gone, be out of office.

When we heard statements made—the Deputy Secretary of Defense has issued a statement; Senator WARNER has referred to it—that there is a tail attached to this particular authorization, some $25 billion, we said, ''Prove it to us. Where is the evidence it is $25 billion?'' They have yet to submit an analysis that shows any justification for the $25 billion so-called tail. They issued a letter saying it is a $25 billion add-on, and we have looked at the analysis and it does not hold up.

I will save that analysis for my other colleagues who wish to talk about this particular matter, but it seems to me the Defense Department has an obligation that goes beyond simply issuing letters at the last moment saying it is $25 billion without any demonstration of the analysis by which that judgment was rendered. I am here to say, when we look at what they have done, what they do is say, if money is requested, for example to close out an account, they will take the amount requested—let us say it is $60 million—and they will stretch it out $15 million a year for the next 4 years. That is completely false. If you, in fact, spend more money to purchase equipment up front—aircraft, ships—which they know will save money in the outyears, they nonetheless add that as a total increase. If you look closely—and they have admitted this—if you look closely at their analysis, it will not hold up to scrutiny.

So, Mr. President, I hope this amendment will be rejected. We do know Senator NUNN and others will be offering an amendment later that would have a more modest reduction. But for us to come to the floor and say this is simply pork barrel spending, unnecessary, the military did not request it, therefore let us not add it, seems to me it undermines the historic role of the U.S. Senate and that of the Senate Armed Services Committee.

Mr. President, I hope this will be rejected and overwhelmingly so.

Mr. WARNER. Will the Senator yield for a question?

Mr. COHEN. I yield for a question.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I commend my distinguished colleague. He has very concisely and accurately reflected the facts.

I suggest he take another minute to include in his remarks that, while he did meet with Admiral Boorda, Admiral Boorda was but one of the entire set of Chiefs who came forward with the request that they needed $60 billion, of which the President's budget only allowed $38 billion, and under the current projections, you would not reach the level recommended by the Chiefs until the year 2001.

Mr. COHEN. Let me respond to my colleague. I only pointed to one individual. I tried to point to what Admiral Boorda had to say to me as an example. Here is just the Navy. Just for Navy programs he said, ''I need another $7 to $8 billion to start meeting the obligations that are mandated and that we will have to face in just a few short years.'' But Admiral Boorda, like every other service chief, as such, realizes each year we have to face this red line. It goes down to the green line, and the green line drops to the blue line, and the blue line drops to the orange line, and we do not get to it until the year 2000. He is saying, ''We cannot do this. It is a misrepresentation. It is a dereliction of our responsibilities.''

That is just one service, the CNO. But now we have the Army, Air Force, Marine Corps, and they similarly made requests saying if we are really going to be measuring up to our responsibilities, we need more. It was the figure that the Senator from Virginia has cited.

So I think we are not to be charged with simply pork barreling, spending money wastefully. Whenever something happens in the world, we are the ones to answer the 911 call. When there was a problem with Taiwan and China, President Clinton did not hesitate. He is going to send the troops, aircraft carriers—two of them, as a matter of fact.

If we are going to be spending for these programs and protecting the lives of our young men and women who are dedicating them to the service of this country, we better make sure they do not have aircraft that are wearing out, they are not operating at tempos that cannot be sustained, that we start doing what needs to be done in order to make sure we have the finest capability we can possibly have.

I thank my friend for yielding me so much time.

Mr. WARNER. I thank the distinguished chairman of the Sea Power Committee. Indeed, he did present Admiral Boorda's request to him and now has supplemented it by the fact that all the Chiefs essentially are in agreement on this.

Mr. President, I would like to add a comment or two of my own here. This is the fourth attempt, I say to my good friends, the fourth attempt to cut the defense budget that we have debated here on this floor of the Senate within just the past 30, say, legislative days. All previous attempts have been declined by the Senate. The arguments on both sides are well known. We have shared them here today. I am not sure why we are spending more time, indeed, on this issue, on this important piece of legislation which is badly needed. The position of the Senate is clear.

Now, the chairman, Chairman THURMOND, and the distinguished ranking member—and I join with him in this effort—are going to come forward to bring in a reduction, calculated at roughly $1.7 billion, to reconcile this bill's overall spending with the budget resolution. That is a responsible approach to reduction in spending, and it will have my strongest support. Even with the increases in the defense budget made by the Budget Committee and the Senate Armed Services Committee, the defense budget will continue to decline in real terms in fiscal 1997. We are not increasing defense spending with this bill before us. We are simply slowing down—slowing down—the rate of reduction sent to the Congress by the President of the United States.

Fiscal 1997 will mark the 12th consecutive year of declining defense budgets. I am confident the pending measure will, likewise, be the fifth effort to reduce this defense budget, which will be rejected by the Senate on vote, and that the Senate will turn to the recommendations of the chairman and the ranking member.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I yield 5 minutes to the distinguished member

of the Armed Services Committee, the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, let me start by saying what I am sure is true for all those speaking for this amendment and that is we agree that the United States needs to maintain the most capable and effective military anywhere in the world. But I rise to support Senator EXON's amendment, his freeze amendment to trim spending in this defense authorization bill to the same level as is in the current fiscal year because I believe that kind of fiscal discipline is possible and prudent and still allows us to maintain the most capable military on the face of the planet.

The Pentagon is able to live with a freeze. We are outspending all of our potential foes by at least a factor of 2. The foes that we most often hear discussed when we are talking about defense issues are Iraq and North Korea. Mr. President, both of those countries are bankrupt. The combined defense budgets of both of those countries equal about 5 percent of our defense budget. We have allies in Europe, in Asia, whose defense budgets also dwarf those of our potential foes.

Our colleagues who voted for the concurrent resolution last week are asking our nondefense agencies to live with a freeze in discretionary spending after the budgets of those same agencies were cut by more than $10 billion last year.

The civilian agencies, those that we are asking to live with the freeze, face huge challenges as this country prepares for the 21st century—challenges of educating our children, preserving our environment, of caring for our veterans, of enforcing our criminal laws, of maintaining our transportation infrastructure, and developing new technologies. But we have told those agencies that we must live with a freeze this year, a $15 billion cut from the President's request for funds for those agencies.

But, for the Pentagon, even with the cold war long over and security challenges facing this country reduced to a level that would have been inconceivable when I entered the Senate 14 years ago, our colleagues propose a budget resolution to open up their purses for one last spending spree, adding an additional $11.3 billion above what the Pentagon requested for fiscal year 1997.

Senator EXON's amendment would cut a total of $4 billion in spending from the bill. It would leave an increase of $9 billion for defense spending above what the President requested. The level we are proposing would fund every single add-on proposed by the committee that is actually included in the Pentagon's future year defense program; that is the long-range planning document that the Pentagon works off. This bill is going to have to be trimmed by $1.7 billion, as several Senators have already indicated. We know that. Senator EXON essentially proposes an additional $3.2 billion cut. From my experience on the committee during the last 14 years, I am sure that the conferees can find $4 billion in low-priority add-ons to eliminate in the conference.

Mr. President, Senator EXON's amendment is almost identical in magnitude to the one that was offered by Congressmen SHAYS and NEUMANN 2 weeks ago to the House defense appropriations bill. Their amendment received 60 Republican votes. I hope that Senator EXON's amendment will be similarly attractive to some of the Republican Senators who are committed to deficit reduction this year. It is our intention that this reduction in spending authority would be used to reduce the Federal budget deficit which is projected to increase in 1997 under both the budget plan passed by Congress last year and the one submitted by the President earlier this year.

Mr. President, I honestly believe that this bill could be cut even more than the $4 billion Senator EXON proposes and with no adverse effect on our security.

There is an advertisement that appeared in the New York Times the other day on the 23d of June, on Sunday, by a group of business leaders pointing out that the last sacred cow in our budget needs to also share in this burden of budget cuts.

I think that is good advice. I hope we will follow that advice. I believe most Americans would like to see us hold the line on defense spending at the President's request, and I urge my colleagues to adopt the Exon amendment and do so.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I just wish at some point in time, the distinguished Senator from Nebraska will reply to the question of the Senator from Virginia relative to the CBO letter which I posed, but that can be done at his convenience. I think we should allow our colleague from Michigan to proceed. That is perfectly agreeable to the Senator from Virginia.

Mr. EXON. Mr. President, I yield 8 minutes to a very distinguished member of the Armed Services Committee who has sat next to me on that committee for 18 years, the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 8 minutes.

Mr. LEVIN. Mr. President, we, indeed, have had an enjoyable 18 years. I thank my good friend from Nebraska. And we have been joined by our good friend from Virginia in that 18 years as well. We may disagree on this, but we are close friends, indeed.

I rise in support of the Exon amendment. I want to emphasize something which Senator BINGAMAN just said. The so-called cut which is proposed in this amendment would leave an increase of $9 billion above the President's budget request; $9 billion would be left in this bill above that which the administration asked for and the Defense Department signed off on.

The majority of the Armed Services Committee added $13 billion. Over $4 billion of that is not even in the 5-year defense plan, the future years defense plan of the Defense Department. The Defense Department has no plan for over $4 billion of the add-ons, so that the Exon amendment, in cutting $4 billion, is cutting an amendment which is actually slightly less than the amount which the Defense Department has absolutely no plans for in its budget projection.

It is one thing to be strong, and we all want to be strong on the Armed Services Committee, and I think every Member of this body wants the United States to be the strongest Nation in the world. We are spending 2½ times more than Russia, 100 times more than China, and 40 percent of the world's defense expenditures are being spent by the United States. So, yes, we want to be strong, but we do not want to throw money away, even in the defense budget, even in the name of defense.

This budget that came out of the Armed Services Committee, in adding $13 billion to the administration request, which had been signed off on by the uniformed military, is throwing money at problems and adding items that have not been requested by the military, adding items not in the defense plan for the future and, as a matter of fact, Mr. President, adding items that were not even in these wish lists which we solicited from the military.

What the Armed Services Committee did is we asked each of the services: ''If we had additional funds for you, what would you spend the money on?''

Very obviously, the services said, ''Oh, we'd spend it for this, we'd spend it for that, we'd spend it for something else.'' Any agency of Government would do that.

What we did in soliciting these wish lists from each separate department—an Army wish list, a Marines wish list, a Navy wish list and Air Force wish list—what we did is violate the very rules of jointness and discipline which we ourselves, as an Armed Services Committee, very proudly put into law a few years back, called Goldwater-Nichols.

We require jointness. We require the military services to come together and to scrub their requests together and to jointly request funds, so they are not pitted off against each other, so they do not compete with each other up here. They first scrub their requests together and jointly come here and say, ''We've gone through a process; we've gone through a joint requirements process. This is the uniformed military

joint request.'' That is what the budget request is.

But on these wish lists that were submitted to us and that we solicited, on these wish lists, we just ask each of the services, ''What is your wish? What are your wishes?''—violating the very rules of jointness and discipline which we ourselves had installed just a few years back. Of course, they came in with billions of dollars. There is no surprise in that.

Admiral Owens' name was invoked here. What Admiral Owens has also told us, in addition to worrying about some of the future modernization—and we all have concerns in that area—but what Admiral Owens said in testimony before the committee was that, while procurement should ideally be at the level of $60 billion per year, Congress should not add the money on top of the defense budget request—should not add the money on top of the defense budget request.

Instead, he said, the Pentagon should work to save the money internally from reduced infrastructure. We have had a reduced size for the military. We have bases which have been closed. He testified in front of our committee that the Pentagon should make savings which would allow the modernization to occur at a rate of $60 billion per year, the procurement at the rate of $60 billion per year, and that these moneys should come from reduced infrastructure—base closure, privatization, and so forth. That is the No. 2 person at the Pentagon speaking to us. That is not on the civilian side; that is on the uniform side.

We have actually added items here that, again, are not even on the wish list. We have added money for F–16's, a couple extra F–16's. Why not? That is only $50 million. Those are not even on the Air Force wish list. That is above what the Air Force added on their wish list. How about some more helicopters? Why not? We want to be strong. Add some more helicopters. The trouble is that the so-called Kiowa Warriors are not even on the wish list. They are not in the budget. They are not in the 5-year plan. They are not in the wish list we solicited.

But do we have a right to add this money? Of course we do. The Senator from Maine is absolutely right; we have a right to add any more funds we want or to subtract any more funds. But should we have some requirement, some logic, some compelling purpose, some jointness in this process that the military come together and say, ''Yes, we want to spend an additional $120 million on the extra Kiowa Warriors''? I hope so. We cannot just paint these requests as being, ''Well, it's defense, therefore, they must be needed.''

We have a responsibility with taxpayers' dollars to look at what we are adding this $120 million for. This budget coming out of our committee does not meet that responsibility; $4 billion-plus that is not even in the future defense plans of the military, not justified. Let us take a look at the Kiowa Warrior. That is the OH–58 scout helicopter called the Kiowa Warrior, the AHIP's. That is the add-on by the committee.

They were there in Desert Storm. But we used Apaches instead to perform the function which the OH–58's were supposed to perform. The OH–58's could not even keep up with the Apaches, so to perform their functions we had to use Apaches. So let us add on OH–58's instead. Just add them on because it is the defense budget, and paint it defense, label it defense, and then everybody is going to be told, ''Don't cut it. It's the national security of our Nation.''

The Pentagon already consumes nearly 40 percent of the world's military budget, and we spend nearly as much as all of our allies combined. The United States spends 100 times as much annually as Iraq, the largest spender among nations the Pentagon considers potential threats. Even as other Federal agencies continue to take sharp cuts in high-priority programs that directly contribute to the immediate and long-term security of Americans, including crime-fighting, education and environmental protection, the committee added billions not requested by the Department of Defense, and in many cases not even included by the services on the wish lists solicited by the Committee.

On top of the fact that this authorization has resorted to using ad hoc wish lists from the services in order to decide where to spend the extra $13 billion, is the fact that the DOD financial systems necessary to account for the expenditure of this money are broken. We still haven't gotten a handle on it.

The General Accounting Office [GAO] in fact, says that ''the Department does not yet have adequate financial management processes in place to produce the information it needs to support its decision.'' ''No military service or other major DOD component,'' says GAO, ''has been able to withstand the scrutiny of an independent financial statement audit.''

But the committee's action would add another $13 billion to the pot without any concern for financial mismanagement issues.

If the Department of Housing and Urban Development or the Department of Health and Human Services were the subject of the same type of reports on their financial management systems that we're getting from the DOD inspector general and GAO and the DOD Comptroller, himself, we would never be adding wish list money to their programs.

The GAO describes DOD's financial management problems as ''serious'' and ''pervasive.'' GAO in testimony late last year listed the key problems as follows:

Serious problems in accounting for billions of dollars in annual disbursements.

Breakdowns in the Department's ability to protect its assets from fraud, waste and abuse.

Continuing problems in reliably reporting on the cost of its operations.

As long as Congress adds money like this, the Department will not have adequate incentive to solve these financial management problems. No major corporation in the United States would approve a subsidiary's budget at a wish list level if the subsidiary suffered from financial management failures like the Department of Defense.

While the committee is critical of the level of procurement spending in the President's defense budget request, its answer is simply to add more money, much of which is not for the items that the Pentagon wants. This is a poor choice for several reasons.

First, Adm. William Owens, the former Vice Chairman of the Joint Chiefs of Staff and the Chairman of the Joint Requirements Oversight Council [JROC] testified to the committee at its first hearing this year that while DOD is seeking to increase its procurement funds, Congress should not add the money on top of the defense budget. Instead, he said that the Defense Department needs to create savings from within its own programs to provide additional funds for procurement. The Secretaries of the Military Departments provided valuable testimony in support of that notion. But the committee did not pursue this avenue. Instead, it simply added money to the budget request, reducing incentives for the Department to operate more efficiently.

Second, the committee's addition of nearly $13 billion is consistent with last year's congressional budget resolution, which added $7 billion in fiscal year 1996, and suggested a $13 billion add this year. But that budget resolution frontloads the defense increases in the nearterm and shortchanges the department in the out-years. After the year 2000, the budget resolution would provide the Pentagon with less money than planned in the President's future years defense plan, and could substantially underfund the programs that the committee says it supports.

In fiscal year 2001, the President's budget plan for the defense budget would be $2.5 billion above the current budget resolution number. And for fiscal year 2002, the President's defense budget figure is $7.9 billion higher than the budget resolution plan. So in those 2 years alone, the budget resolution would be more than $10 billion less than the President's defense budget plan.

The President's budget request and outyear plans provide a more stable and sustainable funding profile, while the plan of the congressional majority would jeopardize the long-term health and stability of defense funding. And the committee's spending priorities are not the same as those of the Pentagon, so by funding other items, the committee is funneling resources away from the programs that the Joint Chiefs and the Defense Secretary say are most needed.

The Defense Department is in an unusual position among Federal agencies by virtue of its budget and the length of its future budgeting plans. Six-year plans are required. When inflation rises above the expected level, the Defense Department gets an upward inflation adjustment. But when inflation is lower than expected, DOD gets a large share of the dividend to plow back into additional programs. This year, DOD experienced a $45 billion lower inflation estimate. While some $15 billion went back to the Treasury, the other $31.5 billion went to the military to spend over 6 years. This fact was not even taken into account by the committee in its addition of $13 billion.

While Congress has criticized the military for inter-service rivalry, this bill's significant funding increases for the unfunded projects of the services actually fuels such rivalry by providing items that could not gain approval in the jointly oriented budget review by the Joint Chiefs and the Office of the Secretary of Defense. We should not be surprised if the services compete with each other for additional funds—a result we should not be encouraging.

Mr. President, I think it is important to put the issue of defense spending in some context. I have a chart that shows the levels of defense spending for about 15 nations, including the United States. Some of these nations are our allies, some are not allies and not adversaries, and some we consider adversaries. These figures are from 1994 because that is the most recent year for which we have data on these countries, and they are in constant 1993 dollars. Here is how defense spending stacks up among these countries:

First, it is no surprise that we spend more than any of the other nations. With spending of some $278 billion, we outspend Russia by two one-half times. I would point out that Russian defense spending is declining quite rapidly still. We outspend China by a factor of 10. We sometimes hear people caution that China is the coming military power to keep a watch on. We should remember that our spending dwarfs that of China by ten times.

The next group of countries on the list represents our allies with significant defense expenditures. I would note that the country in this group with the highest spending is Japan, which spends less than one-sixth as much as the United States. These are major allies who would be partners in any conflict affecting their interests, whether in Europe or in Asia. Together they spent almost $190 billion in 1994.

The United States spends almost one one-half times as much as all these allies combined. And they would be partners with us in many conflict situations, so their spending should be considered a supplement to our own.

Finally, there is the category of nations with interests inimical to our own, sometimes called rogue nations, most of which are suspected or known to be pursuing ballistic missile and weapons of mass destruction programs. This includes North Korea, Iraq, Iran, Syria, Libya, and Cuba. All together, their spending totals almost $14 billion, which is nearly 20 times less than what the United States alone spends. So our spending is massively higher than all these nations combined.

This is just to keep in perspective the fact that our military spending is far greater than that of the nations about which we are concerned, and our military capabilities are also far greater.

I thank the Chair and I thank my good friend from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I again solicit from our distinguished colleague from Nebraska a reply with reference to my observations about the CBO report, a copy of which he now has.

Mr. EXON. I am glad to reply. I have only 4 minutes left for closing remarks.

Mr. WARNER. How much time does the Senator from Virginia have?

Mr. EXON. Will the Senator yield me time to answer?

The PRESIDING OFFICER. The Senator from Virginia has 22 minutes 42 seconds.

Mr. WARNER. I am happy to have my friend reply on my time.

Mr. EXON. I thank the Senator.

I think the Senator asks a very legitimate question. We have checked with the comptroller at the Pentagon for the answer. The answer is quite obvious when you recognize that when we look at the various charts here, we are talking about direct spending and indirect spending.

Certainly, the funding tail that I referenced is a very real thing. The Congressional Budget Office, in making their cost estimates, looks at direct spending. And then there is indirect spending. The initial airplanes, helicopters, ships, and so forth that we have, as far as the chart that the Senator referenced is concerned, is right. But that would contemplate, I would say to my friend from Virginia, that we would buy this additional equipment and then we would not use it.

So, at least primarily, the difference between what the Senator has referenced as zero in his chart does not address what the Pentagon tells us, the comptroller at the Pentagon, who, I think we both agree since we know him and trust him, says that the problem that you have is that not all of the direct and indirect spending expenditures for this equipment have been considered. Therefore, the Pentagon has done that analysis, which is not part of the CBO cursory review. They conclude that it will take $25 million more, if we go ahead and purchase the equipment, and then use it, than is included in the budget. This, I think, can best be described as an indirect spending impact that has a very definite effect on the budget of the Pentagon.

Mr. WARNER. Mr. President, I draw your attention to the title that says, ''Spending Subject to Appropriations Action.'' So it seems to me it is both direct and indirect. I think the most that can be made of this argument is that we come to a draw. Clearly, the comptroller of the Department of Defense, as you say, is a very distinguished former staff member of the Armed Services Committee, in whom we repose a lot of confidence.

Mr. EXON. That is correct.

Mr. WARNER. They say one thing; the Congressional Budget Office says the other. They are diametrically opposed on this question of the tail spending. I think that is the most that can be stated out of this debate. It is kind of like that great statement, ''If you take the economists and you lay them end to end all around the Earth, they still don't reach a conclusion.'' Is that not right, Senator?

Mr. EXON. No, that is not right. I reply on the Senator's time. I happen to have the feeling that the comptroller at the Pentagon is a very honest, straightforward individual.

Mr. WARNER. I am not questioning his integrity.

Mr. EXON. I am glad we straightened that out.

Mr. WARNER. I am glad we straightened that out, too. I was, in a friendly way, giving the Senator a draw on this debate. But if the Senator wishes, I will go with the CBO.

Mr. EXON. I always have the highest regard for my friend from Virginia, and he knows that. If we want to go to a draw on this, let us call it a draw and move on——

Mr. WARNER. Splendid.

Mr. EXON. To the discussion of how we can justify this increase that is not requested by the Pentagon.

Mr. WARNER. Mr. President, we are awaiting the distinguished Senator from Indiana, who is quite an authority on this subject, a member of the Armed Services Committee, as is the Presiding Officer. I shall yield to him such time as he may require.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I now yield the balance of the time under my control to the distinguished member of the Armed Services Committee, Mr. COATS. Mr. President, before that, I ask the Senator how much time is required?

Mr. COATS. Probably not more than 10 minutes.

Mr. WARNER. Then the chairman of the committee will require some additional time. How much time is remaining?

The PRESIDING OFFICER. The Senator from Virginia controls 12 minutes 30 seconds.

Mr. THURMOND. I will take 7 or 8 minutes.

Mr. WARNER. I ask unanimous consent that the Senator from Indiana have, say, 9 minutes, and that the distinguished Senator from South Carolina have 7 minutes.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Indiana.

Mr. COATS. Thank you, Mr. President, I say to my colleague that I will not take the full 9 minutes unless I need it. Otherwise, I will yield some back.

I rise to question the Department of Defense's recent assertion that the Senate Armed Service Committee authorization for fiscal year 1997 will create huge costs in years to come. This information has come somewhat as a surprise, since the Congressional Budget Office recently reviewed the committee's fiscal year 1997 authorization and found no additional spending attributed to the committee's decision. And so we have somewhat of a disconnect here between the assertions of the Department and the CBO analysis of the committee's action. I know this has been discussed on this floor, and I think it is important for Members to hear the other side of the issue.

When Secretary Perry, Deputy Secretary White, and General Shalikashvili met with the Armed Services Committee members last week, Under Secretary White asserted that the funding additions the committee made to the budget request created a $25 billion additional cost in the Future Years Defense Program. The estimate has since been refined down to $20 billion. But since neither Secretary White nor the Comptroller, John Hamre, was able to explain at the time how such additional costs might be incurred, Senator NUNN asked that a report be provided to the committee to explain the rationale and analysis that led to their conclusion.

Mr. President, in my opinion, the Department's analysis—and in the opinions of many, including CBO—the Department's analysis of future years' costs is seriously flawed. The Department made assumptions about the effects of any funding restorations, and then did their multiplications, without any reference to the committee's own report, which explained the committee's intention.

The method of analyzing research and development accounts was to multiply any committee addition by a factor of four and add up the result. Such an analysis ignores reality. Some of the program elements provided the Department the option to use the additional funds to close out a program, but instead, the program was scored as having an outyear cost of four times the add. There was no analysis, no reference to the committee's report that outlined the committee's intentions. Simply put, the Department assumed the worst-case scenario, assumed no future savings, and did the multiplication, with a predictable result. Recently, John Hamre, the DOD Comptroller has agreed that their analysis was very mechanical and should have considered offsetting savings.

As far as the procurement accounts are concerned, the Department's own briefers admitted to having no consistent set of assumptions to score procurement accounts. In fact, briefers from DOD could not explain why they scored no future savings when old equipment was replaced, or modified with more efficient engines. They showed only outyear costs, but no savings in operation costs. This flies in the face of the Department's own information papers provided during the markup on the authorization bill. In one case, the Department's own information paper claiming outyear savings of $1.5 billion if RC–135 aircraft were reengined. Now, we find no savings were accounted for in the Department's analysis of future year costs.

So, Mr. President, let me just outline this for Members. When the committee came forward with the recommendation for purchase of new equipment, say, engines for certain types of aircraft, which engines, if modified, or if they replaced old engines, there would be an outyear savings because of the efficiencies of the new engines. Yet, that was not scored against the cost of the new equipment. That cost was taken and multiplied into outyears and labeled as a gross cost, without a net savings that come back from the efficiencies.

Here are a couple more examples: The comptroller's analysis of the two major elements of the National Missile Defense Program are scored as having a $9.3 billion outyear cost through fiscal year 2001. That is the amount that most estimate is required to field a national missile system. Yet, not even the most optimistic projections contemplate deployment of a system until 2003. When asked how this was scored, comptroller analysts had no answer, nor recourse to any consistent assumptions to explain such an assertion.

Another example: The committee recommended an authorization of $12 million for material technology because the committee had statements from the Army that $8 million would be used to complete one portion of the program, and another could be finished for an additional $8 million. The committee authorized an additional $4 million for that portion of the program, leaving an outyear tail of $4 million. The comptroller scored the program as having $48 million outyear cost, $44 million above the actual outyear cost.

For electronics materials and the space-based infrared program, the same scenario takes place. Space-based infrared was cut in this year's budget request by $19 million, with no changes made to the outyear program. When the committee restored the cut, the comptroller scored it as an outyear add, which was erroneous.

Mr. President, real life experience does not support this kind of cost analysis. Anyone in business knows that replacing aging equipment provides operating savings, otherwise, why replace it? Also, anyone with common sense knows that buying systems at economic quantities saves money both now and later. This is what the committee did. In many cases, the committee actually restored cuts in programs made by the Department—cuts that drove up unit costs—and now the Department scores the restorations as having outyear costs.

Mr. President, the notion that the committee's authorization will drive the Department to outyear spending does not square with our analysis or square with reality. In fiscal year 1996, the committee authorized spending at a level above the administration's request.

This year, the administration forwarded a reduced fiscal year 1997 request to Congress. Following the Department's logic in this analysis, the fiscal 1997 request should have increased, not decreased.

Mr. President, the $20 billion outyear tail from this authorization does not exist. The analysis that asserts so is now in its sixth version in the last few weeks. It is no analysis, but rather an assertion that does not square with the facts. We would be better off to take General Shalikashvili's words at face value because when testifying before this year's Defense Department posture hearings, he was asked about last year's authorization, whether it was needed equipment, or whether it was ''congressional pork.'' He answered that:

> I think that the vast majority of the money was against things that we were going to buy later. They were brought forward as a result of what you did, and in many, probably all cases, in the long run will result in savings, because we are able to get them sooner at a more advantageous price.

If you are going to buy it anyway, and you can buy it in a quantity now, which gives you unit cost savings, then why not buy it now? You do not score that as an extra add-on. You score that as a savings, or at least you take the total and offset the savings you gain from buying in quantity. I mean, that is common sense. If you are going to buy one car, you are going to pay a different price than if you buy a fleet of cars. If you know you are going to end up buying the fleet, and you can do the add now and get the unit cost down, it only makes sense to do so.

Mr. President, the analysis that says any modernization now is an expense in years to come cannot be taken seriously. More serious thought should be given to the Department's continuing reductions without any changes in its stated goals or strategy. Ad hoc assertions, such as this offering by the Department, should be cause for questions about any underlying framework or analysis for our national security other than what the present administration is willing to request.

Mr. President the issue at hand is this: the administration says its strategy is sound but does not provide the resources to carry it out—and when those resources are authorized, it complains of future costs. This all happens while defense spending declines and operational tempo increases. Mr. President it is time to relook at defense

strategy from a more thoughtful vantage point, and to take a careful look at the relation between policy goals and resources. This so called analysis adds nothing useful to the debate.

Mr. President, I thank you for the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for up to 7 minutes.

Mr. THURMOND. Mr. President, I rise today to oppose this amendment offered by my good friend Senator EXON, and will make my statement short. We have had long debates on defense spending, not only on this bill, but during the budget resolution debate. During these debates, some of my colleagues have argued that the money for defense is unnecessary, and they have always found other uses for this money.

Mr. President, thankfully, this body has not agreed with these arguments and has provided the resources necessary to meet our national security needs. There are many risks associated with the administration's decision to continue to underfund defense. Our Nation's top military leaders have assessed those risks and have explained their concerns, not only in Armed Services Committee hearings, but in hearings in many of the other defense committees. The Armed Services Committee has received testimony concerning defense spending and here are just a few comments that were offered. Secretary of Defense Perry testified:

> . . . the modernization account in fiscal year 1997 will be the lowest it has been in many years, about one third of what it was in fiscal year 1985.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, testified:

> We preserved our readiness and force structure at the expense of modernization and equipment replacement . . . . So much that our procurement accounts has actually shrunk to just below $40 billion, the lowest level since the Korean War. . . . This procurement hiatus . . . cannot be sustained indefinitely.

Each of the Service Chiefs and Secretaries expressed similar concerns, but I will not take the time to go into each of their testimonies to the committee. We have received assurances that next year will be better. But then again, that assurance has been rendered since 1993 and it still has not happened. Admiral Owens highlighted this problem when he said, ''We've got to stop promising ourselves and start doing something about this procurement issue . . .''

The administration proposes to reduce defense again this year by $18.6 billion from fiscal year 1996 levels in real terms. Will the Defense Department do less next year? Will we ask less of our military services—of our soldiers, sailors, airmen, and marines? What will be reduced to account for this $18.6 billion reduction? Already press report indicate that the administration might be considering extending United States forces in Bosnia beyond December 20, the date on which United States forces should be withdrawn. Even without this extension, costs for this operation have increased for the 1st quarter of fiscal year 1997 by $184 million, and we are told these costs will increase again. The decreases in defense spending planned by the administration are occurring at the same time our military personnel are asked to do more and more.

It bears repeating that providing for the national security is the Federal Governments's first obligation to its citizens. I ask my colleagues to remember these words by General Fogelman, Chief of Staff of the Air Force:

> When I look back to the debacles this country has gotten itself into coming out of a period similar to what we are in [now], in many cases it has been because we have ignored the threats that we could not see . . . We were not sharp enough to pick them up . . . If we do not look to the future I think we are going to find ourselves faced with that kind of situation.

Mr. President, I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum, and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant 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.

The Senator from Nebraska.

Mr. EXON. Mr. President, I assume that all time has been used in opposition to the Exon, et al., amendment.

I would like to inquire as to how much time is left on our side on the Exon, et al., amendment.

The PRESIDING OFFICER. Two minutes and 14 seconds the Senator from Nebraska controls.

Mr. EXON. I thank the Chair. I yield myself such time as I might need.

Mr. President, I ask unanimous consent that Senator BYRD, a member of the Armed Services Committee, Senator FEINGOLD from Wisconsin, and Senator HARKIN from Iowa be added as cosponsors to the amendment.

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

Mr. EXON. Mr. President, in the limited time that I have remaining I would like to have the opportunity to recap the arguments for the Exon amendment.

I would first like to point out for the full understanding of all that this is the only amendment that has any chance or likelihood of passage for making any meaningful reduction not previously contemplated in the defense budget. I voted against the previous amendment by Senator WELLSTONE that would have reduced and eliminated all of the $13 billion increase over and above what was requested in the President's budget and not requested in the Pentagon's budget.

I simply say that all should understand that in essence the Exon amendment sponsored by many of my colleagues is in net effect reducing by only $2.4 billion the spending authorized by the Armed Services Committee and the combined action with the budget resolution. That is a far cry from the attempt by the Senator from Minnesota that—which this Senator had some sympathy for—I voted against, an attempt to show how reasonable and how minimal the approach is as being offered by this Senator from Nebraska and several of my colleagues.

To put it another way, it is quite similar in its total approach to a measure of 2 years ago commonly called the Exon-Grassley amendment that made minor reductions in the defense authorization bill but was scorned at that time by some as though we were trying to devastate the national security interests of the United States. Let me explain further how minimal this proposition is.

There has been a great deal of talk today about the fact that there was a reasonable proposal that would follow to be offered by the Senator from South Carolina and the Senator from Georgia which would reduce the Defense authorization bill from the figure of $13 billion increase over and above what the President and the Pentagon had requested down to $11.4 billion. That would be about a $1.6 billion decrease from what the Armed Services Committee had authorized.

The facts are, as I suspect the chairman of the committee and the ranking member would agree, they have no alternative. The Senate has already spoken in the budget resolution. The budget resolution reduced the $13 billion 1-year increase, over and above what the President and the Pentagon want, down to $11.4 billion. That was in the budget resolution. Obviously, unless that was reduced from a $13 billion increase over and above what the President and the Pentagon want, the authorization bill by the Armed Services Committee would be in violation of the Budget Act. So the fact that we are about to be offered an opportunity to cut the fabulous increase by $1.6 billion is a foregone conclusion because we had already acted on that previously on the budget resolution.

Therefore, it is hard to say that that is a real cut. Likewise, the amendment offered by the Senator from Nebraska and others takes that $1.6 billion that we have agreed to now to be reduced and added an additional $2.4 billion cut or decrease over and above what the President and the Pentagon requested, for a net increase—a net increase for 1 year, mind you—of $9 billion over and above what the President and the Pentagon requested.

That is a pretty healthy increase. If there is anyone on this floor who wishes to show some modest, reasonable

step toward balancing the budget of the United States, the thing to do today would be to say, OK, we have to give some with regard to the defense budget, because the defense budget, obviously, with its vast multibillion-dollar increase, while we are reducing the real needs of Medicare and Medicaid and education and the environment and other programs, flies in the face of reality.

Another way to put that, Mr. President, would be to say this is a chance for people who preach fiscal discipline, who want a balanced budget by the year 2002, who want a constitutional amendment to guarantee that by the year 2002, with this modest amendment offered by the Senator from Nebraska and others to practice what they preach.

There have been some things said today in this Chamber during this debate about Admiral Boorda, our late and dear colleague, who was very close to this particular Senator. The statement has been made that Admiral Boorda was asked what more money could he use as head of the Navy if he had it.

That is like saying to a military leader, is there anything at all that you would like to have if you had a blank check?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator's 8 minutes have expired.

Mr. EXON. Have I used up my time?

The PRESIDING OFFICER. Yes.

Mr. EXON. I ask unanimous consent for 1 additional minute to close.

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

Mr. EXON. I simply say that Admiral Boorda or any other military leader, given such an opportunity, would be derelict in his duty, it seems to me, if he could not come up with some concept or idea. That is the wish list that I talked about earlier.

The last time I saw Admiral Boorda was shortly before his death when he came to my office. I said, ''What can I do for you, admiral?'' He said, ''You can't do anything for me, Senator. I just want to thank you for the great support that you have given the U.S. Navy all of these years.''

So I do not propose to speak for Admiral Boorda, but I simply say that I think Admiral Boorda, when he signed onto the real needs of the Navy, meant just what he said. And I suspect that if Admiral Boorda were here, he would say that you should take a close look, Senators, at adding $9 billion over what myself and other members of the Joint Chiefs recommended as incorporated in the President's budget.

Mr. President, I urge adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Is there a sufficient second?

Mr. THURMOND. Mr. President, I second.

The PRESIDING OFFICER. There appears to be.

The yeas and nays were ordered.

Mr. EXON. Mr. President, I ask unanimous consent that following my remarks there be printed in the RECORD a letter dated June 19, 1996, to myself, Senator BINGAMAN, and Senator KOHL, from the Taxpayers for Common $ense in support of the Exon amendment.

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

TAXPAYERS FOR COMMON $ENSE,
June 19, 1996.

Hon. JAMES EXON,
Hon. JEFF BINGAMAN,
Hon. HERB KOHL,
U.S. Senate, Washington, DC.

SENATORS EXON, BINGAMAN AND KOHL: Taxpayers for Common $ense is pleased to support your amendments to the FY 97 defense authorization bill to cut the overall level of defense spending by $4 billion. With Congress working to reduce the deficit, this cut is a fair compromise on the defense budget.

The Department of Defense (DOD) bill authorizes $13 billion in budget authority above the President's request. It seems questionable to offer such a large increase to the budget of an agency whose accounting systems and practices are so weak. In 1995, the DOD Comptroller gave up trying to find $15 billion in ''missing'' DOD funds. Government investigations have revealed that out of 36 Pentagon agencies audited last year, 28 of them used records ''in such terrible condition'' that their financial statements were ''utterly useless.''

Every agency is being asked to examine its own budget and implement effective spending strategies. In light of the fact that $4.6 billion of the Committee's $13 billion increase was not in the Future Years Defense Plan, a $4 billion cut merely attempts to bring the defense budget in line with all the other agencies.

Taxpayers for Common $ense supports your efforts in working toward a balanced budget. This amendment is the first step toward fiscal responsibility for the Pentagon. We urge all members of the Senate to support your amendments.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Senator THURMOND is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. At this time, I ask unanimous-consent that yesterday's agreement on minimum wage be further modified to allow for the two leaders to void this agreement up until the hour of 5:30 p.m. today.

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

Mr. EXON. I am sorry; I could not hear the Senator.

What was the unanimous consent request, I ask my friend from South Carolina, to do what at 5:15?

Mr. THURMOND. To allow for the two leaders to void this agreement up until the hour of 5:30 p.m. today.

Mr. EXON. I have no objection. I thank my friend from South Carolina.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. May I inquire of the Chair as to the anticipated procedures? I understand we are stacking votes until sometime to be determined later by the two leaders. I assume that the next order of business under the unanimous-consent agreement would be the amendment to be offered by the distinguished chairman of the committee and the ranking member with 20 minutes equally divided. Is that now the pending business before the Senate?

The PRESIDING OFFICER. The Senator is correct.

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

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

AMENDMENT NO. 4346

(Purpose: To reduce the total funding authorized in the bill for the national defense function to the level provided in the Concurrent Resolution on the Budget for Fiscal Year 1997)

Mr. THURMOND. Mr. President, I send an amendment to the desk on behalf of myself and Senator NUNN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. NUNN, proposes an amendment numbered 4346.

Mr. THURMOND. 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:

After section 3, add the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

Mr. THURMOND. Mr. President, this amendment recognizes that the Defense authorization bill is currently $1.7 billion over the amounts provided for in the concurrent budget resolution for fiscal year 1997, and reduces the spending authorizations in this bill to comply with the budget resolution.

Mr. President, the committee finished its markup of the Defense authorization bill prior to the budget resolution being resolved and even before the Senate version was passed. This amendment reduces the spending amounts authorized in this bill to be in compliance with the fiscal year 1997 budget resolution.

It is a simple amendment. Senator NUNN and I ask for our colleagues' support. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, I rise in support of the amendment offered by the chairman of the committee, Senator THURMOND. We are offering this amendment to reduce the overall funding level in this bill to comply with the budget resolution.

Although the authorization bill is not technically required to conform to the budget resolution, our committee has always tried to conform its recommendations to the budget resolution, to the maximum extent possible, in order to keep our work relevant to the overall process and to give firmer guidance to the appropriations bill.

This amendment lowers the national defense total funding authorized in this bill by $1.8 billion, to a level providing for the national defense function contained in the fiscal year 1997 budget resolution of $265.583 billion.

This amendment is in the form of an overall reduction. It does not attempt to amend the bill in the dozens of places that would be necessary to make all the detailed reductions, nor does it spell out the even more numerous changes to all the line items in the report language but which are not part of the bill. In my view, that kind of procedure is not necessary or productive at this time.

This amendment ensures, however, that the total authorized for defense in this bill matches the budget resolution. The committee will make the appropriate detailed adjustments during our conference negotiations.

Mr. President, I will just take a brief period here to explain how we got to this point. The answer is simple. When we marked up our bill, there was no 1997 budget resolution number to mark to—no House number, no Senate number, no conference number. Our colleagues in the House were in the same situation. Their bill was reported and brought to the floor even earlier than this bill was. The House did not lower their version of this authorization bill on the floor to comply with the budget resolution. Their bill passed the House on May 15, before the budget resolution had gone to conference or even passed the Senate. The House bill exceeds the final defense spending level in the budget resolution by $1.1 billion in budget authority and eight-tenths of a billion in outlays. This armed services bill was ordered reported on May 2, while the Senate version of the 1997 budget resolution was not ordered reported until May 9.

Because this bill was marked up before there was a Senate budget resolution or a House budget resolution defense number for 1997, we used the target for fiscal 1997 from last year's fiscal budget resolution, which was $267.3 billion in budget authority. It was the only funding target available for us to use. Furthermore, although the House version, like the Senate version, was reported after our Senate Armed Services Committee markup was completed, the defense number in the House version of this year's budget resolution was $267.2 billion in budget authority and was also consistent with the guidance from last year. In other words, we had two different numbers from the House and Senate that had to be reconciled in conference.

Even after we did get the top line funding targets from the Budget Committees, we still had no definitive guidance about what our number would be. Since one of those two targets was basically what we had marked to, there was at least a chance we were already at the right number. So it did not make sense to try to change it before the budget resolution conference was concluded. So it was not until the budget resolution conference completed it on June 7, and adopted it on June 13, that we knew what the defense number would be. The budget resolution conferees adopted the Senate's defense number. According to the Congressional Budget Office, the national defense authorization level in our bill was equivalent to $267.4 billion in budget authority and compared to the budget resolution's budget authority level for national defense of $265.6 billion. That means our bill is over the budget resolution conference by $1.779 billion in budget authority, although it is right on target in terms of outlays, or actual cash. Because our bill was sequentially referred to the Intelligence Committee, which reported it out on June 11, for all practical purposes, we had no way to redo the bill before it came to the floor.

Mr. President, I have explained why it is impractical, if not impossible, to redo our bill to comply with the budget resolution before considering this bill on the Senate floor. However, this amendment will bring the bill into compliance with the budget resolution number.

This amendment would reduce the amount in the bill by $1.8 billion. The bill would be $11.2 billion above the President's budget request, but, again, will be lower than last year's bill and last year's defense total in real terms. So the defense budget is still coming down, in real terms, and this amendment will not change that.

Mr. President, I urge the adoption of the Thurmond-Nunn amendment, and I also urge the Senate to vote against the Exon amendment, which cuts more substantially than does the Thurmond-Nunn amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest we yield back the time, and we will do so on our side.

Mr. NUNN. Mr. President, I yield back all the time we may have.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

AMENDMENT NO. 4347

(Purpose: To restore funding for certain educational and employment assistance programs to levels requested by the President in authorizing the Secretary of Defense to transfer defense funds that are excess to the funding levels provided in the future-years defense program and to other funding objectives of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps)

Mr. WELLSTONE. Mr. President, I am going to, in a moment, send an amendment to the desk in behalf of myself, Senator BUMPERS, Senator BOXER, Senator FEINGOLD, Senator HARKIN, and Senator WYDEN. We may have other cosponsors to add.

I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. BUMPERS, Mrs. BOXER, Mr. FEINGOLD, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 4347.

Mr. WELLSTONE. 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:

At the end of subtitle A of title X add the following:

SEC. ___. TRANSFERS FOR EDUCATION AND EMPLOYMENT ASSISTANCE PROGRAMS.

(a) EDUCATION PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Education—

(1) $577,000,000, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a), relating to Federal Pell Grants;

(2) $158,000,000, to carry out part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.), relating to Federal Perkins Loans; and

(3) $71,000,000, to carry out part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), relating to Federal Direct Stafford/Ford Loans.

(b) EMPLOYMENT ASSISTANCE PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Labor—

(1) $193,000,000, to provide employment and training assistance to dislocated workers under title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.);

(2) $246,000,000, to carry out summer youth employment and training programs under part B of title II of the Job Training Partnership Act (29 U.S.C. 1630 et seq.);

(3) $25,000,000, to carry out School-to-Work Opportunities programs under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 2101 et seq.); and

(4) $40,000,000, to carry out activities, including activities provided through one-stop centers, under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, this amendment takes a small part of the over $13 billion more authorized for the Pentagon than the Pentagon requested, and out of this figure—initially it was $13 billion and now after adoption of the Nunn-Thurmond amendment it will be about $11 billion—this amendment transfers by way of authorization $1.3 billion. In other words, out of the original $13 billion—that is over what the Pentagon says it needs for our defense, now pared down a little bit—this amendment would take $1.3 billion and transfer that to a number of different key education and job retraining programs.

I am going to spend most of my time talking about higher education, because when I think about what regular people talk about I can tell you right now that in Minnesota, families are talking about the cost of higher education and how it can be more affordable for their children or their grandchildren, or for themselves.

This amendment restores funding to the level authorized by the President for the following programs: Pell grants, $577 million—Perkins loans, $158 million; direct student loans, $71 million. So the higher education total is about $806 million.

In addition, there are some other programs that we want to at least get back to the level of authorization in the President's proposal. Dislocated workers, $193 million; summer youth jobs, $246 million; School-to-Work, $25 million; and One-Stop Job Training Centers, $40 million.

I do not think it is too much to ask, given the priorities of regular people, of families across the country, that we transfer $193 million out of an overstuffed military budget, for dislocated workers; that is to say, men and women who are out of work because of plant closings, out of work because of restructuring and downsizing. This is the story of America. People can work hard all their lives and all of a sudden find themselves out of work.

I am saying, what are we doing as I look at what the House has now proposed, cutting funding for dislocated workers? What kind of a distorted priority is that?

Summer youth jobs: This is a program that has had strong bipartisan support for a good many years. We cannot restore $246 million for the whole Nation for summer youth jobs?

Again, I want Senators who are going to vote on this amendment to understand how modest this proposal is. I am talking about taking just $246 million and restoring the authorization level that the President requested to where it was, $246 million more than had been cut from summer youth jobs.

Senators, if we are concerned about young people, if we are concerned about the violence in our communities, then we have to have positive alternatives for young people.

When I talk to people who are working in their communities and are down in the trenches dealing with problems of violence, problems of recidivism, and problems of young people, they put a strong emphasis on summer job programs.

School-to-Work: A sum total of $25 million. This puts students in, if you will, real life situations. It connects the schooling to a work experience. It is enormously successful.

We had testimony in the Labor and Human Resources Committee from labor, from business, from people in metropolitan communities, from people in rural communities, all saying that the School-to-Work Program is a huge success. What are we doing cutting opportunity programs for children in America?

Finally, One-Stop Job Training Centers, $40 million we want to restore—$40 million for a program, again, that has been enormously successful in Minnesota, with my State among those, by the way, taking the lead, eliminating a lot of the duplication, eliminating a lot of the bureaucracy and providing a job training program that makes sense for our citizens who are anxious to be retrained and to find employment.

I thought that was what it was all about—employment opportunities for Americans, employment opportunities for Minnesotans, employment opportunities for men and women in our country.

Mr. President, that is a total of $504 million for key job training efforts. I am talking about programs that work, that have a proven track record. I am talking about the fact that we do not or ought not to cut into assistance for dislocated workers. We ought not to cut summer youth job programs. We ought not to cut the School-to-Work Program, and we ought not to cut job training programs. These are distorted priorities.

We do not know what the Senate appropriators are going to do yet in these areas. But we look at the House, and we already see where they are heading. They just do not get it. Well, this amendment is an effort to prompt the U.S. Senate to now speak on this question, and hopefully to temper the passions of extremists in the House who would slash these programs.

Mr. President, let me talk about higher education and provide some context first.

In terms of education funding, just looking from 1992 to 1997, which is a critical period of time that we ought to look at, the time the President came in until now, what you had was from 1994 to fiscal year 1995 small increases for funding for education across the board, higher education being the main piece for the Federal Government.

But starting in fiscal year 1995 with the rescissions bill, and then with this year's appropriations bill and the fiscal year 1996 and fiscal year 1997 budget resolutions, each year since the new majority came in we have seen a percentage cut in the Federal commitment to education. For example, in the Federal commitment to title I, a program that gives kids that come from difficult backgrounds an opportunity; cuts in vocational education; cuts in School-to-Work; cuts in Head Start; cuts in Pell grants; cuts in low-interest loan programs; cuts in direct student loan programs.

Mr. President, these are distorted priorities, and this amendment is but a small step to restore about $1.3 billion—$1.3 billion—from what was an original overrun of $13 billion, likely soon to be about $11.5 billion. Just take one-tenth—10 percent—of this additional expenditure of money that the Pentagon did not ask for, take 10 percent of it and invest it in education, take 10 percent of it and invest it in programs that benefit dislocated workers, invest it in job training, invest it in summer youth programs. I do not know how the Senate can vote no. This is such a clear priority to me.

Mr. President, these education cuts deny opportunity to young people and, as a matter of fact, not so young people, since many of our college students, community college students are 40, 45 when they go back to school. I thought that we were all about expanding opportunities. Well, this is an effort to at least restore some semblance of funding to higher education.

Newsweek, April 29, 1996, had a jarring front page:

$1,000 a week
The Scary Cost of College

Private college, not every week of the year, but tuition, room and board and other expenses, $1,000 a week. Senators, if you do not think this is not a middle-class issue, if you do not think the cost of higher education does not cut across a broad spectrum of the population, and if you do not think a vast majority of people in cafes all across Minnesota and all across this country do not believe it appropriate to take just $1.3 billion out of a bloated military budget to cover the cost of higher education—Pell grants, low interest Perkins loan program, or the direct loan program—then I just think you're making a huge mistake.

Look at this next chart. ''The Price of Public Universities.'' We talked about private universities. ''Average total expenses estimated for a 4-year public education.'' Just looking at the costs from 1980 to 1996, costs went from $6,000 to $9,000, in constant 1996 dollars—$6,000 average cost for a 4-year public education, higher education, now up to $9,000, the price of public universities.

Senators, this is why so many of the students that I meet in Minnesota take 5 or 6 or 7 years to graduate, because they are working two and three minimum wage jobs to cover the costs, and the financial aid package they get by way of Pell grants and the Perkins loan program does not cover it.

I have said it before and I will say it again. I meet students over and over and over again that take 6 years to graduate because they are having to work 35 and 40 hours a week because we are not doing our job here. We have not responded.

We have not responded to the basic concern of families in Michigan, in Minnesota and across the country because what they are saying to us is, if there is a role for the public sector and a role for Government, it certainly is in making sure higher education is affordable.

Next chart.

This is ''Growth in Per Capita Personal Income v. Tuition and Fees.'' Community colleges, as you look at this from 1978–79 to 1994–95, this period of time, for community colleges tuition fees have gone up 239 percent, per capita personal income 159 percent; technical colleges have gone up 416 percent, per capita personal income 159 percent; State universities have gone up 200 percent. The University of Minnesota has gone up 178 percent.

So the point is that what we have is a situation where for the vast majority of families in Minnesota and in the country this is a huge economic squeeze. It is imperative that we provide some assistance. And this amendment says that if you are going to look at what our priorities ought to be, we should take at least $1.3 billion out of the Pentagon budget, with an authorization soon to be about $11 or $11.5 billion more than requested, we can take 10 percent of that and transfer that funding to at least provide more assistance in the form of Pell grants, low interest loans, summer job programs, and so on.

Mr. President, just look at the Federal Pell grant awards from 1973–74 to 1994–95. In 1975–76, the actual maximum award of a Pell grant was $3,649, in real dollar terms. It is now down to $2,268.

So what happens with most students is that as they look at their financial aid packages, they get very little by way of grants, and middle-class families feel this more than anybody. If you are low income, you at least are going to be able to obtain some grant assistance. If you are wealthy and high income, you can pay for it, your family can pay for it. But for the bottom 80 percent of the population or certainly those people who are in the huge middle, they are fast becoming unable to afford higher education.

What this amendment says, one more time, is that out of the total Pentagon budget, now authorized at over $13 billion more than the Pentagon even says it needs, we should be able to transfer $1.3 billion to at least get the Pell grants, to get the Perkins low interest loans, to get the direct student loans, to get school-to-work, to get summer youth jobs, to get key job training programs up to the authorization level the President requested. That is what this amendment is all about.

Mr. President, I designed this amendment as a very moderate approach, and I am hoping to get widespread support for it. I do think this amendment represents a little bit of a test case as to what our priorities are all about, because it does seem to me that the vast majority of people in the country have spoken. They have spoken in polls, they speak to us when we have town meetings back in our States, they come up and talk to us when we are in cafes. All the time, people are coming up and they are saying, ''If you want to do one thing, Senator, that would really help my family, please try to make higher education more affordable.''

This amendment does exactly that. It is only a small step. It only transfers $1.3 billion out of a total defense budget of $267 billion. I would argue that affordable higher education is in our national security interests. Students having opportunities is in our national security interests. Investment in education is in our national security interests. Providing a little more funding for the Pell Grant Program is in our national security interests.

Out of a $267 billion budget authorization for the Pentagon, with all the reports that we have had about the waste and the inefficiencies and the moneys that can be saved, we cannot transfer $1.3 billion for education? That is what this amendment is all about. That is what this amendment is all about.

Mr. President, I reserve the remainder of my time. Other Senators may be down here to speak. I reserve the remainder of my time to follow up on what my colleagues might say on the other side.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to oppose the Wellstone amendment, which would reduce defense spending to below the budget resolution.

Let me be clear, Mr. President. The amendment that has been offered is really a nullification of the Budget Committees' recommended increase to the President's budget request. I believe that the Budget Committee has acted wisely and prudently in recommending an increase to the President's inadequate request for defense.

In order to buy the same level of national security in 1997 as we did in 1996, the defense budget would have to be $273 billion. The President's request is $18.6 billion below this. The Budget resolution proposes to increase the budget for defense by $11.2 billion; therefore, we are still $7.4 billion lower than the fiscal year 1996 level of funding in real terms. Does the Senator from Minnesota believe that our Armed Forces will be asked to do less in fiscal year 1997 than they did in fiscal year 1996?

The question we should be asking, therefore, is not whether we should be reducing the defense budget even further. Rather the question should be: What additional risks are we taking by not increasing the defense budget to the $273 billion necessary to maintain the fiscal year 1996 level of military capability? Our Nation's top military leaders answer that question.

General Shalikashvili, Chairman of the Joint Chiefs, says he is ''very concerned that our procurement accounts are not where they ought to be.''

General Reimer, Army Chief of Staff, says that ''further deferral of modernization will incur significant risk to future readiness.''

Admiral Boorda, former Chief of Naval Operations, said: ''If we do not modernize, we ultimately place future readiness at risk.''

General Fogleman, Air Force Chief of Staff, says that ''Unless we recapitalize, we are not going to be ready to meet the threats of the future.''

And General Krulak, Marine Corps Commandant, says that: ''The Marine Corps * * * cannot absorb further reductions without sacrificing critical core capabilities.''

Even Secretary of Defense Perry admits that without an immediate increase in modernization—of which procurement is the major part—''we will start to have a real problem.'' Mr. President, when our top civilian and military leaders use terms such as ''very concerned,'' ''significant risk,'' ''critical'' and ''real problem'' in open testimony, one can only imagine what their private assessments would be.

Our defense needs are underfunded, from both a historical and operational point of view. We are at the lowest level of defense spending since 1950. Procurement has been reduced by 70 percent since 1985, and by more than 40 percent under the Clinton administration. Programs to support our service men and women's quality of life are inadequate. Our ability to protect our soldiers from ballistic missile attacks suffers from lack of funding and commitment. Our military research and development is anemic. If anything, we should be considering amendments which provide floors—not ceilings—on defense funding.

I realize that our great Nation has numerous domestic and international obligations. But none—I repeat, none—of these obligations rises to the level of our responsibility to provide for the common defense. Protection of our Nation's citizens is the Federal Government's first order of business. Without meeting this paramount obligation, the basic guarantees of life, liberty, and the pursuit of happiness can easily become empty promises.

Defense spending is now at its lowest level in the second half of this century. This half century has been the era of American superpower status. Our superpower status is not something we can maintain cheaply. We won the cold war through our steadfastness and robust military capabilities. Yet, we are asked by the administration and supporters of this amendment to continue undermining our military capabilities.

I hope the Members of the Senate will agree with me that we cannot afford for our Nation to be less vigilant,

less capable, and less ready. I strongly urge the Senate to vote against the Wellstone amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. NUNN. Mr. President, I will not make long remarks. I endorse the remarks made by my colleague and chairman of the committee, Senator THURMOND.

I would also say, in all deference to my good friend, Senator WELLSTONE, this is a debate that we have had already this year. That was on the budget resolution. This is shifting money from the defense account to the education account. I am a strong supporter of education. I have been a strong supporter of education since I have been in the Senate. I think some of the recommendations from the majority side, both the House and Senate, have been much too severe on education. I applaud President Clinton's strong stand on behalf of education.

But that debate is over for this year. We have already decided the budget resolution. This would revisit the budget resolution and would reverse the basic allocations made after a large and long debate on the budget resolution, so I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, just a quick response to the Senator from South Carolina, whom I consider to be a good friend. I say this out of friendship. This amendment would not necessarily mean that we would be below the budget resolution because the amendment that he and Senator NUNN have introduced has not been agreed to yet.

So it is not quite the case yet. But, more important, Mr. President, out of $267 billion, we cannot find $1.3 billion when you have the Pentagon's own spending watchdog saying last year they concluded they did not even know how they spent $13 billion, did not even know what happened to the money, and you are saying to me that we cannot find $1.3 billion to restore some funding for Pell grants, to restore some funding for Perkins low-interest loans, to restore funding so higher education is more affordable, to restore some funding for dislocated workers, for the School-to-Work Program, for the summer jobs program?

I think it is just a distorted priority. I am tempted to ask my colleagues from every State, Democrats and Republicans alike, don't you find students that are just having an impossible time affording their college education?

Don't you have parents coming up to you and saying, ''Can't you do something to make sure higher education is more affordable?''

Don't you find that in your States, there are all sorts of students who are not receiving the grants and the loans that they need?

Don't you find that educational opportunities are being narrowed for your citizens?

Don't you believe that this goes against the national interest for our country?

Don't you think that the citizens back in your States, whether they are Democrats or Republicans, believe it is a reasonable proposition that we can take $1.3 billion out of a $267 billion authorization and transfer that so we can do a little bit better by way of supporting education; that we can take $1.3 billion—that is about 10 percent of the additional $11 billion that is over what the Pentagon even asked for, and less than 1 percent of the overall defense budget—and put it into education? I mean, I think that regular people believe that this amendment is eminently reasonable. I think the vast majority of citizens in this country believe that to be the case.

Look, we heard all this discussion about a strong defense, and I admire my colleagues. I do not think there is anybody in the Senate who does not defer to Senator NUNN when it comes to his expertise, his commitment to our national security. His retirement from the Senate is a huge loss for the country. But I also know that we continue to have some of these problems of add-on projects, accelerating expenditures of money for weapons systems, some of which could be obsolete.

By spending far more than the Pentagon requested, we are prejudging the major study that we all voted for yesterday, to really look at our force structure and to really look at modernization and a host of other issues. There is pork in this bill. There are special projects for Senators back in their States. There is waste and inefficiency in this bill, and out of $267 billion, we ought to be able to find $1.3 billion to support education and support dislocated workers and support job training and support summer youth jobs. I think I speak for the vast majority of the people in the country.

Mr. President, I withhold the remainder of my time. I also ask unanimous consent to add Senator PELL as a cosponsor.

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

Who yields time?

Mr. WELLSTONE. Mr. President, there are other colleagues who mentioned to me that they wanted to speak on the amendment. They have been trying to get down, so I am reluctant to give up all of the time. I wonder if Senators on the other side want to speak, or should we go into a quorum call?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I announce to the Senate that if any Members want to speak on this amendment, now is the time. We do not want to stay here days and days when we can finish this bill in a reasonable time. I hope they will come to the floor. Those who are watching on television, if their staffs are watching on television, get the Senators here to present their amendments so we can proceed and make progress on this bill.

Mr. President, I suggest the absence of a quorum, and I ask it to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. THURMOND. Mr. President, I now yield to the able Senator from New Mexico 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand full well Senator WELLSTONE's sentiment with reference to other programs of the Federal Government besides defense. I even understand how he specifically would like more money spent in other areas. But I would like the Senate to know that this Wellstone amendment is just a clever effort to avoid a point of order.

But before I make that case, let me say the Senate has spoken, not once, not twice, but, if I count correctly, one, two, three, four, five—has voted five times during this particular year to deny further restraints on defense spending.

When the budget resolution came before the Senate, there was an effort to reduce it by $8 billion. It lost. We had an opportunity for the U.S. Senate to speak its piece on this issue and make up its mind what it wanted to do on behalf of the defense of our country. We had another vote. Senator BUMPERS, on that same resolution, attempted to remove the firewall. That lost. In fact, it lost by a rather significant margin.

The firewall speaks most to this issue because what we have decided in the U.S. Congress—and the U.S. Senate has led that—we do not want to put the defense of our country into competition with all of the social welfare programs of our Nation, however good they may be; that we do not want the appropriators, as much as we respect them and give them the jurisdiction over spending the money, we do not want them to put additional needs of some social welfare program up against defense and say, ''Let's cut defense this year and use it on these other programs.'' That is why we put up a firewall.

The firewall is simple yet profound. Do not put the defense of our Nation under that kind of pressure on individual votes here in the U.S. Congress. If, in fact, you want to reduce defense, do it on a straight vote to reduce defense and then put the savings on the deficit so you are not tempted to try to reduce defense, perhaps beyond what it ought to be reduced, in favor of paying for some social welfare program that

maybe even everybody in the Senate might support. That is two times we voted.

Then we voted final passage of the budget resolution. It passed with a defense number in it that is just slightly different from the total authorization in this bill. Now, that is three times that the Senate would have spoken under the proposition that when you vote you mean what you say.

Then we went to conference and we came back. In conference, the House agreed to the defense number of the Senate. The Senate voted again and said that is what we want to do this year. In that was this firewall, saying, ''Don't put the social welfare structure of our Nation in competition with the defense money needed for our national defense and the men and women who are supporting us in all the various ways that we have to help them in that effort in a defense authorization bill.''

Then, Senator WELLSTONE comes and wants to take $13 billion out of defense, and that is turned down by the U.S. Senate. Later today, we will vote on an EXON amendment which would reduce the defense spending by $4 billion. My suspicion is that will get turned down.

Now, what we have is an amendment that says the Secretary of Defense—can you imagine, the Secretary of Defense—is going to be given the authority to transfer $1.3 billion of defense money to the Secretaries of Education and Labor. Now, how can we have something that is more in defiance of what we have already voted to support, which is this firewall between the domestic programs and the defense programs, than this circuitous way of getting around those firewalls?

If this were a Department of Defense appropriations bill, Mr. President, this amendment would clearly be in violation of the firewalls and would be subject to a point of order and require 60 votes. We did that in the budget this year, last year, and the year before, and on previous occasions because we meant business about not taking money out of defense every time we thought a program in the nondefense area needed more money.

Now, this is just an attempt to rewrite what we have already decided. Everybody should understand that for what it is. Unfortunately, fellow Senators, because this is an authorization bill and because of some clever drafting, this amendment is not subject to a point of order, but it does great harm and violence to the firewall concept which I have described now on four different occasions in the few minutes I have been before the Senate and why it is important and why we have stood for it on a number of occasions with up-or-down votes on the side of, ''Don't compete between domestic and defense,'' on the floor of the Senate.

It should be known for what it is: A clear attempt to violate the firewall. This amendment would also, in my opinion, make very bad law. Do we want to authorize education and labor programs in a Department of Defense bill? Do we want to make the Secretary of Defense responsible for authorizing or not of PELL grants? In my opinion, not only does this not make sense; it has the potential as a precedent for doing great harm to our ability to defend our Nation. This amendment is an artful attempt to violate the firewalls that Congress has already adopted. I repeat, in addition, it makes very little sense to adopt a budget resolution, adopt firewalls, come to the Senate floor debating a defense authorization bill that is still subject to appropriations, and have an amendment that says the Secretary has the discretion to transfer money from defense to education or to the Labor Department of the U.S. Government.

I do not know the pleasure of the managers, whether they will table or let this amendment be voted up or down. I believe we ought to let it have an up-or-down vote because I think we ought to speak very loudly and very clearly that we do not change our mind on something as important as defense and establish new precedence, in new ways, to have other programs compete with it just on a basis of who gets down here with what kind of clever amendment speaking to some kind of emotional need in an emotional way about something that is needed in our country.

I will not deny if we had all the money in the world, we might spend money on some of the things that my friend, Senator WELLSTONE, is talking about and perhaps spend more than we will on this budget resolution and appropriations, but I believe to do it this way defies common sense and it just should not be done and the Senate should send a very loud signal that this is what it is doing. It is not just trying to fund education and labor, it is trying to, in a round about way, destroy a concept that has been in place, supported by a majority of the Senate, for a very valid reason. Do not place the social welfare programs, heads-up, in competition for the defense spending of this Government once you have established the priorities by vote of the U.S. Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Minnesota

Mr. WELLSTONE. Mr. President, I appreciate the compliments of my colleague from New Mexico about how cleverly designed this amendment and how creative this amendment is. I say to my colleague that since we are authorizing initially $13 billion and soon over $11 billion more than the Secretary of Defense requested, it seems to me only appropriate that the Secretary of Defense might be given the opportunity to, in fact, say, ''Yes, we did not ask for it, and we do not need it, and as the Secretary of Defense, I know what is critical to the defense of this country.'' It is not what my colleague called social welfare programs, but an investment in education.

This amendment gives the Secretary of Defense the opportunity to say that for military readiness, for our country doing well economically, for children having opportunities, for higher education being affordable, this makes eminently good sense, to take $1.3 billion out of $267 billion and put it into Pell grants, put it into low-interest loans, put it into summer youth programs.

Mr. President, again, we have the comptroller writing a report saying last year in the Pentagon budget they did not even know where $13 billion went. They did not know where it went.

Other Senators, including Senators on the Armed Services Committee, talk about all the add-ons. We know about some of these special projects. We know about some of the pork. We know about some of the accelerated spending for some of these weapons programs, some of which may very well be obsolete. Nobody is sacrificing the national defense of our country.

Ask any citizen in any cafe anywhere in the United States of America whether they think taking $1.3 billion out of $267 billion is some kind of a major transgression or is a step backward for our country. Ask the people in your different States, as they see their student enrollment grow in K through 12 and our commitment go down as we cut funds for kids in schools, while the enrollment grows in New Mexico, or Idaho, or Georgia, or Vermont, or Minnesota, whether they think it is unreasonable.

I do not think the amendment is just clever. I think the amendment goes to the very heart of what our priorities are. I do not think the people in our States find unreasonable the proposition that we take $1.3 billion out of $267 billion and put it into these priority programs, take $1.3 billion out of the $13 billion that the Pentagon did not even ask for, and put it into Pell grants, low-interest student loan programs, summer jobs programs, dislocated worker programs, job training programs, school-to-work programs.

I think a vote against this amendment is a vote against our national security. I think a vote against this amendment is a vote against our national defense because, surely, there is pork in this $267 billion, surely, there is some inefficiency, surely, there is a little bit by way of add-on projects so that we can, in fact, transfer $1.3 billion to what we say are our priorities. We all love to have photo opportunities next to young people. We all like to talk about their futures. We all like to tell them that they are the future. But when it comes to reaching into our pockets and making the investment, all of a sudden we are saying $1.3 billion is too much. I do not think that is credible.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able Senator

from New Mexico for his timely and excellent remarks on this subject.

Mr. President, I now yield to the able Senator from Idaho such time as he may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. I thank the Chair, and I thank the chairman of the Armed Services Committee for his leadership on this issue.

Mr. President, let us make it very clear, this is the 12th straight year that we have seen reductions in the defense authorization bill, the spending for defense.

I appreciate my friend who is offering this amendment, and I am not going to stand here and in any way speak against the intent which may be to somehow augment education. But I will stand here steadfastly and say you must not take a dime out of this defense authorization bill. We do not have a dime that can go to anything else. We have gone too far too fast in the reductions of our defense.

When we held a hearing before the Senate Armed Services Committee, Mr. President, we had members of the administration testifying, including General Shalikashvili, Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, Dr. Bill Perry, who are both tremendous men. I asked General Shalikashvili about the issue of procurement, ''Have we added too much money on procurement and what has our history been of that? General Shalikashvili,'' I asked, ''let me ask you this with regard to the procurement issue, which is a very key issue. As I talk to military personnel in the field, they consider this a lifesaving situation. This current fiscal year, the Congress added $7 billion to that account and some people regarded that as pork.'' I went on to say: ''But, as I recall, that went for things such as trucks, helicopters, ships for the Navy and Marines, tactical aircraft for the Air Force, Navy and Marine Corps. Was this equipment needed, or was it congressional pork?''

General Shalikashvili responded:

> I think that the vast majority of the money was against things that we were going to buy later. They were brought forward as a result of what you did and in many, probably in all, cases in the long run will result in a savings because we were able to get them sooner and probably at a more advantageous price.

I asked the Secretary of Defense:

> Dr. Perry, it has been stated that we will find procurement funding increases dependent upon BRAC savings, which is the Base Realignment Commission savings, acquisition reform savings, and optimistic assumptions about low inflation. The administration found $47 billion in the so-called defense savings by assuming inflation will be no higher than 2.3 percent over the next 7 years. Over the last 30 years, Mr. Secretary, can you point to any 7-year period where inflation remained this low?

The response of Secretary Perry: ''No.''

Yet, that is what we are basing this on—these assumptions. I mentioned the Base Realignment Commission. We have already seen them lower the estimate on the savings of the Base Realignment Commission, because the savings just are not there. As we begin to see the environmental costs of cleanup, it is beginning to erode what they thought were going to be the savings. Now, that was General Shalikashvili and the Secretary of Defense.

I will tell you, Mr. President, if we had before us any of the rank and file in our military, the men and women, and asked them if we have provided congressional pork to those who are on the frontline, they would tell you in a resounding voice: Absolutely not.

I can show you, Mr. President, letters I have received from the men and women on the frontline—for example, marines on just scratch pads that had been scribbled on in the field, but yet sent to us that say, ''Thank you for providing us, finally, the field jackets that are new, because we have been using the World War II field jackets in adverse conditions.'' Thanks for the new Kevlar or the Gortex we have been able to wear.

Mr. President, in this Nation's Capital, you see the monuments to democracy, and they are impressive. They are impressive to any visitor to this great Nation, no matter what country they may be from. As you stand on the top steps of the Lincoln Memorial and you look straight ahead to the Washington Monument, which reflects our tribute to democracy and of what this Nation is founded upon and what is the envy of the rest of the world, you cannot look at that Washington Monument without seeing the Vietnam Memorial, where etched in those stones are the names of 58,200 Americans who gave their lives for this country in the name of democracy. You cannot stand at the top of those steps and not see to the right the Korean War Memorial and the names etched of those brave Americans who gave their lives. Many of them, Mr. President, are young kids that wanted to have a future, that wanted to have an education, but all of that was denied because they put their lives on the line for this country. Directly behind the Lincoln Memorial is row upon row of the white crosses of Arlington Cemetery, which is a graphic demonstration, Mr. President, that when you look at the monuments to democracy, they were paid for by American lives, because it is not a safe world.

Have I simply referenced history and that is all behind us?

Well, the tragedy is, Mr. President, we learned that more American men and women of the service were killed in Saudi Arabia last night. Why are they there? Why are they even in Saudi Arabia? Well, because they are denying Saddam Hussein the airways because that is a terrorist—Saddam Hussein who invaded Kuwait, and America responded with its great might and it brought liberty again to that oppressed nation. Saddam Hussein—that is not a good guy.

Why is it that Red China is doing everything they conceivably can to develop a nuclear arsenal with the delivery capability? Is that for philanthropic reasons?

Is the cold war over and now we all can roll up our efforts on defense? If you do, it will be the end of America.

Why is it that North Korea is doing everything they can to develop a nuclear arsenal? Why is it that Russia, with all of the difficulties that they are currently experiencing, is still turning out state-of-the-art nuclear submarines?

Mr. President, it is a troubled world out there. And the only way that we make sure that our young men and women of this country have a future is to make sure that we defend this country by making sure that we have the adequate funds for the defense of this country. And that is how we assure them that they can go forward with the education of this Nation and have a bright future, and extend democracy throughout this great land and be that beacon of hope for the rest of the world.

But if we start drawing down again on the defense of this country we do not have a future because there are people out there that would love to topple this tremendous democracy. We must never ever let it happen. We must never ever draw our defenses so low that we are vulnerable.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I appreciate the remarks of my colleague.

I want to point out that this authorization was initially $13 billion in extra military spending. Spending that was not requested by the President. That was not requested by the Secretary of Defense. And as long as we are talking about the Chairman of the Joint Chiefs of Staff, it was not requested by the Chairman of the Joint Chiefs of Staff.

There is not one Senator here that is talking about not having a strong defense. The question is, what are we doing spending money that is not requested by the Defense Department, by the Chairman of the Joint Chiefs of Staff, by the President, people who do not want it, and at the same time we are not allocating money for kids who need it?

In the State of Idaho, I do not remember the exact figures, the enrollment went up this past year in K–12 by about 3,000 and the State is going to be faced with a cut of about $9.3 million.

It is not unreasonable to talk about this small transfer of funding.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, I would like to commend the able Senator from Idaho for his excellent remarks on this amendment. The Senator from Idaho is a valuable member of the Armed Services Committee. I just want to thank him, too, for the contribution that he makes on that committee and to our national defense.

Mr. President, I do not know of anyone else who wishes to speak on this

amendment. If not, I would suggest that we yield the time that is left for both sides.

Mr. WELLSTONE. Mr. President, I will yield time if the Senator from South Carolina has yielded all time.

The PRESIDING OFFICER. All time is yielded.

The PRESIDING OFFICER. Under the previous order, the pending amendment is set aside. And the Senate resumes amendment No. 4345.

There are 2 minutes equally divided.

The majority manager is recognized.

Mr. THURMOND. Mr. President, the Senator from Idaho started to say something.

Mr. KEMPTHORNE. Mr. President, parliamentary inquiry: Would it be in order for me to ask for 60 seconds to respond to what the Senator from Minnesota said?

The PRESIDING OFFICER. That is in order.

Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank all Members on the floor for allowing me that courtesy.

Again, I appreciate the vigor with which my friend from Minnesota is advocating his position in response to which I said I will tell you that there are members of the Armed Services Committee who disagree with what the budgets are requiring.

I also note that I think those men and women in uniform that are wearing the stars as general officers are good soldiers. The Commander in Chief submitted the budget, and they have to support that budget. But I will tell you they are hopeful that we will go ahead and provide the funding necessary; not the funds that were requested because they are too low.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, could I ask unanimous consent for 30 seconds to respond?

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

Mr. WELLSTONE. I thank my colleagues.

Again, I do not think we are talking about any decline in the quality of life for the men and women who serve our country, or our national defense budget. We are talking about eliminating wasteful Congressional add-on projects here. We have pork projects here. Senators, we have inefficiencies. And we want to cut $1.3 billion, or transfer $1.3 billion, out of $267 billion. That is all we are talking about. Nobody is talking about sacrifice for the men and women that sacrifice for our country. That much is clear.

Mr. THURMOND. Mr. President, I understand the time is yielded on both sides on this amendment.

AMENDMENT NO. 4345

The PRESIDING OFFICER. That is correct. The pending amendment now is amendment No. 4345 with 1 minute to each side.

Mr. THURMOND. Senator EXON is here now.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank you. I thank my friend from South Carolina.

We have debated this very thoroughly. Basically what the Exon amendment does is a very modest decrease in the amount authorized in the defense authorization bill. Basically what we are talking about here, Mr. President, is simply that the defense committee came up with $13 billion over and above the President and the Pentagon which is being cut by the amendment offered by the Senator from South Carolina and the Senator from Georgia, down to $11.4. They had to do that anyway because that was the amount included in the budget resolution.

The Exon amendment still allows $9 billion over and above what the Pentagon and the President wants. It is a $2.4 billion decrease only beyond what the chairman of the committee and the ranking member of the committee recognize and realize is needed. I hope that we will be fiscally responsible and recognize that, with the cuts that we are making across the board, we have to nick just a little bit the defense bill as well.

I hope the Exon, et al., amendment will receive solid support of the Senate.

The PRESIDING OFFICER. The majority manager is recognized.

Mr. THURMOND. Mr. President, the Exon amendment would cut $4 billion. That is no little amount of money. That is a lot of money—a $4 billion cut out of our defense. The military chiefs say we need to modernize. We especially need to do more procurement, more ships, more planes, modern weapons, and tanks.

How can we do it if you are going to go and cut defense now below what is recommended? We cannot afford this.

I would ask that this amendment be voted against, and at this time I will now yield to the ranking member.

Mr. NUNN. Mr. President, how much time would I have?

The PRESIDING OFFICER. The Senator has 18 seconds.

Mr. NUNN. Eighteen seconds. I must say there is nothing the Senator from Nebraska ever does that could be described as modest. Everything he does is important. This is an important amendment that should be defeated because it makes a substantial reduction in the modernization accounts which are desperately needed in defense.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Exon amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—45

Akaka	Feingold	Lautenberg
Baucus	Ford	Leahy
Biden	Glenn	Levin
Bingaman	Graham	Mikulski
Boxer	Grassley	Moseley-Braun
Bradley	Gregg	Moynihan
Brown	Harkin	Murray
Bryan	Hatfield	Pell
Bumpers	Hollings	Pryor
Byrd	Jeffords	Reid
Conrad	Kassebaum	Rockefeller
Daschle	Kennedy	Sarbanes
Dodd	Kerrey	Simon
Dorgan	Kerry	Wellstone
Exon	Kohl	Wyden

NAYS—55

Abraham	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Nunn
Bond	Grams	Pressler
Breaux	Hatch	Robb
Burns	Heflin	Roth
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Inouye	Smith
Cohen	Johnston	Snowe
Coverdell	Kempthorne	Specter
Craig	Kyl	Stevens
D'Amato	Lieberman	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Feinstein	McCain	
Frahm	McConnell	

The amendment (No. 4345) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the two additional votes in the vote sequence be reduced to 10 minutes in length.

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

AMENDMENT NO. 4346

The PRESIDING OFFICER. The pending amendment is amendment No. 4346. Each side has 1 minute.

Mr. NUNN. Mr. President, I know the Senator from South Carolina is going to want to speak on this. I will speak very briefly.

This amendment would reduce the pending bill to the total in the budget resolution. It would bring it in full compliance with the budget resolution. It is a reduction of $1.7 billion.

I urge our colleagues to support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the Thurmond-Nunn amendment would cut $1.7 billion. We are asking for the same amount here to be cut as the Budget Committee has found. Senator DOMENICI recommended this amount in his committee, $1.7 billion, and we advocate cutting $1.7 billion out of this bill. That is our amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4346. The yeas and nays have

been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—100

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

The amendment (No. 4346) was agreed to.

AMENDMENT NO. 4347

The PRESIDING OFFICER. The pending business is amendment No. 4347. The yeas and nays have been ordered.

Mr. NUNN. Mr. President, is there any debate time on this amendment?

The PRESIDING OFFICER. There are 2 minutes equally divided, 1 minute per side.

Mr. NUNN. Mr. President, I do not see the chairman on the floor. I suggest that Senator DOMENICI, the Senator from New Mexico, handle the opposition to this amendment. And I agree with every word he is likely to say.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, we have now voted eight different times to keep the defense number intact. On the last occasion we made it comply with the budget resolution, so we all agreed with that.

What Senator WELLSTONE chooses to do is to take our votes where we have said we did not want to take money out of the defense, and he suggests that we should get rid of the firewalls, which we voted to keep in place by giving the Secretary of Defense the authority to appropriate $1.3 billion for education, and other welfare programs.

The reason we have had firewalls is because we do not want to put the defense of our Nation into competition with other social welfare and education programs that very well could need money. In this case, it is a roundabout way of destroying the firewalls, and it ought to be denied because we voted twice to maintain them. This is a roundabout way to deny and defeat what we have already voted for. I yield the floor.

Mr. GRAMM. Mr. President, I move to table.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The request is out of order. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, this gives the Secretary of Defense the opportunity to do this. It is not a violation of any firewall. There is no budget point of order. This is $1.3 billion. The reason it does not is because this is out of $267 billion. This is out of $13 billion, now $11 billion more than the Pentagon wanted.

It is simple. Do you spend the money on some of the add-on projects, some of what is not needed, or do you spend the money on higher education, Pell grants, student loans? It is a simple choice. It is hardly what I would call welfare in a pejorative sense. It is all about whether or not we are going to restore some of this funding up to the President's request level for higher education and opportunities for young people.

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 are ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—60

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Bennett	Frist	McCain
Biden	Gorton	McConnell
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Pressler
Campbell	Hatch	Robb
Chafee	Heflin	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Inouye	Smith
Craig	Johnston	Snowe
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dodd	Kyl	Thompson
Domenici	Lieberman	Thurmond
Faircloth	Lott	Warner

NAYS—40

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hatfield	Pell
Bradley	Hollings	Pryor
Bryan	Jeffords	Reid
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Mikulski	

The motion to lay on the table the amendment (No. 4347) was agreed to.

Mr. THURMOND. 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.

Mr. NUNN. Mr. President, what is the regular order, the pending business?

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL 8:15 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business, I ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 11:34 p.m., adjourned until 8:15 a.m., Thursday, June 27, 1996.

NOMINATIONS

Executive nominations received by the Senate June 26, 1996:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PAUL P. BLACKBURN, OF THE DISTRICT OF COLUMBIA
MARILYN MCAFEE, OF FLORIDA
CYNTHIA JANE MILLER, OF TEXAS
ANNE M. SIGMUND, OF KANSAS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CHARLES MILLER CROUCH, OF CONNECTICUT
PETER CHARLES DE SHAZO, OF FLORIDA
RICHARD ANDREW VIRDEN, OF MINNESOTA
E. ASHLEY WILLS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KATHLEEN A. BRION, OF VIRGINIA
JOHN SHIELDS DICKSON, OF NEW HAMPSHIRE
PATRICK DENNIS DUDDY, OF MAINE
FRANKLIN E. HUFFMAN, OF NEW YORK
ARLENE R. JACQUETTE, OF THE DISTRICT OF COLUMBIA
WILLIAM PHILIP LUKASAVICH, OF VIRGINIA
VEDA B. WILSON, OF NEW JERSEY

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1996:

DEPARTMENT OF THE TREASURY

RAYMOND W. KELLY, OF NEW YORK, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

U.S. INTERNATIONAL TRADE COMMISSION

MARCIA E. MILLER, OF INDIANA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2003.

DEPARTMENT OF DEFENSE

JOHN W. HECHINGER, SR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2001.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 27, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:00 a.m.
Judiciary
To resume hearings to examine the dissemination of Federal Bureau of Investigation background investigation reports and other information to the White House.
SH–216

JULY 10

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1877, to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper balance among multiple use interest in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States.
SD–366

JULY 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule (Order No. 888).
SD–366

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1738, to provide for improved access to and use of the Boundary Water Canoe Area Wilderness.
SD–366

JULY 16

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.
SD–138

JULY 18

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 988, to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and S. 1805, to provide for the management of Voyageurs National Park.
SD–366

JULY 23

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1678, to abolish the Department of Energy.
SD–366

JULY 25

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1699, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 1737, to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and S. 1809, entitled the ''Aleutian World War II National Historic Areas Act''.
SD–366

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

POSTPONEMENTS

JUNE 27

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on Federal Aviation Administration safety issues.
SR–253

Wednesday, June 26, 1996

Daily Digest

HIGHLIGHTS

Senate passed Military Construction Appropriations, 1997.

House Committees ordered reported 10 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6905–S6969

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 1907–1909, and S. Res. 271 and 272. **(See next issue.)**

Measures Reported: Reports were made as follows:

S. 1730, to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, with an amendment in the nature of a substitute. (S. Rept. No. 104–292)

S. 1815, to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, with an amendment in the nature of a substitute. (S. Rept. No. 104–293)

H.R. 1508, to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park. (S. Rept. No. 104–294)

H.R. 2070, to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''.

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, with amendments.

H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

S. Res. 271, expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997. **(See next issue.)**

Measures Passed:

Church Arson Prevention Act: By a unanimous vote of 98 yeas (Vote No. 171), Senate passed H.R. 3525, to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property, after agreeing to the following amendment proposed thereto: **Pages S6937–45**

Faircloth Amendment No. 4341, in the nature of a substitute. **Pages S6937–45**

Military Construction Appropriations, 1997: Senate passed 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, after agreeing to committee amendments, and the following amendment proposed thereto: **(See next issue.)**

Warner (for Burns) Amendment No. 4362, to make funds available for construction of a consolidated education center in Kentucky, for construction, phase III, at the Western Kentucky Training Site, for construction, phase I, National Range Control Center at White Sands Missile Range, New Mexico, and for construction of the Underseas Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport, Rhode Island. **(See next issue.)**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Burns, Stevens, Gregg, Campbell, Hatfield, Reid, Inouye, Kohl, and Byrd. **(See next issue.)**

Technical Change: Senate agreed to S. Res. 272, to amend S. Res. 246 to make a technical change. **(See next issue.)**

Iranian Baha'i: Senate agreed to H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community. **(See next issue.)**

Land Exchange: Senate passed H.R. 2437, to provide for the exchange of certain lands in Gilpin County, Colorado, clearing the measure for the President. **(See next issue.)**

DOD Authorizations: Senate resumed consideration of S. 1745, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, with committee amendments, taking action on amendments proposed thereto, as follows: **Pages S6905–37, S6945–46, S6949–68 (continued next issue)**

Adopted:

Kempthorne Amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons. **Page S6928**

Warner/Hutchison Amendment No. 4090 (to Amendment No. 4089), to amend title 18, United States Code, with respect to the stalking of members of the Armed Forces of the United States and their immediate families. **Pages S6926–28**

Hutchison (for Cohen/Lott) Amendment No. 4293, to authorize funding and multiyear contracting for the Arleigh Burke class destroyer program. **Pages S6907–08**

Nunn Amendment No. 4294, to provide funds for the Computer Emergency Response Team at the Software Engineering Institute. **Pages S6908–09**

Hutchison (for Thurmond) Amendment No. 4295, of a technical nature. **Page S6909**

Nunn (for Feinstein) Amendment No. 4296, to provide funding for basic research in nuclear seismic monitoring. **Pages S6909–10**

Hutchison (for Lott) Amendment No. 4297, to specify the grade of the Chief of Naval Research. **Page S6910**

Nunn (for Dorgan/Conrad) Amendment No. 4298, to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota. **Pages S6910–12**

Hutchison (for Thomas) Amendment No. 4299, to provide for a study of Department of Energy liability for damages to natural resources with respect to Department sites covered by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. **Page S6912**

Nunn (for Robb/Warner) Amendment No. 4300, to require information on the proposed funding for the Guard and Reserve components in the further-years defense programs. **Pages S6912–13**

Hutchison (for Chafee) Amendment No. 4301, relating to shipboard solid waste control. **Page S6913**

Nunn (for Feinstein) Amendment No. 4302, to require that the Secretary of Energy request funds in fiscal year 1998 for the United States portion of the cost of the Greenville Road Improvement Project, Livermore, California. **Page S6913**

Hutchison (for Brown) Amendment No. 4303, to require the Department of Defense to conduct a study to assess the cost savings associated with dismantling and neutralizing chemical munitions in place as opposed to incineration in place. **Pages S6913–14**

Nunn (for Wellstone) Amendment No. 4304, to provide for preventive health care screening of military health care beneficiaries for colon or prostate cancer. **Page S6914**

Hutchison (for Domenici) Amendment No. 4305, to provide funding for the Scorpius space launch technology program. **Pages S6914–15**

Nunn (for Heflin/Shelby) Amendment No. 4306, relating to the retention of civilian employee positions at military training bases transferred to the National Guard. **Page S6915**

Hutchison (for Lott) Amendment No. 4307, to require a report on facilities used for testing launch vehicle engines. **Page S6915**

Hutchison (for Thurmond) Amendment No. 4308, to provide an additional exception for the cost limitation for procurement of Seawolf submarines. **Pages S6915–16**

Hutchison (for Thurmond) Amendment No. 4309, to strike provisions relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and to amend section 634 to sunset the authority under that section to pay annuities. **Pages S6916–17**

Nunn (for Kennedy/Coats) Amendment No. 4310, to state the sense of the Senate on Department of Defense sharing of its experiences under military youth programs. **Page S6917**

Nunn (for Kennedy/Coats) Amendment No. 4311, to state the sense of the Senate on Department of Defense sharing of experiences with military child care. **Page S6918**

Hutchison (for Thurmond) Amendment No. 4312, to exclude members of the Selected Reserve assigned to the Selective Service System from the limitation on end strength of members of the Selected Reserve and to limit the number of members of the Armed Forces who may be assigned to the Selective Service System. **Page S6918**

Hutchison (for Hatfield/Wyden) Amendment No. 4313, relating to the participation of the State of

Oregon in remedial actions at the Hanford Reservation, Washington. **Pages S6918–20**

Hutchison (for Murkowski) Amendment No. 4314, to express the sense of the Congress relating to redesignation of the Defense Environmental Restoration and Waste Management Program. **Page S6920**

Nunn (for Simon/Moseley-Braun) Amendment No. 4315, to require the Secretary of the Army to complete as soon as practicable the previously authorized land conveyances involving Fort Sheridan, Illinois. **Page S6920**

Hutchison (for Smith/Gregg) Amendment No. 4316, to authorize a land conveyance of the site of the Crafts Brothers Reserve Training Center, to Saint Anselm College, Manchester, New Hampshire. **Pages S6920–21**

Hutchison (for Gorton) Amendment No. 4317, to provide for the treatment of the Hanford Reservation, Washington, and other Department of Energy defense nuclear facilities as sites of demonstration projects for the clean-up of Department of Energy defense nuclear facilities. **Pages S6921–23**

Hutchison (for Gorton) Amendment No. 4318, to provide funds for the construction and improvement of certain reserve facilities in the State of Washington. **Page S6923**

Hutchison (for Thurmond/Nunn) Amendment No. 4319, to increase penalties for certain traffic offenses on military installations. **Pages S6923–24**

Hutchison (for Thurmond) Amendment No. 4320, to extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces. **Page S6924**

Hutchison (for Kyl/Bingaman) Amendment No. 4321, to prohibit the collection and release of detailed satellite imagery with respect to Israel and other countries and areas. **Pages S6924–25**

Nunn (for Leahy) Amendment No. 4322, to make funds available for research, development, test, and evaluation activities relating to humanitarian demining technologies. **Pages S6925–26**

By a unanimous vote of 100 yeas (Vote No. 174), Thurmond/Nunn Amendment No. 4346, to reduce the total funding authorized in the bill for the national defense function to the level provided in the Concurrent Resolution on the Budget for fiscal year 1997. **Pages S6960–61, S6967–68**

Warner Amendment No. 4351, to extend the authority of the Secretary of the Army to carry out the Armament Retooling and Manufacturing Support (ARMS) Initiative. **(See next issue.)**

Nunn (for Johnston/Breaux) Amendment No. 4352, to require a transfer to the Army of jurisdiction over certain lands in the Vernon Ranger District, Kisatchie National Forest, Louisiana. **(See next issue.)**

Warner (for DeWine) Amendment No. 4353, to authorize a land conveyance to the Columbus, Ohio Municipal Airport Authority. **(See next issue.)**

Nunn (for Ford) Amendment No. 4354, to provide funds for phase II construction of the Consolidated Education Center at Fort Campbell, Kentucky, and for phase III construction of the Western Kentucky Training Site. **(See next issue.)**

Warner (for McCain) Amendment No. 4355 (to Amendment No. 4354), to provide that funds may not be obligated or expended for the project if the project is not included in the current further-years defense program of the Department of Defense. **(See next issue.)**

Nunn (for Robb/Warner) Amendment No. 4356, relating to the transfer of lands at Arlington National Cemetery, Virginia, in order to place conditions on the transfer of certain lands. **(See next issue.)**

Nunn (for Lieberman/Nunn) Amendment No. 4357, to authorize funding for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program at the level requested by the President. **(See next issue.)**

Warner (for Thurmond) Amendment No. 4358, to prohibit certain actions relating to the reorganization of the Army ROTC pending a report on the Army ROTC. **(See next issue.)**

Nunn (for Byrd) Amendment No. 4359, to provide service credit for service as senior ROTC cadets and midshipmen in the Simultaneous Membership Program. **(See next issue.)**

Nunn (for Boxer) Amendment No. 4360, to authorize the Secretary of the Army to accept less than full reimbursement of costs under the agreement for instruction of civilian students at the Foreign Language Center of the Defense Language Institute. **(See next issue.)**

Nunn (for Moseley-Braun) Amendment No. 4361, to provide additional pension security for spouses and former spouses of civil service employees with respect to the military service of such employees. **(See next issue.)**

Thurmond Amendment No. 4254, to allow the Director of Central Intelligence to provide input for consideration by the Secretary of Defense in preparation of his annual evaluations of the Department of Defense intelligence agency heads, and to establish the National Imagery and Mapping Agency. **(See next issue.)**

Rejected:

By 34 yeas to 65 nays (Vote No. 172), Wellstone Amendment No. 4266, to limit the total amount authorized to be appropriated by the bill to the

amount requested by the President and to apply the excess to budget deficit reduction.

Pages S6928–37, S6945–46

By 45 yeas to 55 nays (Vote No. 173), Exon Amendment No. 4345, to ensure that the total amount authorized to be appropriated by the bill does not exceed the total amount of the authorizations of appropriations reported by the Committee on Armed Services. **Pages S6949–60, S6967**

Wellstone Amendment No. 4347, to restore funding for certain educational and employment assistance programs to levels requested by the President. (By 60 yeas to 40 nays (Vote No. 175), Senate tabled the amendment.) **Pages S6961–67, S6968**

Kyl/Reid Amendment No. 4049, to authorize underground nuclear testing under limited conditions. (By 53 yeas to 45 nays (Vote No. 176), Senate tabled the amendment.) **Page S6905 (continued next issue)**

Pending:

Nunn/Lugar Amendment No. 4349, to authorize funds to establish measures to protect the security of the United States from proliferation and use of weapons on mass destruction. **(See next issue.)**

Warner (for Pressler/Daschle) Amendment No. 4350, to express the sense of the Congress on naming one of the new attack submarine the ''South Dakota''. **(See next issue.)**

During consideration of this measure today, Senate took the following action:

By 52 yeas to 46 nays (Vote No. 170), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the bill. **Page S6906**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, June 27, 1996, with a vote on Amendment No. 4349, listed above, to occur thereon, following which Senate will vote on a motion to close further debate on the bill. **(See next issue.)**

Executive Reports of Committees: The Senate received the following executive reports of a committee:

Agreement Concerning Straddling Fish Stocks and Highly Migratory Fish Stocks (Treaty Doc. 104–24) (Exec. Rept. No. 104–20) **(See next issue.)**

International Natural Rubber Agreement, 1995 (Treaty Doc. 104–27) (Exec. Rept. No. 104–21) **(See next issue.)**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the Aeronautics and Space Report of the President for fiscal year 1995 Activities; referred to the Committee on Commerce, Science, and Transportation. (PM–156). **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

Raymond W. Kelly, of New York, to be Under Secretary of the Treasury for Enforcement.

John W. Hechinger, Sr., of the District of Columbia, to be a Member of the National Security Education Board for a term of four years.

Marcia E. Miller, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2003.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2001. **Page S6969**

Nominations Received: Senate received the following nominations:

A routine list in the Foreign Service.

Pages S6968–69

Messages From the President: **(See next issue.)**

Communications: **(See next issue.)**

Petitions: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees: **(See next issue.)**

Additional Statements: **(See next issue.)**

Record Votes: Seven record votes were taken today. (Total—176) **Pages S6906, S6945, S6946, S6967, S6968 (continued next issue)**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:34 p.m., until 8:15 a.m., on Thursday, June 27, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6968.)

Committee Meetings

(Committees not listed did not meet)

PUHCA REPEAL

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported, with an amendment in the nature of a substitute, S. 1317, to repeal the Public Utility Holding Company Act of 1935, establish a limited regulatory framework covering public utility holding companies, and eliminate duplicative regulation.

COMMERCE ONLINE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space resumed hearings on S. 1726, to promote electronic

commerce by facilitating the use of privacy-enhancing technologies, receiving testimony from Representative Goodlatte; Philip Zimmermann, Pretty Good Privacy, Boulder, Colorado; Whitfield Diffie, Sun Microsystems Computer Company, Mountain View, California; Philip Karn, Qualcomm, Inc., San Diego, California; Marc Rotenberg, Electronic Privacy Information Center, and Jerry Berman, Center for Democracy and Technology, both of Washington, D.C.; Matthew Blaze, AT&T Research, Murray Hill, New Jersey; and Barbara Simons, IBM-Santa Teresa Laboratories, and Robert G. Gargus, Atalla Corporation, both of San Jose, California.

Hearings were recessed subject to call.

U.S. TERRITORY ASSISTANCE

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated states of the United States, after receiving testimony from Representative Underwood; Allen P. Stayman, Director, Office of Insular Affairs, Department of the Interior; Seth P. Waxman, Associate Deputy Attorney General, and T. Alexander Aleinikoff, Executive Associate Commissioner, Immigration and Naturalization Service, both of the Department of Justice; John R. Fraser, Deputy Administrator, Wage and Hour Division, Department of Labor; Paul J. Seligman, Deputy Assistant Secretary for Health Studies, and Martin Blume, Deputy Director, Brookhaven National Laboratory, both of the Department of Energy; Virgin Islands Governor Roy L. Schneider, Charlotte Amalie; Virgin Islands Delegate Victor Frazer and Virgin Islands Lieutenant Governor Kenneth E. Mapp, both of St. Croix; Guam Governor Carl T.C. Gutierrez, Agana; Jesse B. Marehalau, on behalf of the Government of the Federated States of Micronesia, Banny deBrum, on behalf of the Government of the Republic of the Marshall Islands, Juan N. Babauta, on behalf of the Commonwealth of the Northern Mariana Islands, all of Washington, D.C.; Bikini Senator Henchi Balos, and Nitijela Senator Ismael John, both of Majuro, Marshall Islands; Sebastian Aloot and Samuel F. McPhetres, both on behalf of the Commonwealth of the Northern Mariana Islands, Saipan; and Mark L. Pollot, Boise, Idaho.

INDIAN LAND CLAIMS

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1889, to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, and to make adjustments to the National Wilderness System, after receiving testimony from Robert Shallenberger, Chief, Division of Refuges, United States Fish and Wildlife Service, and W. Hord Tipton, Assistant Director for Resource Use and Protection, Bureau of Land Management, both of the Department of the Interior; and Diana L. Zirul, Kenai Natives Association, Inc., Kenai, Alaska.

BUDGET RECONCILIATION: WELFARE AND MEDICAID REFORM

Committee on Finance: Committee completed its review of certain spending reductions and revenue increases with regard to welfare and Medicaid reform to meet reconciliation expenditures as imposed by H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, and agreed on recommendations which it will make thereon to the Committee on the Budget.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995 (Treaty Doc. 104–27), with one declaration;

The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December, 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with annexes (Treaty Doc. 104–24), with one declaration;

H.R. 2070, to provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life";

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, and to authorize the transfer of naval vessels to certain foreign countries, with amendments;

H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections;

An original resolution (S. Res. 271) expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997; and

The nominations of Leslie M. Alexander of Florida, to be Ambassador to the Republic of Ecuador, Avis T. Bohlen, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Lao People's Democratic Republic, James Francis Creagan, of Virginia, to be Ambassador to the Republic of Honduras, Harold W. Geisel, of Illinois, to

serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Lino Gutierrez, of Florida, to be Ambassador to the Republic of Nicaragua, John F. Hicks, Sr., of North Carolina, to be Ambassador to the State of Eritrea, Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau, Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, John Christian Kornblum, of Michigan, to be Assistant Secretary of State for European and Canadian Affairs, Madeleine May Kunin, of Vermont, to be Ambassador to Switzerland, Barbara Mills Larkin, of North Carolina, to be Assistant Secretary of State for Legislative Affairs, Marisa R. Lino, of Oregon, to be Ambassador to the Republic of Albania, Gerald S. McGowan, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Alan R. McKee, of Maryland, to be Ambassador to the Kingdom of Swaziland, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Republic of Guinea, Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala, Glen Robert Rase, of Florida, to be Ambassador to Brunei Darussalam, Arlene Render, of Virginia, to be Ambassador to the Republic of Zambia, A. Vernon Weaver, of Arkansas, to be the Representative of the United States to the European Union, with the rank and status of Ambassador; and three Foreign Service Officers' Promotion lists.

AFGHANISTAN

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs continued hearings to examine prospects for peace in Afghanistan, receiving testimony from Ambassador Maleeha Lodhi, Embassy of Pakistan; Ambassador Halil Ugur, Embassy of Turkmenistan; Anwar Ahady, Afghan Social Democratic Party, North Providence, Rhode Island; Rawan Farhadi, United Nations Ambassador of Afghanistan, and Mohammed Andkhoie, National Islamic Movement, both of New York, New York; Martin F. Miller, UNOCAL, Houston, Texas; Rona Popal, Afghan Women's Association Int'l, Hayward, California; Nasir Shansab, Democracy International, Herndon, Virginia; Bashir A. Zikria, Columbia University College of Physicians and Surgeons, Norwood, New Jersey; M. Hassan Nouri, Council of Cooperation for Afghan National Organizations, Laguna Hills, California; Zieba Shorish-Shamley, Association for Peace and Democracy for Afghanistan, and Sara Amiryar, Council for Cooperation for Afghan National Organizations, both of Washington, D.C.; Omar Samad, Afghanistan Information Center, and Suraya Sadeed, Help the Afghan Children, Inc., both of Arlington, Virginia; Nake M. Kamrany, University of Southern California, Los Angeles, California; Mohammad Aman, Society of Afghan Engineers, Clifton, Virginia; Syed Ishaq Gailani, Council for Understanding and National Unity of Afghanistan, Naim Majrooh, Afghan Information Center, and Abdul Haq, all of Peshawar, Pakistan; Zaid Haidary, RDA Associates, Islamabad, Pakistan; Seema Samar, Hezbi-Wahdat, Quetta, Pakistan; Tawab Assifi, Orange, California; Kurt Lohbeck, Albuquerque, New Mexico; and Mohammad Sharif Faiz, Herat, Afghanistan.

Hearings continue tomorrow.

PENNSYLVANIA AVENUE REOPENING

Committee on Governmental Affairs: Committee held hearings on S. Res. 254, to express the sense of the Senate that the President should order the immediate permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House, restoring the Avenue to its original state, receiving testimony from Senator Grams; Representative Norton; Eljay B. Bowron, Director, United States Secret Service, Department of the Treasury; Gary L. Abrecht, Chief, United States Capitol Police; Larry King, Director, District of Columbia Department of Public Works; John J. Strauchs, Systech Group, Inc., Reston, Virginia; and Arthur Cotton Moore, Arthur Cotton Moore and Associates, on behalf of the Committee of 100 on the Federal City, and J. Bruce Brown, U.S. Chamber of Commerce, both of Washington, D.C.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the following business items:

S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation;

S. 1400, to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts, with an amendment in the nature of a substitute; and

The nominations of Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service, Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission, Levar Burton, of California, to be a Member of the National Commission on Libraries and Information Science, Luis Valdez, of California, to be a Member of the National Council on the Arts, and Doris B. Holleb, of Illinois, to be a Member of the National Council on the Humanities, both of the National

Foundation on the Arts and the Humanities, Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Reynaldo F. Macias, of California, and Marciene S. Mattleman, of Pennsylvania, each to be a Member of the National Institute for Literacy Advisory Board, and two lists for the regular corps of the Public Health Service.

FEC AUTHORIZATION/CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Election Commission, and resumed hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns, receiving testimony from Lee Ann Elliott, Chairman, and Scott E. Thomas, Chairman, and Joan D. Aikens, Vice Chairman, both of the Finance Committee, all of the Federal Election Commission; and Becky Cain, St. Albans, West Virginia, on behalf of the League of Women Voters of the United States.

Committee recessed subject to call.

INDIAN CHILD WELFARE REFORM

Committee on Indian Affairs: Committee held hearings on proposals to reform the Indian Child Welfare Act of 1978, focusing on the adoption process of Indian children, receiving testimony from Senator Glenn; Representatives Faleomavaega, Geren, Pryce, Solomon, and Don Young; Seth P. Waxman, Associate Deputy Attorney General, Department of Justice; Ada E. Deer, Assistant Secretary of the Interior for Indian Affairs; Deborah J. Doxtator, Oneida Tribe of Indians of Wisconsin, Oneida; Mary V. Thomas, Gila River Indian Community, Sacaton, Arizona; W. Ron Allen, Jamestown S'Klallam Tribe of Washington State, Sequim, on behalf of the National Congress of American Indians; Michael J. Walleri, Tanana Chiefs Conference, Inc., Fairbanks, Alaska; Marc Gradstein, Burlingame, California; and Jane A. Gorman, Tustin, California.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 3719–3729; and 2 resolutions, H. Res. 466–467 were introduced. **Pages H6914–15**

Reports Filed: Reports were filed as follows:

H.R. 2001 and S. 966; both private bills (H. Repts. 104–637 and 104–638, respectively);

H.R. 2779, to provide for soft-metric conversion, amended (H. Rept. 104–639); and

H. Res. 465, providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (H. Rept. 104–640). **Page H6914**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Greene of Utah to act as Speaker pro tempore for today. **Page H6849**

Motion to Adjourn: By a yea-and-nay vote of 55 yeas to 345 nays with 2 voting "present", Roll No. 271, the House failed to agree to the Volkmer motion to adjourn. **Pages H6855–56**

Committee to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Select Intelligence. **Page H6856**

VA, HUD, and Sundry Independent Agencies Appropriations: By a yea-and-nay vote of 269 yeas to 147 nays, Roll No. 282, the House passed H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997. **Pages H6856–H6913**

(continued next issue)

Rejected the Stokes motion that sought to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with amendments as follows: On page 61, line 14, after the first dollar amount, insert "(increased by $350,000,000)" and, on page 61, line 15, strike "September 1, 1997" and insert "September 30, 1997" (rejected by a recorded vote of 205 ayes to 212 noes, Roll No. 281).

(See next issue.)

Agreed To:

The Lazio amendment that increases funding for Supportive Housing for the Elderly by $100 million and Supportive Housing for the Disabled by $40 million and decreases funding for HUD Annual Contributions for Assisted Housing, section 8 contracts, by $140 million (agreed to by a recorded vote of 353 ayes to 61 noes, Roll No. 272); **Pages H6856–57**

The Sanders amendment that increases funding for the Court of Veterans Appeals by $1.4 million and reduces funding for HUD salaries and expenses by $1.4 million (agreed to by a recorded vote of 358 ayes to 55 noes, Roll No. 274); **Page H6858**

The Hefley amendment that increases EPA Leaking Underground Storage Tank Trust Fund by $20 million and reduces HUD salaries and expense funding by $42 million (agreed to by a recorded vote of 260 ayes to 157 noes, Roll No. 275); **Pages H6858–59**

The Durbin amendment that increases EPA programs and management funding by $1.5 million and decreases EPA science and technology funding accordingly. **Pages H6868–70**

The Lewis of California amendment that identifies $1.2 million of EPA Hazardous Substance Superfund funding for use by the Agency for Toxic Substances and Disease Registry to conduct a health effects study of the Toms River Cancer Cluster in the Toms River area in the State of New Jersey; **Pages H6873–75**

The Lewis of California amendment that provides flexibility to FEMA in setting National Flood Insurance Fund rates; **Page H6875**

The Brown of California amendment that prohibits NASA Science, Aeronautics, and Technology funding for the National Center for Science Literacy, Education, and Technology at the American Museum of Natural History; **Pages H6878–81**

The Solomon amendment that prohibits any contract or grant to institutions of higher learning (other than those with a long standing tradition of pacifism based on historical religious affiliation) that prevents ROTC access to its campus or students, prevents military recruiting on its campus, and further prohibits expenditures to any contractor subject to the requirement in section 4212(d) of title 38, United States Code, that has not submitted an annual report to the Secretary of Labor concerning the employment of veterans; **Pages H6887–88**

The Stump amendment that increases funding for Veterans Administration medical care by $40 million and benefit administration by $17 million and applies a 4 percent general reduction to each department and agency except for the Veterans Administration, American Battle Monuments Commission, the Court of Veterans Appeals, or Cemeterial Expenses; **Pages H6897–H6900**

The Tiahrt amendment that increases funding for Veterans Health medical care by $20 million and prosthetic research by $20 million, deletes funding for the Corporation for National and Community Service and applies $327 million to deficit reduction; **Pages H6901–02**

The Bentsen amendment that prohibits EPA funding to issue or renew permits for the storage or disposal of PCBs if the EPA implements rules authorizing the import into the United States of wastes containing PCBs; **Pages H6902–04**

The Markey amendment, as amended by the Boehlert substitute amendment, that prohibits the use of hazardous substance superfund funding to implement any retroactive liability discount reimbursement; **(See next issue.)**

The Walker amendment that increases National Science Foundation research and related activities funding by $9.1 million and decreases salaries and expenses accordingly (agreed to by a recorded vote of 245 ayes to 170 noes, Roll No. 278); **Pages H6893–96 (continued next issue)**

The Weller amendment that limits FHA Mortgage Insurance Premiums for the first-time homebuyers who complete an approved program with respect to the responsibilities of home ownership; **(See next issue.)**

The Orton en bloc amendment that permits the use of loans from family-members and simplifies downpayment methods on FHA-insured loans; and **(See next issue.)**

The Roemer amendment that prohibits NASA funding for the Bion 11 and Bion 12 projects to launch monkeys into space (agreed to by a recorded vote of 244 ayes to 171 noes, Roll No. 280). **(See next issue.)**

Rejected:

The Shays amendment that sought to increase funding for the Housing Opportunities for Persons with AIDS program by $15 million and reduce NASA mission support funding by $15 million (rejected by a recorded vote of 177 ayes to 236 noes, Roll No. 273); **Pages H6857–58**

The Roemer amendment that sought to reduce NASA Human Space Flight funding by $75 million; **Pages H6970–72**

The Hostettler amendment that sought to eliminate funding for the ''Corporation for National and Community Service'' (rejected by a recorded vote of 183 ayes to 240 noes, Roll No. 276); **Pages H6863–68, H6883–84**

The Hoekstra amendment that sought to reallocate Corporation for National and Community Service funding by increasing general grants funding by

$30 million and deleting funding for innovation activities accordingly. It was made in order to withdraw the request for a recorded vote; **Pages H6888–91**

(continued next issue)

The Gutknecht amendment that sought to apply a 1.9 percent reduction to all discretionary appropriations (rejected by a recorded vote of 372 ayes to 45 noes, Roll No. 277); and **(See next issue.)**

The Markey amendment that sought to prohibit the use of hazardous substance superfund funding to provide any reimbursement of response costs, except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, if such costs were required under a judicially approved consent decree entered before enactment (rejected by a recorded vote of 142 ayes to 274 noes, Roll No. 279). **(See next issue.)**

A point of order was sustained against the Pallone amendment that sought to strike language providing $861 million for the Hazardous Substance Superfund contingent upon enactment of future appropriations legislation. **Pages H6876–78**

Amendments withdrawn:

The Kennedy of Massachusetts amendment was offered, but subsequently withdrawn, that sought to increase funding for EPA Environmental Programs and Management by $2 million; **Pages H6875–76**

The Gejdenson amendment was offered, but subsequently withdrawn, that sought funding of $1.8 million for the Department of Health and Human Services Office of Consumer Affairs and reductions of $1.8 million from the NASA Human Space Flight program; **Page H6881**

The Fields of Louisiana amendment was offered, but subsequently withdrawn, that sought to increase funding for the Corporation for National and Community Service by $178.5 million and reduce FEMA Disaster Relief funding accordingly; **Pages H6884–87**

The Thurman amendment was offered, but subsequently withdrawn, that sought to require the Secretary of Veterans Affairs to develop a plan that allocates health care resources to ensure that veterans have similar access regardless of the region in which they live; **Pages H6900–01**

The Kolbe amendment was offered, but subsequently withdrawn, that sought to delete language that restricts procurement of supercomputing equipment if the Commerce Department determines that the equipment was offered at other than fair value; **Pages H6905–13**

The Kingston amendment was offered, but subsequently withdrawn, that sought to prohibit funding of activities by EPA employees not directly related to governmental functions; and **(See next issue.)**

The Jackson-Lee amendment was offered, but subsequently withdrawn, that sought to require housing authorities to spend funds on replacement of units that have been demolished prior to spending housing certificate funds when there is a waiting list of 6,000 or more families and a shortage of habitable affordable housing. **(See next issue.)**

People's Republic of China: The House agreed to H. Res. 463, the rule providing for consideration of H.J. Res. 182, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China and H. Res. 461, regarding U.S. concerns with human rights abuse, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction of commence hearings and report appropriate legislation. **(See next issue.)**

Transportation and Related Agencies Appropriations: The House completed all general debate on H.R. 3675, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997. Consideration of amendments will begin on Thursday, June 27. **(See next issue.)**

H. Res. 469, the rule which provided for consideration of the bill was agreed to earlier by a voice vote. **(See next issue.)**

Committee Election: Agreed to H. Res. 467, electing Members to certain standing committees of the House of Representatives. **(See next issue.)**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Thursday, June 27. **(See next issue.)**

Presidential Message—Aeronautics and Space: Read a message from the President wherein he transmits his report concerning the Nation's achievements in aeronautics and space during fiscal year 1995—referred to the Committee on Science.

(See next issue.)

Funeral Committee: Pursuant to the provisions of H. Res. 459, the Chair announced the Speaker's appointment of the Funeral Committee of the late Representative Bill Emerson, the following Members on the part of the House: Representatives Clay, Gingrich, Gephardt, Boehner, Skelton, Volkmer, Hancock, Danner, Talent, McCarthy, Montgomery, Hall of Ohio, Lewis of California, Hunter, Roberts, Wolf, Kanjorski, McNulty, Poshard, Moran, Lincoln, Chambliss, Cubin, and Latham. **(See next issue.)**

Quorum Calls—Votes: Two yea-and-nay votes and ten recorded votes developed during the proceedings of the House today and appear on pages H6855–56,

H6856–57, H6857–58, H6858, H6858–59, H6884 (continued next issue). There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 1:18 a.m. on Thursday, June 27.

Committee Meetings

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Ordered reported the Legislative appropriations for fiscal year 1997.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on 1997 Budget Overview. Testimony was heard from the following officials of the District of Columbia: Marion Barry, Mayor; and David Clark, Chairman, Council; and Andrew Brimmer, Chairman, District of Columbia Financial Control Board.

FDIC-INSURED INSTITUTIONS

Committee on Banking and Financial Services: Subcommittee on Capital, Markets, Securities and Government Sponsored Enterprises held a hearing regarding practices of FDIC-Insured Institutions Selling Nondeposit Investment Products. Testimony was heard from: Ricki T. Hefler, Chairman, FDIC; Eugene A. Ludwig, Comptroller of the Currency, Department of the Treasury; Edward W. Kelley, Jr., member, Board of Governors, Federal Reserve System; Barry P. Barbash, Director, Division of Investment Management, SEC; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Ordered reported amended the following bills: H.R. 2391, Working Families Flexibility Act; and H.R. 2428, to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

PROMOTING EXPANSION OF PENSIONS

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on Promoting Expansion of Pensions for American Workers. Testimony was heard from: Representative Pomeroy; Olena Berg, Assistant Secretary, Pension and Welfare Benefits, Department of Labor; former Representative John Erlenborn of Illinois; and public witnesses.

FBI BACKGROUND FILES SECURITY

Committee on Government Reform and Oversight: Held a hearing on Security of FBI Background Files. Testimony was heard from the following former officials of the Administration: Bernard W. Nussbaum, Counsel; Craig Livingstone, Director of Personnel Security; Anthony Marceca, Detailee; and William H. Kennedy, III, Associate Counsel; and Lisa Wetlzel, Confidential Assistant to the Secretary of the Army.

POLITICAL MURDERS IN HAITI

Committee on International Relations: Held a hearing on Administration Actions and Political Murders in Haiti. Testimony was heard from Strobe Talbott, Deputy Secretary, Department of State.

LIBERIAN WARLORDS

Committee on International Relations: Subcommittee on Africa held a hearing on Bloody Hands: Foreign Support for Liberian Warlords. Testimony was heard from William Twadell, Deputy Assistant Secretary, African Affairs, Department of State; James Bishop, former Ambassador to Liberia; and public witnesses.

OVERSIGHT—LEGAL SERVICES CORPORATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Legal Services Corporation. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported amendment the following bills: H.R. 3024, United States-Puerto Rico Political Status Act; H.R. 1786, to regulate fishing in certain waters in Alaska; H.R. 3006, to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California; H.R. 2636, to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia; and H.R. 2292, Hanford Reach Preservation Act.

MISCELLANEOUS MEASURES; OVERSIGHT—NORTHERN MARIANA ISLANDS

Committee on Resources: Subcommittee on Native American and Insular Affairs held a hearing on the following bills: H.R. 3634, to amend provisions of the Revised Organic Act of the Virgin Islands which relate to the temporary absence of executive officials and the priority payment of certain bonds and other obligations; and H.R. 3635, to direct the Secretary of the Interior to enter into an agreement with he Governor of the Virgin Islands, upon request, that provides for the transfer of the authority to manage Christiansted National Historic site. Testimony was heard from Delegate Frazier; the following officials of the Department of the Interior: Allen P. Stayman, Director, Office of Insular Affairs; and Roger G. Kennedy, Director, National Park Service; and Roy Schneider, Governor Virgin Islands.

The Subcommittee also held an oversight hearing on Northern Mariana Islands issues. Testimony was heard from the following officials of the Department of the Interior: Allen P. Stayman, Director, Office of Insular Affairs; and Wilma Lewis, Inspector General; Sebastian Aloot, Acting Attorney General, Commonwealth Northern Mariana Islands; and public witnesses.

ADJOURNMENT—INDEPENDENCE DAY DISTRICT WORK PERIOD

Committee on Rules: Granted, by voice vote, a rule providing for the consideration in the House of a concurrent resolution providing for the adjournment of the House and Senate for the Independence Day District Work Period, any rule of the House to the contrary notwithstanding.

SAVINGS IN CONSTRUCTION ACT

Committee on Science: Ordered reported amended H.R. 2779, Savings in Construction Act of 1996.

PAPERWORK REDUCTION ACT COMPLIANCE

Committee on Small Business: Subcommittee on Government Programs held a hearing on the Department of Labor's compliance with the Paperwork Reduction Act of 1995. Testimony was heard from Pat Lattimore, Deputy Assistant Secretary, Administration and Management, Department of Labor.

OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on Federal requirements for evidence of financial responsibility under the Oil Pollution Act of 1990. Testimony was heard from Daniel Sheehan, Director, National Pollution Funds Center, U.S. Coast Guard, Department of Transportation.

HEALTH CARE

Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care held a hearing on the future of health care provided by the Department of Veterans Affairs. Testimony was heard from Kenneth Kizer, M.D., Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

Hearings continue tomorrow.

OMNIBUS EXPORT ADMINISTRATION ACT OF 1995

Committee on Ways and Means: Ordered reported H.R. 361, Omnibus Export Administration Act of 1995, as amended by the House Committee on International Relations.

DIGITAL TELEPHONY

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Digital Telephony. Testimony was heard from departmental witnesses.

Joint Meetings

BOSNIAN ELECTIONS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission held hearings to examine whether the conditions in Bosnia-Herzegovina will allow free and fair elections to be held in mid-September and, if not, whether the Dayton Agreement-mandated elections should be postponed until such conditions exist, receiving testimony from William D. Montgomery, Special Advisor to the President and Secretary of State for Implementation of the Bosnian Peace Settlement; and Robert H. Frowick, Head of the Mission to Bosnia-Herzegovina, Organization for Security and Cooperation in Europe (OSCE), Vienna.

Commission recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 27, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 1997 for the District of Columbia public school system, 10 a.m., SD–138.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1997 for the Office of National Drug Control Policy, 10 a.m., SD–116.

Full Committee, business meeting, to mark up H.R. 3540, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, 11 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Housing Opportunity and Community Development, to hold hearings on restructuring the Federal Housing Administration's insured and assisted multifamily housing portfolio, 10 a.m., SD–538.

Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, to continue hearings to examine prospects for peace in Afghanistan, 2 p.m., SD–106.

Committee on Governmental Affairs, to hold hearings on improving management and organization in Federal natural resources and environmental functions, 10 a.m., SD–342.

Committee on the Judiciary, to meet in open and closed session to mark up S. 1734, to prohibit false statements

to Congress, and to clarify congressional authority to obtain truthful testimony, and to consider pending nominations, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the recent incidents of church burnings, 10 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E1169 in today's Record.

House

Committee on Appropriations, to consider the Treasury, Postal Service, and General Government appropriations for fiscal year 1997, 8:30 a.m., 2360 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, oversight hearing on the One-Call Notification Program, 10 a.m., 2322 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on Corporate America and the War on Drugs, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights and the Subcommittee on the Western Hemisphere, joint hearing on Human Rights Violations In Castro's Cuba: The Repression Continues, 11 a.m., 2172 Rayburn.

Subcommittee on International Relations and Human Rights, hearing on Foreign Building Operations, 2:30 p.m., 2172 Rayburn.

Comittee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing and markup of the following: H.J. Res. 113, granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, MD, and Mineral County, WV, entered into between the States of West Virginia and Maryland; and H.J. Res. 166, granting the consent of Congress to the mutual aid agreement between the city of Bristol, VA, and the city of Bristol, TN; followed by an oversight and reauthorization hearing on the Negotiated Rulemaking Act, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on the following bills: H.R. 3565, Violent Youth Predator Act of 1996; and H.R. 3445, Balanced Juvenile Justice and Crime Prevention Act of 1996, 9:30 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, to mark up H.R. 3680, War Crimes Act of 1996, 9:30 a.m., 2226 Rayburn.

Committee on National Security, Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearing on tactical aviation programs, 1 p.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on Royalty-In-Kind for natural gas (lessons learned from the Gulf of Mexico pilot program), 2 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 3287, Crawford National Fish Hatchery Conveyance Act; H.R. 3546, Walhalla National Fish Hatchery Conveyance Act; and H.R. 3557, Marion National Fish Hatchery Conveyance Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 2122, to consolidate the management of the national forests in the Lake Tahoe region from four forests to one; H.R. 2438, to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado; H.R. 2518, to authorize the Secretary of Agriculture to exchange certain lands in the Wenatchee National Forest for certain lands owned by Public Utility District No. 1 of Chelan County, Washington; H.R. 2693, to make a minor adjustment in the exterior boundary of Hells Canyon Wilderness in Oregon and Idaho; H.R. 2709, to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California; H.R. 3146, to provide for two exchanges of certain lands in the Sierra National Forest for certain non-Federal lands; H.R. 3547, to provide for the conveyance of a parcel of real property in the Apache National Forest in Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; H.R. 3147, to provide for the exchange of certain lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands; H.R. 2135, to provide for the correction of boundaries of certain lands in Clark County, Nevada, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; H.R. 2711, to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale; and H.R. 2466, Federal Land Exchange Improvement Act of 1995, 10 a.m., 1324 Longworth.

Committees on Small Business, hearing on Small Business Competition for Federal Contracts: The Impact of Federal Prison Industries, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 1 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, to mark up the following bills: H.R. 3592, Water Resources Development Act of 1996; and H.R. 2940, Deepwater Port Modernization Act, 3 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care, to continue hearings on the future of health care provided by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Way and Means, Subcommittee on Human Resources, hearing on Barriers to Adoption, 1 p.m., 1100 Longworth.

Subcommittee on Social Security, to continue hearings on the use of Social Security Trust Fund money to finance union activities at the Social Security Administration, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

8:15 a.m., Thursday, June 27

Senate Chamber

Program for Thursday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 9:30 a.m.), Senate will continue consideration of S. 1745, DOD Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Thursday, June 27

House Chamber

Program for Thursday: Consideration of H.J. Res. 182, disapproving the most-favored-nation status to the People's Republic of China and H. Res. 461, regarding the People's Republic of China (3 hours of general debate) and

Complete consideration of H.R. 3675, Transportation and Related Agencies Appropriations Act for FY 1997 (open rule, 1 hour of general debate).

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