Mr. LEAHY. Mr. President, how much time is remaining on this side?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has 10 minutes and 38 seconds, and the Senator from Vermont has 15 minutes and 29 seconds.

Mr. LEAHY. Mr. President, I assume the time will not start until we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, the Senator from Delaware told me he wants 2 minutes, and I yield that to him.

Mr. BIDEN. Mr. President, I am not going to speak to the merits of the legislation. I see my friend from Iowa is in the Chamber. I was going to remain silent on this, but because of the constant partisan references to the President not caring about it, I just want the Record to show one thing. This administration since it came into office has asked for $801 million for this purpose, and my good friend from Iowa has asked for $801 million for this very purpose, and nobody else in here is that we are opposed to international drug trafficking.

Back when I was a prosecutor we did not have the problem we have now, but I used to throw people in jail for drug trafficking. None of us needs to stand up and say that we declare our opposition to drug traffic.

I even heard about an organization called Olympic Aid Atlanta, an initiative out of Atlanta, GA, to generate money to help children affected by conflict in 14 countries through UNICEF. They are going to get cut, in all likelihood, because we transfer the funds to counter narcotics.

This amendment is virtually identical to one offered a couple of years ago. That was defeated 57 to 38 in a bipartisan vote. Anybody who doubts what we do, we have spent over $3 billion, that is $1,000 million, on the international narcotics program in the past 6 years. That is only one set of many, many sources on funding to combat drugs overseas. The House version of this year’s State, Justice, Commerce appropriation bill has $75 million more for the narcotics programs than the President requested.

We should ask whether we have actually accomplished much since 1987. We did have the predictions we would stop drugs at the source. The amount of coca under cultivation has actually increased. It was 175,000 hectares in 1987; it is 214,000 in 1995. The amount of cocaine produced has gone up. We spent $1 billion—actually a lot more than $1 billion, but the flow of cocaine continues unabated. We destroy one coca field, another gets planted. We arrest...
one drug trafficker, another takes his place. We find one corrupt official in one of these countries, three more come in. And the market drives it. We all know that.

We are not going to give up. But let us be realistic. If we stop the demand in this country, this is going to continue. This bill increases—the bill that we have before us, without the amendment by the distinguished Senator from Georgia—increases funding for counternarcotics 39 percent above current levels. The largest increase of any program in this bill. This would increase it another 33 percent. That is an 85 percent increase in 1 year.

Look what we are doing. At the same time our AID budget is going down—AID had to fire 200 employees last week, people with 10, 20 years experience dedicated to this country—the amount of money we know keeps going up. Look how the money has gone up, up, up, up—but narcotics do not go down. What is, yes, work, at what we might do, but we are not going to make any change in this by cutting $25 million from the U.N. Environment Program and UNICEF and the World Food Program, the Convention on Endangered Species, to name a few. Some of these programs were cut 50 percent last year.

But, when we end up cutting $5 million to $17 million out of UNICEF to pay for this, or money out of AID's development programs that are already cut 22 percent last year, to cut them another $28 million—I do not agree with this.

The President has requested a lot. But the President requested $12.8 billion for foreign assistance. Our allocation was $12.2 billion. We are already $600 million below what the President requested. If we had another half-billion dollars we could afford this. Unless we want to cut UNICEF, unless we want to sacrifice our contribution to KEDO by half, and our other international development programs, then we cannot afford it. That is the argument we made 2 years ago and we cut it down.

I look at this bill. The first time in 22 years we are already cutting UNICEF. How much more do we want to cut it?

This bill underfunds our contributions to the Korean Economic Development Organization by half. I know the distinguished Senator from Connecticut, Mr.マン, along with Senators Nunn, Hatfield, Thomas, Daschle, Lugar, Simon, and myself, are going to try to provide authority for more. But assuming that authority passes, if the Coverdell amendment is agreed to the money is not there. If we do not pay our share of KEDO, then the Secretary of Defense says the risk of the North Koreans breaking the nuclear freeze would rise significantly.

As I said, I fought drug traffic for over 8 years as a prosecutor. I voted for billions of dollars to fight drugs both here and overseas. I know of no Member of this body on either side who does not abhor the drug traffic in this country, what it is doing to our children and to so many others. But we provide a sharp increase for counternarcotics programs in this bill, and if we cut out KEDO, and put North Korea back onto their nuclear program, is that increasing the number of narcotics and keep the hundreds of millions of dollars we are spending on narcotics, but do not cut these other things that also affect our security. We increase amounts for drugs by cutting UNICEF or cutting international programs to clean up toxic waste? Let us remember, also where some of this money goes. Some of these funds, unfortunately, go to the Colombian Army or Bolivian police or Peruvian police. They are not going to fight drugs. We are already giving them a 39 percent increase. Let us accept the fact we want to stop drugs. Let us accept the fact we will do everything possible. But let us not create other problems by cutting UNICEF and KEDO and everything else.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I yield up to 4 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment, offered by Senator COVERDELL and other Senators including myself, would fully fund the President's Interdiction Control Account request of $213 million for drug interdiction and eradication efforts. Funds would come from the International Organizations and Program accounts, which are $31 million over the President's request, and from Development Assistance.

Mr. President, Mr. Matthew Robinson, writing in Investors Business Daily, has brought out certain points which I think are very important. He says:

The Drug Enforcement Agency has lost 227 agents from September '92 to September '95. Clinton issued an executive order reducing military interdiction efforts, including the elimination of 1,000 antidrug positions; that he shortened mandatory minimum sentences for drug traffickers; that he tried to slash the staff of the Office of National Drug Control Policy by 80 percent, to only 25 people down from 146; and that in his 1995 budget he proposed cutting funds for the Customs Service, the DEA, Federal Bureau of Investigation, INS, and Coast Guard, all of which would result in fewer agents for drug interdiction.

The point here is if the administration has requested the additional amount of money, surely the Congress will support it, given the fact that the administration has not exactly been a stalwart supporter of the drug interdiction efforts.

Certainly no one cares more about kids than the Senator from Kansas does. There is simply a difference of opinion of how to proceed here. She makes the point this is significantly more funding than last year, and that's right and that's the point.

Under President Bush, the funding went up. Under President Clinton, the funding has gone down precipitously. We need to begin to restore that funding so that we will have an adequate effort in regard to this interdiction effort. That is why we should support the amendment of the Senator from Georgia. The funding in this effort needs to be increased. As Senator GRASSLEY said, this is something we have to do for the kids.

Mr. JEFFORDS. Mr. President, I should like to ask my friend the Senator from Georgia, about the urgency of improving the effectiveness of our anti-narcotics efforts. The threat of international drug trafficking is
very real and our efforts to combat it must become more effective. I agree with many of the Senator from Georgia's criticisms of the current program and believe that significant improvements must be made in the results of the anti-drug program.

The bill before us provides a 40 percent increase in funding for these programs, reflecting the committee's concern that there must be a strong response to the escalation of narcotics trafficking. This is a significant increase that will allow considerable expansion of U.S. efforts abroad.

Yet, the amendment before us would shift an additional $53 million to the counternarcotics account. These funds would come from a $25 million cut in the International Operations and Programs account and a $28 million cut in development assistance. Unlike the international narcotics control programs, both the international organizations account and the development assistance have sustained significant reductions in the past years. In particular, the international organizations account was sharply reduced by the 1995 foreign relations authorization. Our contributions to organizations such as the United Nations Development Program, the World Food Program, the United Nations Environmental Program and many other worthwhile international organizations have also been reduced in the past years. This includes funds for Africa, for sustainable development programs to increase world food production, to reduce environmental devastation. This account also funds child survival and disease programs, international debt restructuring and micro enterprise programs—all very worthwhile programs. The problems these programs seek to solve are equally deserving of our attention, and in many instances, eventually would pose grave problems for the United States if they are ignored.

Mr. President, it is a difficult task to balance the competing priorities of this legislation, all of them very valid in their own right. However, I urge my colleagues to resist this temptation to alter the careful balance that has been struck by the committee.

But I will say, with the huge increase in counternarcotics money that is in here already, let's not even go beyond that and do it by cutting UNICEF and cutting Korean economic development and other things that are also in our best interest.

Several senators addressed the Chair.

Mr. BIDEN. Will the Senator yield me 1 minute?

Mr. LEAHY. I yield the Senator from Delaware.

Mr. BIDEN. Mr. President, I heard again, this time from our friend from Arizona, about the President's flagging effort on drugs and Bush up, Clinton down. Let's get the record straight.

I think it makes sense to do what the Senator from Georgia wants to do. Let's do it and stop this partisan malarky. The facts do not sustain the assertions.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COVERDELL. Mr. President, I yield up to 10 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let's face it, since this administration has taken over, there has not been a war on drugs, not a real effort on drugs. They cut the drug czar's office. They have cut interdiction. They have cut facilities in the transit zones. They have not put the moneys where the moneys should go. They are not effectively spending them, and I have accused the President of being AWOL on drugs, or absent without leadership on drugs.

I don't think many Democrats or Republicans disagree with that statement. The fact is they have been AWOL on drugs, and there is a cavalier attitude down at the White House: "So what. Don't all young people use drugs?"

My gosh, all young people don't use drugs, and there are a lot of people who have repented and are now fighting the battle side by side with us. I commend them for having done it. I recommend the people in the White House do the same thing.

I have been appalled by what has happened. Our borders are at war. We fight from Utah, and now these drug lords are coming in and buying up ranches at exorbitant prices. Ranchers are glad to get out of there because they feel intimidated. They feel they are being mocked. They feel that they are being overrun. They feel that they are going to be murdered. So why not sell out at exorbitant prices and get through it?

Let's be honest about it. Federal law enforcement has been under severe strain, just as the technical sophistication of drug trafficking syndicates is reaching new heights. A report prepared by the Judiciary Committee finds that the administration supply reduction policy is in utter disarray, with a 53-percent drop in our ability to interdict and push back drug shipments in the transit zone. The report also finds increases in the purity of drugs and the number of drug-related emergency room admissions of hardcore users.

If you look at it, it is a disgrace. I think what the distinguished Senator from Georgia is trying to do is right. He is trying to put money back in, put money where our mouths happen to be and start helping to bolster this administration to do what it should do to begin with.

I don't have faith in the administration doing what is right in the drug war, and I don't think others do. By gosh, I think we ought to support the amendment of the Senator from Georgia. I hope people will.

I ask unanimous consent that the introduction of a report we did in the Judiciary Committee, entitled "Losing Ground Against Drugs," be printed in the RECORD.

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

LOSING GROUND AGAINST DRUGS (EXCERPT)

INTRODUCTION

Through the 1980s and into the early 1990s, the United States experienced dramatic and unprecedented reductions in casual drug use. The number of Americans using illicit drugs plunged from 24.7 million in 1979 to 11.4 million in 1992. The so-called "casual" use of cocaine fell by 79 percent between 1965 and 1992, while monthly cocaine use fell 55 percent between 1988 and 1992 alone—from 2.9 million to 1.3 million users.

On the surface, little appears to have changed since 1992. For the nation as a whole, drug use remains relatively flat. The vast majority of Americans still do not use illegal drugs.

Unfortunately, this appearance is dangerous. Misleading. The fact is we experienced a dramatic resurgence among our youth, a disturbing trend that could quickly return the United States to the epidemic of drug use that characterized the decade of the 1970s.

Recent surveys, described in detail in this report, provide overwhelming evidence of a sharp and growing increase in drug use among young people:

The number of 12-17-year-olds using marijuana increased from 1.6 million in 1992 to 2.9 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14-15-year-olds over the same period.

Since 1992, there has been a 52 percent jump in the number of high-school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use.

One in three high school seniors now smokes marijuana.

Young people are actually more likely to be aware of the health dangers of cigarettes than of the dangers of marijuana.

Nor have recent increases been confined to marijuana. At least three surveys note increased use of inhalants and other drugs such as cocaine and LSD.
Drug use by young people is alarming by any standard, but especially so since teen drug use is at the root of hard-core drug use by adults. According to surveys by the Center on Addiction and Substance Abuse, 17-year-olds who use marijuana are “85 times more likely to graduate to cocaine than those who abstain from marijuana.” Fully 60 percent of those who use marijuana before age 15 will later use cocaine. Conversely, those who reach age 21 without ever having used drugs almost never try them later in life.

Described any other way, perhaps 820,000 of the new crop of youthful marijuana smokers will eventually develop full-blown habits. Of those 820,000 who try cocaine, some 60,000 may end up as regular users and addicts.

The implications for public policy are clear. These are allowed to continue for just two more years. America will be at risk of returning to the epidemic drug use of the 1970s. Should that happen, our ability to control health care costs, in welfare, improve the academic performance of our school-age children, and defuse the problems of crime and violence will be at stake. This is the need for action.

The report finds federal law enforcement to have been effective. The Clinton Administration’s sometimes uneven response to the drug problem has not made it go away. Whether it is the Speaker of the House saying everybody of that age used drugs or not, that does not make it go away. It is going to take a lot more than simply throwing money at this drug problem to make it go away.

I yield 30 seconds to the Senator from Delaware.

Mr. BIDEN. Mr. President, I know this is asking a lot, but let’s just examine the logic of what is being said here. My friend from Utah stands up and says, “Restore what we need to restore. Make the President do what he should do.”

What are we doing? The Senator from Georgia says he should get. Now my time remains?

Mr. COVERDELL. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will take the same amount of time as the Senator from Georgia just did.

There is no surplus. UNICEF has already been cut $10 million and will be cut more under this. The Korean Economic Development Organization, KEDO, is not funded. We are going to try to have the authorization for it, but it will not be funded. Our own Secretary of Defense tells us, if it is not, we face very, very serious problems in North Korea.

The fact of the matter is, there is no surplus. This money has to come from somewhere. It will come from further cuts in UNICEF. It will come from the inability to fund KEDO. It will come from a number of those other areas.

Mr. President, I understand that in an election year nobody wants to somehow seem to be weak on drugs. I understand that even if we say how much we demonstrate so much of this money has, in all administrations, gone into the pockets of corrupt individuals, no matter how much we want to say we have other security interests.

Mr. McConnell, I yield back my time.

Mr. MCCONNELL. Mr. President, I acknowledge that the other side of the aisle seems to be weak on drugs. I understand.

Mr. LEAHY. Mr. President, I say to the Senator, I will be happy to yield the time back and go to a vote, so some people can go home and go to bed.

Mr. COVERDELL. I will use some of my time. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes.

Mr. COVERDELL. Mr. President, there is an incongruity here between myself and the Senator from Vermont. I just heard the Senator from Vermont say, “You don’t throw money at the drug problem,” and then the Senator from Delaware. So, you are suggesting the President is throwing money away?

Mr. President, I do yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator yields back his remaining time. The Senator from Vermont is recognized for 2 minutes.

Mr. LEAHY. Mr. President, I will yield the remaining time as the Senator from Georgia just did.
The PRESIDING OFFICER, without objection, it is so ordered.

Mr. MCCONNELL: I send the modification to the desk.

The amendment, as further modified, is as follows:

On page 391, between lines 17 and 18, insert the following:

TITLE—NATO ENLARGEMENT FACILITATION ACT OF 1996

SEC. 02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal partners emerging democracies in Central and Eastern Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945. Their admission into NATO will not threaten any nation. Where their security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(5) The active involvement by the countries of Central and Eastern Europe in the Partnership for Peace program has made possible the Partnership for Peace program an important forum to foster cooperation between NATO and those countries seeking membership in NATO.

(6) NATO has enlarged its membership on three different occasions since 1949.

(7) Congress supports the admission of qualified countries to NATO and the European Union at an early date and has sought to facilitate the admission of qualified new members into NATO.

(8) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe should be shared more widely. Facilitation of the process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful on-going programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves committing to.

(9) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(10) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in obtaining membership in NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, can assist those countries preparing responsibilities of full NATO membership, and accordingly should receive appropriate support from the United States.

(11) NATO possesses the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(12) NATO is an important diplomatic forum and has played a positive role in deterring further tensions between members of the Alliance, as its action in the Gulf has occurred between two Alliance member states since the inception of NATO in 1949.

(13) The admission to NATO of emerging democracies in Central and Eastern Europe which are able to be in a position to further the principles of the North Atlantic Treaty would contribute to international peace and enhance the security of the region. Countries which have established democratic and established market economies, which practice good neighborly relations, and which have established civilian control over their defense establishments and attained a degree of interoperability with NATO, should be evaluated for their potential to further the principles of the North Atlantic Treaty.

(14) A number of Central and Eastern European countries have expressed interest in membership, and have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities.

(15) The security region remains important geographically and politically to the future security of Central Europe. As NATO proceeds with the process of enlargement, NATO should continue to examine means to strengthen the sovereignty and enhance the security of U.N. recognized countries in that region.

(16) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(17) The provision of additional NATO transition assistance should include those emerging democracies who have established civilian control over their defense establishments and are designated as eligible to receive assistance provided by article V of the Washington Treaty.

(18) The Congress finds in particular that Poland, Hungary, the Czech Republic, and Slovenia have made significant progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(19) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhanced security and the approval of all NATO members.

(20) The process of NATO enlargement entails the agreement of the governments of all NATO member countries with Article 10 of the Washington Treaty.

Some NATO members, such as Spain and Norway, do not allow the deployment of nuclear weapons on their territory although they are accorded the full collective security guarantees provided by article V of the Washington Treaty. There is no prior requirement for the stationing of nuclear weapons on the territory of NATO member countries, particularly in the current security climate, however NATO retains the right to alter its security posture at any time as circumstances warrant.

SEC. 03. UNITED STATES POLICY.

It is the policy of the United States—

(1) to join with the NATO allies of the United States to adapt the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that they may eventually qualify for NATO membership;

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 04. SENSE OF THE CONGRESS REGARDING FURTHER ENLARGEMENT OF NATO.

It is the sense of the Congress that in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine—

(1) the United States should continue and expand its support for the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use its diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership;

(3) the United States Government and the North Atlantic Treaty Organization should continue and expand their support for military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia; and

(4) the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members to the NATO Alliance.

SEC. 05. SENSE OF THE CONGRESS REGARDING ESTONIA, LATVIA, AND LITHUANIA.

In view of the forcible incorporation of Estonia, Latvia, Lithuania into the Soviet Union in 1940 under the Molotov-Ribbentrop Pact and the refusal of the United States and other countries to recognize that incorporation for over 50 years, it is the sense of the Congress that—

(1) Estonia, Latvia, and Lithuania have valid historical security concerns that must be taken into account by the United States; and

(2) Estonia, Latvia, and Lithuania should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union.

SEC. 06. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d) of such Act: Poland, Hungary, the Czech Republic, and Slovenia.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession; and

(3) are strategically significant to an effective NATO defense; and
(4) meet the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Estonia, Latvia, Lithuania, Romania, Slovakia, Bulgaria, Albania, Moldova, Ukraine, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 07. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) not less than $30,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(d) of the NATO Participation Act of 1994 (relating to the “Foreign Military Financing Program”);

(2) not less than $30,000,000 shall be available for assistance pursuant to a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the “Foreign Military Financing Program”); and

(3) not more than $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under subsection (a) are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 08. AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.

(a) In General.—Funds described in subsection (b) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System including—

(1) the procurement of items in support of these programs; and

(2) the transfer of such items to countries participating in these programs, which may include Poland, Hungary, the Czech Republic, Slovenia, Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Moldova, Ukraine, and Turkey.

(b) FUNDs DESCRIBED.—Funds described in this subsection are funds that are available—

(1) during fiscal year 1997 under any Act to carry out the Warsaw Initiative; and

(2) during fiscal year 1997 under any Act to amend to articulate. I yield the floor.

KULSKI does have a concern she wants to articulate. I yield the floor.

Mr. BROWN addressed the Chair.

The yeas and nays were ordered.
I do believe, however, that the amendment to the Foreign Operations appropriations bill currently offered by the Senator from Colorado is a prudent one, in that it seeks in a modest way to assist a small group of countries who have made the greatest progress toward meeting the NATO membership criteria. My amendment simply recognizes the fact that Slovenia indisputably belongs in that small group.

Mr. Slovenia is a small country of 2 million citizens in the far northwestern corner of the former Yugoslavia. Without fanfare and without the publicity that has accompanied change elsewhere behind the former Iron Curtain, Slovenia has rapidly created a solid democracy and a prosperous market economy. Its Western European-style coalition government is a model of stability. Economically, Slovenia now can boast of a per capita GNP approaching ten-thousand U.S. dollars, by far the highest of any country wishing to join NATO.

Moreover, Slovenia has put its nose to the grindstone, strenuously attempting to meet all the membership criteria that the Alliance has announced. What has been the result?

Mr. President, no less an authority than U.S. Secretary of Defense William Perry flatly stated last year that of all the countries of Central and Eastern Europe “Slovenia has made perhaps the greatest progress in the transition to democracy, the transition to a market economy, and the smooth turnover of the military to civilian control. That would submit, is no small praise.

Slovenia's geographical location also argues strongly for its inclusion in the likely first group of new NATO members. Wedged between the northern Adriatic Sea and the Alps, it connects Italy, a charter member of NATO, with Hungary, which appears in the bill's list of preferred applicants and, solely on the basis of its accomplishment, would put it in the first group submitted to the Alliance. Without Slovenia in the Alliance, however, Hungary would not be contiguous with NATO territory, a situation which could harm its chances for admission in the first group.

It must be added that this spring Italy and Slovenia settled a long-standing dispute over property rights, thereby clearing the way for Slovenia to sign an Association Agreement with the Western European countries. It further cemented its ties to Western Europe.

Finally, Mr. President, little Slovenia—alone among NATO applicants—has proven that it can defend itself and be a net contributor to the security of the Western Alliance. After it achieved its independence from the crumbling Yugoslavia in the spring of 1991, Slovenia had to face an invasion by the Serbian-led Yugoslav National Army or J.N.A. For ten days Slovenia stunned and outgunned the better armed and numerically superior invaders, routing the better armed J.N.A. For ten days Slovenia stunned the world by routing the better armed and numerically superior invaders, the world by routing the better armed J.N.A. For ten days Slovenia stunned the world by routing the better armed and numerically superior invaders, the world by routing the better armed and numerically superior invaders, the world by routing the better armed and numerically superior invaders.

So, Mr. President, by any standard Slovenia deserves to be included with Poland, the Czech Republic, and Hungary in the list of countries that are eligible for targeted United States transition assistance.

In conclusion, I would like to make two brief observations. First, including Slovenia in this group would not only constitute recognition of its remarkable political, economic, and military record over the past 5 years; it would also serve to destroy the unfortunate stereotype derived from historical warfare that all South Slavs are incorrigibly violent people who cannot cooperate to improve their situation.

Finally, adding Slovenia to the bill's preferred list would lend more credibility to Congress's response to the NATO enlargement process. It would demonstrate that we are clearly focused on strengthening NATO and not, as some assert, only responding to interest-group politics. There are, to be sure, defensive and offensive considerations. Slovenia has a special desire for Slovenia to join NATO, but they have not been especially active on Capitol Hill. There are undoubtedly Delawareans of Slovene descent, but to the best of my knowledge I have never been approached by any of them in regard to this issue.

Mr. President, because of its outstanding criteria-based accomplishments, its geostrategically important location and its proven military record, Slovenia deserves to join Poland, the Czech Republic, and Hungary as eligible for additional transition assistance for NATO membership. I urge my colleagues to vote for the Brown Amendment as modified.

I thank the Chair and yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. Brown). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise very briefly to thank the Senator from Colorado, the distinguished occupant of the chair, for the extraordinary leadership he has shown in conceiving this proposal and shepherding it now to the point where it can be adopted by the Senate. It has been my honor to work with him on this as a cosponsor.

History is a term that is used probably too often in the Capitol, but to my way of thinking, this is a historic enactment that we are about to make because, in enacting this amendment, we are essentially saying more strongly than we ever have that the Congress of the United States is prepared to welcome into NATO, but more broadly into the community of democracies, of market economies, of those nations that suffered under the yoke of Communist tyranny for so long during the cold war who are now free and working their way toward eligibility for membership in NATO.

This measure, in concrete terms, not only expresses that policy, but puts some money behind that policy in offering to those nations that are most ready to enter NATO some wherewithal to help make that happen. To my way of thinking, what we are doing here tonight is, in some measure, ratifying and helping to make permanent the victory that freedom won in the cold war.

For all that time in the cold war, we spoke often of those people who were suffering in the “captive nations.” The people of those nations, including, may I say, the people of Russia, fought and struggled and worked, and finally achieved their freedom. Now these countries of central and Eastern Europe who want to get into NATO are really saying to us they want to cast their lot for the future, not just with the West but with what the West means, which is freedom, the values of democracy.

They are also accepting an obligation therein, which is the great task that NATO has achieved. NATO has not just been a defensive alliance; it has been an institution in which the countries of Europe could work to reconcile their own conflicts, work to avoid the old balance-of-power relationships that too often led to war.

As we reach out and embrace these new countries that have attained their freedom and want to enter NATO, I do not think we are doing anything here that should or would threaten Russia. What we are doing is creating stability among the nations of Europe, Western, Central, and Eastern, and guaranteeing as best we can for those millions of people who live within those countries the basic human and economic rights with which we in our own formative documents have said each person is endowed with by our Creator.

So it is a great step forward, and I thank all our colleagues who have helped to make it happen. I thank the Chair particularly, and I yield the floor.

Mr. SIMON addressed the Chair.

Mr. SIMON. Mr. President, I commend my colleague from Colorado for his leadership on this. The reality is this is a step forward for stability in central Europe. Two other provisions in here I think are significant. That is, we open the door to the possibility at some future time for Armenia and perhaps the other Newly Independent States there. The second thing: In Russia and in Belarus and in a few of the countries, there is a fear of nuclear weapons being established at their doorstep. The resolution points out that Spain and Norway, who are current members of NATO, do not have nuclear weapons and still are members of NATO.

My hope is that stations of nuclear weapons which have no military significance can be avoided. I think it will diminish fears in Russia particularly.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.
Ms. MIKULSKI. Mr. President, I am proud to join my colleagues in supporting and cosponsoring this amendment to enlarge NATO. I support NATO enlargement because I do believe it will make Europe more stable and secure. It will foster the new democracies of central and Eastern Europe. It will share the burden of European security. It could mean that future generations of Americans might not be sent to Europe to fight for Europe.

Mr. HELMS. Mr. President, I have long supported NATO, and the extension of membership in this transatlantic institution to the new democracies of Central and Eastern Europe. And today I wish to express my support for the NATO Enlargement Facilitation Act of 1996—extremely important legislation which I also cosponsor.

This bill is designed specifically to support and foster the careful, gradual extension of NATO membership to the nations of Central and Eastern Europe. Once passed, this bill will direct tangible assistance to the efforts of Poland, the Czech Republic, and Hungary to join the Alliance. These nations are the best prepared in their region for responsibilities and burdens of NATO membership.

Let me also emphasize that it is the intent of the authors of this bill to ensure that the entry of Poland, Hungary, and the Czech Republic into the Alliance is part of an inclusive and on-going process of NATO enlargement.

NATO enlargement does not have to, and should not be allowed to, create any new divisions in Europe. Hence, our legislation explicitly states that the United States should continue and expand upon its support for full and active participation of all Central and Eastern European countries in activities appropriate for qualifying for NATO membership.

This legislation clearly outlines a vision of NATO enlargement, an on-going process that will reach out to all the nations of Central and Eastern Europe as they become capable of making a meaningful contribution to the security of all interests, capabilities, and security.

Extending the Alliance's membership to Poland, the Czech Republic, and Hungary, will help transform Central and Eastern Europe into a cornerstone of enduring peace and stability in post-cold war Europe. NATO enlargement is in America's interests for many reasons. Principal among these include the following:

First, it is absolutely necessary to consolidate and secure an enduring and stable peace in Europe. This is a continent where America has vital interests and it is a continent that, historically speaking, has been besieged by violence and brutal war. NATO enlargement will project security into a region that has long suffered as a security vacuum in European affairs. History has repeatedly shown us that the strategic necessity of securing Central and Eastern Europe has produced catastrophic consequences—consequences that drew the United States twice this century into world war.
The most effective way to address this security vacuum in Central and Eastern Europe is by integrating these nations into NATO and the other institutions that constitute the transatlantic community of nations. NATO enlargement will help facilitate this integration, both politically and economically. NATO enlargement is a key step to extending to the entire continent of Europe the zone of peace, democracy, and prosperity that now includes North America and Western Europe. The enlargement of our NATO enlargement legislation will demonstrate America's commitment to consolidating an enlarged Europe. This will give more incentive to all the nations of the region to continue their political and economic reforms by demonstrating that these reforms do result in tangible geo-political gains.

By projecting and reinforcing stability in Central and Eastern Europe, NATO enlargement will consolidate the continent of Europe. This region's strong motivations to focus on internal political and economic reform. Mr. President, security is not an alternative to reform, but it is essential for reform to occur. Third, two great powers, Germany and Russia, are undergoing major complex and sensitive transformations. Their futures will be significantly shaped by the future of Central and Eastern Europe. Extending NATO membership to nations of this region will bring about positive evolutions of these two great powers.

In the case of Germany, NATO enlargement will further lock German interests into a transatlantic security structure and thereby further consolidate the extremely positive role Bonn now plays in European affairs. The extension of NATO membership to Central and Eastern European nations will also be of great benefit to Russia. By enhancing and reinforcing stability and peace in Central and Eastern Europe, NATO enlargement will make unrealistic the calls by Russia's extremists for the resignation of the former Soviet Union or the Western expansion of Russian hegemony. Greater stability along Russia frontiers will also enable Moscow to direct more of its energy toward the internal challenges of political and economic reform.

This point is too often forgotten in this debate. There has been too strong a tendency by both sides to overreact to outdated Russian sensitivities. This overreaction comes at the expense of strategic realities and objectives central to the interests of the Alliance, as well as to the United States.

Let me add, Mr. President, that Russian opposition to NATO enlargement is withering and appears to be in the process of being replaced by a more enlightened understanding of the motivations behind NATO enlargement. I would like my colleagues to note an interview in today's Financial Times with General Alexander Lebed, who declared that Russia does not oppose NATO enlargement. Lebed was recently appointed by Russian President Yeltsin as Secretary of Russia's National Security Council. Lebed also finished third in the first round of the Russian presidential elections. Thus, his statement reflects positively on both the attitudes of the Russian public and official Russian policy toward NATO enlargement.

Mr. President, I would also like to note that this NATO enlargement legislation reflects the attitudes of many of our parliamentary counterparts in Europe. Careful and gradual restoration of membership to nations of Central and Eastern Europe is a critical step toward this end. This is in our national interest. It is action long overdue, and it is the intent of the NATO Enlargement Facilitation Act of 1996.

For these reasons, I call upon my colleagues in the Senate, as well as President Clinton and his Administration, to embrace this legislation. The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia (Mr. COVERDELL).

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment be stricken; and an amendment by Senator SIMPSON, relative to refugees, be a managers' amendment.

Mr. President, America's defense and security must be structured to shape a strategic landscape that enhances economic, political, and military stability all across Europe. Careful and gradual restoration of NATO membership to nations of Central and Eastern Europe is a critical step toward this end. This is in our national interest. It is action long overdue, and it is the intent of the NATO Enlargement Facilitation Act of 1996.

For these reasons, I call upon my colleagues in the Senate, as well as President Clinton and his Administration, to embrace this legislation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia (Mr. COVERDELL).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I ask unanimous consent that following the conclusion of these two votes, the only remaining amendments in order to H.R. 3540 be a managers' amendment and an amendment to be offered by Senator SIMPSON, relative to refugees, on which there be 30 minutes to be added by the usual form, with no second-degree amendments in order or amendments to the language proposed to be stricken; and an amendment by Senator LIEBERMAN with a second-degree amendment in order by Senator MURkowski, and possibly one by Senator McCONNELL; following the conclusion of the debate with respect to the amendments listed above, the amendments be laid aside, the votes to occur at 9:30 a.m. on Friday, with 2 minutes on each debate prior to each stacked vote on or in relation to the Simpson amendment, to be followed by votes with respect to the other amendments, to be followed immediately by third reading and final passage of H.R. 3540.

Mr. FORD. Reserving the right to object, do I understand the floor leader, then, that we will have two more votes this evening, the debate, and then the vote at 9:30 in the morning, and then final passage?

Mr. McCONNELL. That is right.

Mr. FORD. Two votes tonight?

Mr. McCONNELL. That is correct.

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

Mr. McCONNELL. In light of this agreement, there will be no further rollcall votes this evening after two back-to-back votes to shortly begin, with the first votes to tomorrow to begin at 9:30 a.m.

VOTE ON AMENDMENT NO. 5018

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5018 offered by the Senator from Georgia (Mr. COVERDELL).

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Maine (Mr. COHEN) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

Mr. FORD. I announce that the Senator from Nebraska (Mr. EXON) is necessarily absent.

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

The result was announced—yeas 51, nays 46, as follows:

[Roll Call Vote No. 244 Leg.]

YEAS—51

Abraham
Ashcroft
Baucus
Bennet
Biden
Brown
Burns
Campbell
Chafee
Coats
Chzeich
Coverdell
Craig
D'Amato
DeWeine
Domenici

NAYS—46

Akaka
Bingaman
Boxer
Buchanan
Byrd
Conrad
Daschle
Dodd
Dorgan
Ford
Grenn
Cohen

Ashcroft
Baucus
Bennet
Biden
Brown
Burns
Campbell
Chafee
Coats
Chzeich
Coverdell
Craig
D'Amato
DeWeine
Domenici

Cohen

Faircloth
Frahm
Gorton
Gramm
Grassley
Gregg
Hatch
Heith\n
McCain
McConnell
Murkowski
Nickles
Presler
Roth
Sanatorium
Simpson
Smith
Snowe
Speight
Stevens
Thomas
Thompson
Thurmond
Warner

Frist
Faircloth
Frahm
Gorton
Gramm
Grassley
Gregg
Hatch
Heitkamp

Mikulski
Moseley-Braun
Murray
Nunn
Pelosi
Pryor
Robb
Rockefeller
Sarbanes
Simon
Wallstone
Wyden

Ford
Grenn
Cohen

Leahy
Levin
Lieberman
Lugar

Exon
Hatfield

The amendment (No. 5018) was agreed to.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.
Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 508

The PRESIDING OFFICER. The question now stands on agreeing to amendment No. 5058 offered by the Senator from Colorado [Mr. BROWN]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Maine [Mr. COHEN] and the Senator from Oregon [Mr. HATFIELD] were necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced—yeas 81, nays 16, as follows:

[ROLLCALL Vote No. 245 Leg.]

YEAS—81

Johnston

NAY—16

Bingaman

Not Voting—3

Cohen

Chafee

Dodd

Craig

Conrad

Coats

Byrd

Bond

Bennett

Baucus

Benjamin

Biden

Bond

Boxer

Brown

Bryan

Burns

Byrd

Campbell

Coats

Cochrane

Conrad

Coverdell

Craig

D'Amato

Daschle

DeWine

Dodd

Domenici

Dorgan

Faircloth

Feingold

Feinstein

Ford

Bingaman

Bradley

Breaux

Bumpers

Baucus

Biden

Boxer

Brown

Bryan

Burns

Byrd

Campbell

Coats

Cochrane

Conrad

Coverdell

Craig

D'Amato

Daschle

DeWine

Dodd

Domenici

Dorgan

Faircloth

Feingold

Feinstein

Ford

The amendment (No. 5058), as further modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 5084 THROUGH 5087, EN BLOC, AND AMENDMENT NO. 5082, AS MODIFIED

Mr. MCCONNELL. Mr. President, there are five amendments that have been cleared on both sides; an amendment by Senator COCHRAN on IFAD, a McConnell-Leahy-Lautenberg amendment on MEDEVC, a Leahy narcotics amendment, a Dorgan amendment on the environment, and a modification to amendment No. 5082. I send those to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 5084 through 5087, en bloc, and Amendment (No. 5082), as modified, as follows:

AMENDMENT NO. 5084

On page 107, line 11, strike "up to $30,000,000" and insert in lieu thereof the following: "$17,500,000."

Mr. COCHRAN. Mr. President, I have proposed this amendment because I have concluded this is the only way to ensure that the administration responds to the will of Congress regarding the International Fund for Agricultural Development [IFAD].

Last year, the Congress authorized U.S. participation in the fourth replenishment of IFAD resources. Since that time, Senators and Representatives have been in agreement with the Administrator of the U.S. Agency for International Development encouraging him to exercise the authority we provided and make a generous contribution to the fourth replenishment. The Administrator of USAID has not complied with these requests.

While other countries have agreed to the fourth replenishment, the United States has delayed, and this delay is threatening IFAD's managerial reforms and undermining U.S. leadership in the organization.

It is my objective to secure effective U.S. participation in the fourth replenishment. The United States has been the lead sponsor of IFAD, a tightly managed organization that focuses on rural poverty in developing nations by making loans directly to poor farmers. These small retail loans help combat poverty, especially among women and children, create internal stability, and help build markets for U.S. exports. Despite wide support and the earlier stated intention of the administration to participate in the fourth replenishment, it has not yet announced its pledge. As the Nation that led the creation and funding of IFAD, part of the U.S. responsibility is to announce our level of financial support which, in turn, helps determine the pledge amounts of other developed nations. In this way, our contribution is leveraged amounts of other developed nations. In this way, our contribution is leveraged against other nations' contributions, and an alternate for the Governor, re spectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) COMPENSATION.—Any person who serves as a Governor of the Bank or an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

SEC. 4. FEDERAL RESERVE BANKS AS DEPOSITORY.

Section 4 of the Breton Woods Agreements Act shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

SEC. 5. AMENDMENTS TO THE BANK FOR INTERNATIONAL DEVELOPMENT REPLENISHMENT ACT.

This title may be cited as the "Bank for Economic Cooperation and Development in the Middle East and North Africa Act".

SEC. 2. ACCEPTANCE OF MEMBERSHIP.

The President is hereby authorized to accept membership for the United States in the Bank for Economic Cooperation and Development in the Middle East and North Africa (in this title referred to as the "Bank") pro vided for by the agreement establishing the Bank in this title referred to as the "Agreement") on May 31, 1961.

SEC. 3. GOVERNOR AND ALTERNATE GOVERNOR.

(a) APPOINTMENT.—At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 3 of the Bretton Woods Agreement Acts, shall serve ex-officio as a Governor and the alternate for the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) COMPENSATION.—Any person who serves as a Governor of the Bank or an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

SEC. 6. CERTAIN PROVISIONS OF THE BRETON WOODS AGREEMENTS ACT.

Section 4 of the Breton Woods Agreements Act shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

SEC. 7. FEDERAL RESERVE BANKS AS DEPOSITORY.

Any Federal Reserve Bank which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

SEC. 8. SUBSCRIPTION OF STOCK.

(a) SUBSCRIPTION AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Treasury may subscribe on behalf of the United States to not more than 7,011,270 shares of the capital stock of the Bank.

(2) EFFECTIVENESS OF SUBSCRIPTION COMMIT TMENT.—Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) LIMITATIONS ON SUBSCRIPTION AUTHORITY.—For payment by the Secretary of the Treasury of the subscription of
the United States for shares described in subsection (a), there are authorized to be appropriated $1,050,007,800 without fiscal year limitation.

(c) LIMITATIONS ON OBLIGATION OF APPROPRIATED AMOUNTS FOR SHARES OF CAPITAL STOCK.—

(1) PAID-IN CAPITAL STOCK.—

(A) IN GENERAL.—Not more than $105,000,000 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of paid-in capital stock.

(B) 1997.—Not more than $52,500,000 of the amounts appropriated pursuant to subsection (b) for fiscal year 1997 may be obligated for subscription to shares of paid-in capital stock.

(2) CALLABLE CAPITAL STOCK.—Not more than $787,505,852 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of callable capital stock.

(d) DISPOSITION OF NET INCOME DISTRIBUTIONS BY THE BANK.—An payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

SEC. 2. JURISDICTION AND VENUE OF CIVIL ACTIONS BY OR AGAINST THE BANK.

(a) JURISDICTION.—The United States district courts shall have original and exclusive jurisdiction of all civil actions brought in the United States by or against the Bank.

(b) VENUE.—For purposes of section 1391(b) of title 28, United States Code, the Bank shall be a resident of the judicial district in which the principal office of the Bank in the United States, or its agent appointed for the purpose of accepting service of process, is located.

SEC. 3. EFFECTIVENESS OF AGREEMENT.

The Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, and shall be deemed to be a contract or treaty of the United States and is subject to the laws, treaties, and commissions of the United States.

SEC. 4. EXEMPTION FROM SECURITIES LAWS FOR CERTAIN SECURITIES ISSUED BY THE BANK; REPORTS REQUIRED.

(a) EXEMPTION FROM SECURITIES LAWS; REPORTS TO SECURITIES AND EXCHANGE COMMISSION.—No securities issued by the Bank (including any guaranty of the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities, or not limited in scope) in connection with borrowing of funds, or the guarantee of securities, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 and section 3(b)(12) of the Securities Act of 1934. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest for the protection of investors and creditors.

(b) AUTHORITY OF SECURITIES AND EXCHANGE COMMISSION TO SUSPEND EXEMPTION; REPORTS TO THE CONGRESS.—The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as the President shall deem advisable with regard to the operations and effect of this section.

SEC. 5. TECHNICAL AMENDMENTS.

(a) ANNUAL REPORTREQUIRED ON PARTICIPATION OF THE UNITED STATES IN THE BANK.—Section 412(f) of the International Financial Institutions Act (22 U.S.C. 262c(c)(2)) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa," after "Inter-American Development Bank";

(b) EXEMPTION FROM LIMITATIONS AND RE-STRICTIONS ON POWERS OF INTERNATIONAL BANKING ASSOCIATIONS TO DEAL IN AND UNDERWRITE INVESTMENT SECURITIES OF THE BANK.—The 7th sentence of paragraph 7 of section 536 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa", after "the Inter-American Development Bank";

(c) BENEFITS FOR UNITED STATES CITIZEN REPRESENTATIVES TO THE BANK.—Section 51 of Public Law 93-356 (276c-2) is amended by inserting "the Bank for Economic Cooperation and Development in the Middle East and North Africa," after "the Inter-American Development Bank".

Amend the title so as to read as follows: "A Bill to authorize United States contributions to the International Development Association and the Development Bank in the Bank for Economic Cooperation and Development in the Middle East and North Africa, and for other purposes."

AMENDMENT NO. 5086

On page 114, line 28, insert the following before the period at the end thereof: "Provided further, That the funds appropriated under this heading by prior appropriations Acts, $36,000,000 unobligated and unencumbered funds shall be carried forward to and consolidated with funds appropriated by this Act under the heading "International Organizations and Programs."

AMENDMENT NO. 5087

(Purpose: To express the sense of the Senate that the United States Government should encourage other nations to carry out environmental impact assessments for activities that will have transboundary impacts. In other words, if countries are going to carry out activities with significant cross-border environmental impacts, the country undertaking the activity should, at a bare minimum, be aware of the consequences of its activity.)

The amendment is an extension of my long interest in the protection of the global commons. In 1977, I introduced a resolution which called on the U.S. Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of an international environmental assessment for any major project, action, or continuing activity that may be reasonably expected to result in significant adverse impacts on the physical environment or environmental interests of other nations or a global commons area. That resolution was adopted by the Senate in 1978. While my 1978 resolution initially called for a global treaty applying to activities worldwide, regional approaches may also be called for in some instances. We have seen such an approach used in the Convention on Environmental Impact Assessment in a Transboundary Context. The Convention, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica, was signed by the United States.

Mr. President, this amendment simply underscores the point that environmental impact assessments should be carried out when activities in one country may affect adversely the environment of another nation or a global commons area. What the United States and its allies have achieved, both in domestic law and in treaties, must now be duplicated.
by other states, so that the use of environmental impact assessment truly becomes a standard precautionary measure.

Mr. President, this amendment acknowledges the efforts that have already been made, and the need for the U.S. Government to continue efforts to promote environmental impact assessments as a tool in environmental protection. I thank my colleagues for their support of this amendment.

AMENDMENT NO. 5082, AS MODIFIED

On page 196, add the following: "Provided further, that of the amount appropriated under this heading, $5,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chernobyl."

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 5084 through 5087), en bloc, and amendment (No. 5082), as modified, were agreed to.

Mr. McCONNELL. I move to reconsider the votes.

Mr. LEVIN. I move to lay those motions on the table.

The motions to lay on the table were agreed to.

Mr. McCONNELL. Mr. President, Senator SIMPSON is on the floor and ready to proceed.

Mr. SIMPSON. Mr. President, I thank the manager, indeed, for his patience and courtesy.

AMENDMENT NO. 5088

(Purpose: To strike the provision which extends reduced refugee standards for certain groups)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Mr. McCONNELL. Mr. President, under the able leadership of Senator S IMPSON and the U.S. adopted it in 1980 under the Refugees Act of 1980. It is now a provision which has been used to the U.N. Convention and Protocol, a "refugee" is someone with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. This is the international definition, and the U.S. adopted it in 1980 under the able leadership of Senator TED KENNEDY. Determination of whether an individual is a refugee is to be made on a case-by-case basis. It is the law.

Under the so-called Lautenberg amendment, with the best of intentions and the sincerest of motives, persons in the former Soviet Union qualify as a refugee just by being a member of a particular group. For Jews and Evangelical Christians in the former Soviet Union, and others, Ukrainian, Orthodox, a refugee applicant need only "assert" the fear of persecution and "assert" the family members of the individual. The categories under the Lautenberg amendment, which receive a special lower adjudication standard, were approved under the reduced guideline of one percent of those who apply under the Lautenberg standards would meet the worldwide definition of refugee. Nevertheless, 91 percent of these applicants were approved under the reduced guidelines.

In the most recent human rights reports from the State Department to the Committee on Foreign Relations, the U.S. State Department found in Russia “the Constitution provides for freedom of religion, and the Government respects this right in practice.” The report continues that “although Jews and Muslims continue to encounter prejudice,” and indeed they do, “they have not been inhibited by the Government in the free practice of their religion.”

Does anyone here doubt that there is no prejudice in the former Soviet Union? Of course not. There is tremendous prejudice in the former Soviet Union, please hear that. It is also a fact that there is no prejudice in this country. I do not dispute that fact either, and no one else can, but simple prejudice does not make a person here or in the former Soviet Union a refugee. Refugees are persons fleeing official political persecution. They are not fleeing discrimination.

Now my colleagues should know that the categories under the Lautenberg amendment, which receive a special lower adjudication standard, was established in 1989 with the clear history of religious persecution by the Communist Soviet State apparatus. This is no longer the case. The Soviet Union is gone. Russia is an ally. This foreign aid bill we are debating tonight provides $6,000 million in aid to this country. How can we possibly decide that up to 50,000 of the precious numbers of 90,000-plus are refugees? This program does great violence to the Refugee Act of 1980.

The inspector general of the State Department just completed a thorough audit of the refugee admissions program. I want to share some of the findings in the January 1996 report.
INS officers told State Department investigators that the so-called Lautenberg designations have changed the U.S. refugee admissions program into a “side-door immigration program.” You see, if you bring a refugee to this country, the United States of America pays the bill, pays the transportation costs for the support system after they come here. But if you immigrate, you pay it. Hear that—if you bring a sponsored immigrant to the United States, you pay; you, personally, pay for their transportation. Otherwise, you will not become a public charge, and people obviously would prefer to come in under refugee status.

Evidence is mounting, mounting, and this has been echoed by Moscow-based groups working with the former Soviet refugees, that this is a “side-door immigration program.” Undoubtedly, most of these people, the evidence is mounting, showing that most of these people are not refugees. The State Department investigation reports that there are more than 42,000 people—at least it will be in the Record; if nobody is paying attention, it will not make that much difference—there are more than 42,000 people who have received refugee status but who have not left the former Soviet Union. More than half of those individuals have remained for more than a year.

How can you be a real refugee and not get out? The inspector general reports that a large number of these fraudulently hold refugee status as an insurance policy against future upheaval in the former Soviet Union, or simply waiting for an opportunity to leave.

I want to acknowledge that many fine immigrants enter under the Lautenberg provisions. Many are well-educated and become productive members of the Nation and citizens, but these are not refugees, and individuals who are not refugees should not receive special refugee benefits. We should stop pretending that these individuals are fleeing any type of State-sponsored persecution. They may be fleeing prejudice. That does not qualify you as a refugee.

Unfortunately, the program has also become rife with fraud, a direct result of the lowered standards. Let me read an internal INS cable from Moscow:

Category fraud is relatively easy to perpetrate as the Washington Processing Center requires no written documentation to corroborate a category claim. Applicants who claim they are Jewish by nationality arrive at their interview with a passport showing Russian nationality and a birth certificate showing “Jewish” Russian. The claim is then made that one maternal grandmother was Jewish. Such an assertion, while not credible, is unverifiable. Blank and fraudulent documents are readily accessible. Only blatant cases of fraud can be denied outright, otherwise parole must be offered.

The INS claim points out that not only are refugee claims of dubious quality, but that the applicants have actually experienced persecution—but applicants do not even satisfy the category selected for special treatment. In other words, the applicants are not even Jewish or Evangelical Christians or Pentecostals or Orthodox Ukraine.

The program has become an international disgrace. A State Department report mentions a satirical paper on Russian organized crime. The FBI discusses the Lautenberg refugee provision has created an attractive avenue for Russian organized crime figures to secure entry into the United States.

Let me read from the FBI’s white paper on Russian organized crime. The FBI discusses the Lautenberg process and says:

Many of these immigrants claimed that their reason for leaving the Soviet Union was predominantly to escape religious persecution. But in fact, religious crimes can be considered to be accurate. A number of these emigres included intellectuals, professionals, and others from the middle and lower classes of Soviet society, who only claimed religious persecution, but had not actually experienced it. It has been estimated by American law enforcement authorities that roughly 2,000 of these immigrants were criminals who continued their criminal occupations in the United States.

So the FBI has identified the Lautenberg program as a point of entry for criminal elements from the Russian Mafia. But we do not need to stop there. Try the Senate. The Permanent Subcommittee on Investigations of the Senate Government Affairs Committee has just completed a 6-month inquiry into Russian organized crime in the United States. At their hearing on May 15, the subcommittee heard testimony from a member of the Russian Mafia, who testified anonymously, behind the screen, for his own personal protection. He is in the witness box there.

During meetings with investigators, Moscow-based groups have echoed by Moscow-based groups working with the former Soviet refugees, that this is a “side-door immigration program.” Undoubtedly, most of these people, the evidence is mounting, showing that most of these people are not refugees. The State Department investigation reports that there are more than 42,000 people—at least it will be in the Record; if nobody is paying attention, it will not make that much difference—there are more than 42,000 people who have received refugee status but who have not left the former Soviet Union. More than half of those individuals have remained for more than a year.

How can you be a real refugee and not get out? The inspector general reports that a large number of these fraudulently hold refugee status as an insurance policy against future upheaval in the former Soviet Union, or simply waiting for an opportunity to leave.

I want to acknowledge that many fine immigrants enter under the Lautenberg provisions. Many are well-educated and become productive members of the Nation and citizens, but these are not refugees, and individuals who are not refugees should not receive special refugee benefits. We should stop pretending that these individuals are fleeing any type of State-sponsored persecution. They may be fleeing prejudice. That does not qualify you as a refugee.

Unfortunately, the program has also become rife with fraud, a direct result of the lowered standards. Let me read an internal INS cable from Moscow:

Category fraud is relatively easy to perpetrate as the Washington Processing Center requires no written documentation to corroborate a category claim. Applicants who claim they are Jewish by nationality arrive at their interview with a passport showing Russian nationality and a birth certificate showing “Jewish” Russian. The claim is then made that one maternal grandmother was Jewish. Such an assertion, while not credible, is unverifiable. Blank and fraudulent documents are readily accessible. Only blatant cases of fraud can be denied outright, otherwise parole must be offered.

The INS claim points out that not only are refugee claims of dubious quality, but that the applicants have actually experienced persecution—but applicants do not even satisfy the category selected for special treatment. In other words, the applicants are not even Jewish or Evangelical Christians or Pentecostals or Orthodox Ukraine.

The program has become an international disgrace. A State Department report mentions a satirical paper on Russian organized crime. The FBI discusses the Lautenberg refugee provision has created an attractive avenue for Russian organized crime figures to secure entry into the United States.

Let me read from the FBI’s white paper on Russian organized crime. The FBI discusses the Lautenberg process and says:

Many of these immigrants claimed that their reason for leaving the Soviet Union was predominantly to escape religious persecution. But in fact, religious crimes can be considered to be accurate. A number of these emigres included intellectuals, professionals, and others from the middle and lower classes of Soviet society, who only claimed religious persecution, but had not actually experienced it. It has been estimated by American law enforcement authorities that roughly 2,000 of these immigrants were criminals who continued their criminal occupations in the United States.

So the FBI has identified the Lautenberg program as a point of entry for criminal elements from the Russian Mafia. But we do not need to stop there. Try the Senate. The Permanent Subcommittee on Investigations of the Senate Government Affairs
The law expires at the end of fiscal year 1996 and is extended for 1 year in this bill. It has been renewed several times. As a matter of fact, the last time was in 1994, and that vote was decided by an 85-15 outcome. So we are looking at the same situation, very frankly.

Existing law formally recognizes that historic experiences of certain persecuted religious minorities in the former Soviet Union and Indochina and a pattern of arbitrary denials of refugee status to members of these minorities entitles them to a relaxed standard of proof in determinations about whether they are refugees.

The law lowers the evidentiary standard required to qualify for refugee status for Jews and Evangelical Christians from the former Soviet Union, certain Ukrainians, and certain categories of Indochinese. Once a refugee applicant proves that he or she is a member of one of those groups, he or she is granted a "credible basis for concern" about the possibility of persecution. Refugee applicants normally must prove a "well-founded" fear of persecution.

Why is the extension necessary? My friends are facing challenges. Because the popularity, as we see it now, of ultranationalists and the resurgence of the Communists in the former Soviet Union has created a climate of tension, fear, and even violence against Jews, despite the fact that anti-Semitism is no longer formally state-sponsored.

In this climate, the law has provided a useful escape valve for historically persecuted individuals in the former Soviet Union where the situation for Jews remains tenuous. Allowing the law to lapse under these conditions would be a mistake.

How pervasive is anti-Semitism? According to Sergei Sirotkin, former Deputy Chairman of the Commission on Human Rights under the President of the Russian Federation, "Xenophobia and anti-Semitism in Russia are not just a reality but a growing and spreading reality."

In testimony before the House Subcommittee on International Operations and Human Rights of the Committee on International Relations, Sirotkin claimed that approximately 150 periodicals that propagate ideas of fascism, extreme nationalism, xenophobia, and anti-Semitism exist and that between 1992 and 1995 the number of these publications tripled.

In his testimony, Sirotkin cited a newspaper with national circulation called The Day which wrote: "The Jews are not a nation but a sect of degenerates." Even worse was the response from Moscow's Deputy Public Prosecutor who, according to Sirotkin, said the statement did not contain anything insulting to Jews.

It's not only publications that espouse anti-Semitism. Political leaders in Russia contribute to the climate of fear as well.

Gennady Zyuganov, the Communist Party candidate for President, left little to the imagination about his view of Jews when he wrote in his book "Beyond the Horizon": "The Jewish diaspora holds the controlling interest in the entire economic life of Western civilization."

Jews find no comfort in the sentiment espoused by Liberal Democratic Party of Russia leader, Zhirinovsky, who has said "for anti-Semitism to disappear, all Jews must move to Israel." Noting that Alexander Lebed, President Yeltsin's new National Security Adviser, will play a constructive role in working to stem the tide of anti-Semitism in Russia.

As my colleagues are well aware, Mr. Lebed recently stated that Russia has only three established, traditional religions—Orthodox Christianity, Islam, and Buddhism, obviously excluding the religion of the country's large Jewish population. He denigrated the Mormon Church in the worst and the ugliest terms.

Mr. President, the fears of Russian Jews are evident in the stories refugees tell me and others after they arrive in this country. They said the government is unwilling and unable to protect Jews from humiliation and persecution. They say they are in danger of being exposed to violence or persecution simply because they are Jews.

One Russian refugee who testified before the House International Relations Committee said:

"Even now, in Russia, Jews must have 'nationality-JEW' written on their passports, job applications, birth certificates, and school documents. This refugee went on to say:

"But worst of all is that in Russia the Government is absolutely incapable of protecting Jews from the never-ending persecution and violence. They do not possess the mechanism for enforcing the laws which they already have, the laws which formally protect human rights. The laws are not functioning.

Unfortunately, Mr. President, anti-Semitism is pervasive outside of Russia as well.

According to Paul Goble, a well-respected expert on Soviet minorities:

"The threat of anti-Semitism in the post-Soviet States is greater today than it has been at any time in the last decade. The inability of governments to enforce their own laws or follow up on their own promises, the worsening economic situation throughout the region that is leading to a search for scapegoats, and an increasing number of politicians and officials who see anti-Semitism as a useful tool to advance their causes all contribute to this threat.

Leaders in some of these States recognize that a problem exists. In fact, during a radio interview last year, Lithuania's President acknowledged that popular anti-Semitism still exists in Lithuania.

Unfortunately, however, sometimes it is the leaders who are part of the problem. Belarus' President Lukashenko recently said, "Not all of Hitler's actions were bad; one can learn from him methods of governing a country ".

That is a pretty friendly environment to exist in. If that does not frighten the pants off somebody, then nothing will. These statements are not persuasive, sudden, and anti-Semitic harassment and persecution which escalated into violence that put our lives at risk.

Ms. Kagan tells a harrowing tale of persecution beginning with verbal attacks:

"They called me "dirty Jew" and said such things as, "It was a good time when Hitler burned Jews and hung them on the trees." After being threatened on many occasions, Ms. Kagan reports:

"She repeatedly requested protection for myself and my family from these attacks, but no official investigation was made and no steps were taken to safeguard my family.

In the months that followed, two members of her family were attacked and beaten by Uzbeks; her barn, garage, and house were set on fire by arsonists; and she was eventually fired from her job as a department head of a company for which she had worked for 20 years, with the explanation that "only Uzbek nationals may head a department."

Her conclusion is poignant:

"Thousands of Jewish families in Uzbekistan can report the same shameless, severe and terrible violations of their civil rights. If you are unfortunate enough to be a Jew you often feel that your dignity is trampled with cynicism. To be Jewish in Uzbekistan today means to be unprotected, rightless, and robbed. But the most terrible is to be humiliated until you feel like a nonentity."

Clearly, Mr. President, now is not the time to allow the law to expire. The conditions which led to anti-Semitism in the law in 1989 have intensified, anti-Semitism is pervasive, and the protections the law provides to historically persecuted individuals in the former Soviet Union are needed more than ever before.

Additionally, Mr. President, the law is important to implement a new program of Resettlement Opportunities for Vietnamese Refugees. In April 1996, the administration announced a program of Resettlement Opportunities for Vietnamese Refugees (ROVR) to provide INS status adjudications for qualified Vietnamese boat people returning from the camps of Southeast Asia to Vietnam.

The program will provide resettlement for those Vietnamese with close ties to the United States or who have suffered significant persecution under the Communist regime. The program is also intended to minimize violence in the camps from which the Vietnamese refugee program comes to an end and to help to bring this long and successful humanitarian program to an appropriate and honorable conclusion.
INS adjudication standards for ROVR are based on the criteria found in this law and will play a critical role in the implementation of the program.

Mr. President, to respond to a couple of the assertions made by my friend from Wyoming, and in spite of all, he is quite right. The inspector general’s reference as a determination of whether or not the policy is right. That is not the inspector general’s area. The program has to be determined or reviewed by them.

Mr. President, I have been with cab drivers. I have made. We ought to tighten up the process between the administration and the Congress. The provision simply facilitates refugee designation.

Mr. President, this law was originally approved by the Senate by a vote of 97 to 0 in 1989 and became law as part of the fiscal year 1990 Foreign Operations Appropriations Acts, and the fiscal year 1991 and fiscal year 1992 Foreign Operations Appropriations Acts, and the fiscal year 1994-1995 Foreign Relations Authorization Act. I urge my colleagues to support this extension.

EXHIBIT 1

Hon. Frank Launtenberg, U.S. Senate, Washington, DC.

Dear Senator Lautenberg: I am writing to express the deep appreciation of the U.S. Catholic Conference and its constituent councils, the National Conference on Catholic Federalism, the Jewish Federations, the American Jewish Committee, the National Jewish Community Relations Advisory Council, the Union of Councils, the National Conference on Soviet Jewry, and the Council of Jewish Federations.

I ask unanimous consent that letters from these organizations in support of an extension be included in the Record at the end of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I will close.

Mr. President, I want to be clear that this extension will not increase the annual refugee ceiling for admissions to the United States. Those numbers are determined through a consultation process between the administration and the Congress.

My friend from Wyoming said that we absorb refugees, and he describes them as legitimate refugees. If someone has to worry about their kids being picked on and beaten up in the streets and not be allowed to conduct their education as they see fit, to me that constitutes someone who ought to have a chance to conduct their lives in another place.

I think that when all is said and done that we will see that this bill has served the United States very well, that we have gotten productive citizens—citizens who make a contribution. And if we have some errors in the way we conduct the programs, then let us fix the errors in our own house, and I hope that my colleagues will support the continuation of this law for the next year.

Mr. President, I want to be clear that this extension will not increase the annual refugee ceiling for admissions to the United States. Those numbers are determined through a consultation process between the administration and the Congress. The provision simply facilitates refugee designation.

Mr. President, this law was originally approved by the Senate by a vote of 97 to 0 in 1989 and became law as part of the fiscal year 1990 Foreign Operations Appropriations Acts, and the fiscal year 1991 and fiscal year 1992 Foreign Operations Appropriations Acts, and the fiscal year 1994-1995 Foreign Relations Authorization Act. I urge my colleagues to support this extension.
expansion of this provision of law at the end of FY 1996, and it will be extremely important that the ROVR deadline and this provision of law be extended so that all persons eligible to apply for refugee status are given equal access to this initiative and can be adjudicated uniformly.

We understand that the FY 1997 Foreign Operations appropriations bill in the House of Representatives did not contain an extension of this provision of refugee law, but that the report language in that bill did contain a reference to the possibility that such an extension might be contained in the Senate bill and instructed House conferees to redelegate to the Senate on this issue if that were the case. We urge that such a one-year extension be included in the Senate Foreign Operations Appropriations bill.

Thank you again for your assistance in bringing this important program to a peaceful and fitting end.

Sincerely,  
JOHN SWENSON  
Executive Director.  

THE HEBREW IMMIGRANT AID SOCIETY,  
New York, N.Y. June 14, 1996.  
Senator FRANK LAUTENBERG,  
Hart Senate Office Building, Washington, D.C.

DEAR SENATOR LAUTENBERG: Thank you very much for your efforts to include a one-year extension of the Lautenberg Amendment in the FY 1997 Foreign Operations Bill. HIAS fully supports extending the Amendment because of the threats currently faced by Jews in the former Soviet Union (FSU).

As you know, the Lautenberg Amendment requires the INS to take into account the historical persecution of certain minorities, including Jews in the FSU and Vietnamese political refugees, when adjudicating refugee applications from such groups.

On February 27, 1996, the House Subcommittee on International Operations and Human Rights held a hearing on the persecution of Jews worldwide. This hearing illustrated that those conditions in the FSU which necessitated the passage of the Lautenberg Amendment in 1989 have intensified in recent months.

The testimony of former Parliament member Alla Gerber and a report on Soviet nation- alities Paul Goble described anti-Semitism in the FSU as being “privatized” after the dissolution of the USSR. Recent emigres from the FSU testified that they fled the land of their birth because the authorities there were unwilling and unable to protect them from rising anti-Semitism. Indeed, many politicians, including leading Russian Presidential candidates Zyuganov and Zhirinovsky, and Belarus President Lukashenko, exploit such popular sentiment by blaming Jews for all that ails their respective nations. The attached news accounts of recent events in the FSU reen- force the concern raised at the hearing.

The hearing made it clear that now is the time to allow the Lautenberg Amendment to expire.

Once again, HIAS greatly appreciates your efforts to include a one-year extension of the Lautenberg Amendment on the FY 1997 Foreign Operations Authorization bill.

Very truly yours,  
MARTIN A. WEMICK  
Executive Vice-President.

The American Jewish Committee,  
Office of Government and International Affairs,  
Hon. FRANK R. LAUTENBERG,  
U.S. Senate, Washington, D.C.

DEAR SENATOR LAUTENBERG: The Lautenberg Amendment has provided refugee status for hundreds of thousands of Jews, Pentecostals, Catholics, and others fleeing persecution and discrimination in the FSU and Indochina. The provision will expire on September 30, 1996. The American Jewish Committee urges you to support the reauthorizing language included in the FY 1997 Foreign Operations Appropriations Act.

The Lautenberg Amendment offers fair and crucial protection to persecuted groups facing continuing persecution in these countries. The law provides that the INS consider the historical context of persecution when reviewing refugee applications. No special privileges or increased admissions ceilings are created.

The fall of the Soviet Union has not ended Russian anti-Semitism nor diminished the need for the Lautenberg Amendment. Troubling statements by prominent Russian politicians, the closing of Jewish Agency offices in Russia, and a recent anti-Semitic campaign by the Russian Federation party are creating a perfect storm of conditions that are ripe for anti-Semitism.

The threat of violence and persecution remains a present danger for the Jews of the former Soviet Union. Currently, 100,000 Jewish men, women, and children are seeking asylum under the Lautenberg Amendment. It is crucial that all refugees remain able to receive refugee status in the United States. On behalf of the officers and members of the American Jewish Committee, we hope that you will act to keep the doors of refuge open in America for those fleeing persecution in the former Soviet Union and Indochina. We urge your support for the reauthorization of the Lautenberg Amendment.

Sincerely,  
JASON F. ISAACSON  
Director.
human rights and democracy, and its humanitarian mission to provide safe-haven to endangered refugees. The Lautenberg Amendment declares that persecution of minorities is unacceptable as part of the transition towards democracy in the region. Additionally, the amendment has assisted tens of thousands of refugees from historically persecuted communities to find safety in the United States.

Today, conditions for Jews in the FSU are extremely precarious. A significant majority of members of the Russian Duma are from strongly anti-Semitic parties. The leading contender in the upcoming presidential election, Gennady Zyuganov, represents a coalition of nationalist, patriotic and communist parties. Mr. Zyuganov has a serious chance of winning the presidency, and poses a grave threat to the Jewish community.

Based on the UCSJ's monitoring of conditions in the FSU, we see antisemitism throughout the region, and an inability or unwillingness on the part of the authorities to protect Jews. The Jewish community faces a vibrant antisemitic publishing industry, vilification in street demonstrations, and vandalism of private and communal property. As Paul Gobel of Radio Liberty stated at a recent hearing before a House International Affairs subcommittee, "The threat of antisemitism in the post-Soviet states is greater today than it has been at any time in the last decade."

The United States Congress has long been an ally of human rights and democracy activists and persecuted minority groups in the former Soviet Union. This noble tradition would be honored by an extension of the Lautenberg Amendment through the end of fiscal year 1997. Sincerely,

PAMELA B. COHEN, National President.
MICAH H. NAFTALIN, National Director.

NATIONAL CONFERENCE ON SOVIET JEWRY, Washington, DC, June 20, 1996.
Hon. Frank Lautenberg, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Conference on Soviet Jewry, thank you for your successful effort to include a one-year extension of the Lautenberg Amendment in the FY 1997 Foreign Operations Appropriations Bill. Given the volatile and dangerous environment confronting the Jewish minority in the former Soviet Union, the NCSJ continues to support the extension of the Amendment.

The rise of popular anti-Semitism throughout the former Soviet Union is a serious threat to the future well-being of Jews in these countries. Government authorities are unable and/or unwilling to adequately address this threat which causes many Jews to continue to suffer.

The NCSJ, in conjunction with other members of the organized American Jewish community, stands ready to assist you to ensure passage of this vital legislation. Once again, our sincere thanks for everything you have done on behalf of the Jews of the former Soviet Union.

Sincerely,

MARK B. LEVIN, Executive Director.

Senator Frank Lautenberg, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Council of Jewish Federations and the 200 local Jewish federations within our national system, I am writing to thank you for your ongoing efforts to extend the Lautenberg Amendment for an additional year by including it in the Foreign Operations Appropriations Bill for FY97. This critical law has assisted thousands of refugee applicants from the former Soviet Union and Indochina to obtain refugee status and come to the U.S. to start a new life free of persecution, fear and constant harassment.

As you know, the situation for Jews in the FSU is tenuous at best. The popularity of Zhirinovsky and other ultra nationalists as well as the resurgence of the Communists creates a climate of tension, fear and often violence against Jews. Even if there is no longer an official government sponsored anti-Semitic campaign. These modern circumstances, combined with the historic persecution of Jews and other religious minorities in the FSU, constitute for many a "credible basis for concern" which qualifies them for refugee status under the Lautenberg Amendment. The importance of retaining this law and the ability to move people out of a dangerous environment cannot be overstated.

In addition, the continuation of the Lautenberg Amendment remains crucial for Vietnamese who seek to obtain refugee status under the Administration's Resettlement Opportunities for Vietnamese Refugees (ROVR) program. It seems highly unlikely that all refugees who are eligible for ROVR status will be able to register in time to be adjudicated under Lautenberg standards if the law expires at the end of this fiscal year. An additional year of extension will be critical to carrying out the intended purpose of the ROVR program and keeping our commitment to refugees in Vietnam.

The Administration is supporting a one year extension of the Lautenberg law. The Congress already passed such an extension in the State Department Authorization bill that was vetoed. It is our hope that the Congress will again pass an extension by including it in the Foreign Operations Appropriations bill. As you know, the House Foreign Operations Appropriations Committee has included in its report language that they would accept the Senate if the Lautenberg provision were to be included in the Senate Foreign Operations Appropriations bill.

Thousands of refugees Jews and non Jews, owe their freedom to you for your leadership on this issue and the law that bears your name. We have been pleased to work with you and your staff to support your efforts each time it has been before the Senate and the House. You have our support and assistance again now.

Thank you for all you have done.

Sincerely,

MAYNARD WISNER, President, CJF.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 5078
(Purpose: To reallocate funds for the Korean Peninsula Energy Development Organization)

Mr. LIEBERMAN. I call up amendment number 5078 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. LIEBERMAN) for himself, Mr. LEAHY, Mr. BOND, Mr. HATFIELD, Mr. SIMON, Mr. NUNN, Mr. DASCHLE, Mr. LUGAR, Mr. ROTH, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. INOUYE, proposes an amendment numbered 5078.

Mr. LIEBERMAN. Mr. President, I add unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 126, after line 7, insert the following: "(INCLUDING TRANSFERS OF FUNDS)"

On page 127, beginning on line 14, strike "Provided further," and all that follows through the colon on page 128, line 6, and insert the following: "That, notwithstanding any prohibitions in this or any other Act on direct or indirect assistance to North Korea, not more than $33,000,000 shall be from funds appropriated under this heading and $12,000,000 may be transferred from funds appropriated by this Act under the headings ‘International Organization and Programs,’ ‘Foreign Military Financing Program,’ and ‘Economic Support Fund’:".

On page 138, line 12, strike "the Korean" and all that follows through "or" on line 13.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays on the Lieberman underlying amendment, THE PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5087 TO AMENDMENT NO. 5078

(Purpose: To provide conditions for funding North Korea’s implementation of the nuclear framework agreement)

Mr. MURKOWSKI. Mr. President, I offer a second-degree amendment, and send it to the desk and ask for its immediate consideration. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) for himself, Mr. MCCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 5089 to amendment numbered 5078.

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

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

The amendment is as follows:

On page 2, line 9, of the matter proposed to be inserted, strike "Fund:" and all that follows through 

"Funds: Provided further, That such funds may be obligated to KEDO only if, prior to
such obligation of funds, the President certifies and so reports to Congress that (1) the United States is taking steps to assure that progress is made on the implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by the end of fiscal year 2000; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which such assistance was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President deems it necessary in the vital national security interests of the United States: Provided further, That no funds may be obligated for KEDO until 30 calendar days after the submission to Congress of the waiver permitted under the proviso if the President deems it necessary: Provided further, before obligating any funds for KEDO, the President shall report to Congress on (1) the cooperation of North Korea in the process of returning United States military personnel who are listed as missing in action as a result of the Korean conflict (including conducting joint field activities in the United States and the United States and North Korea in the region); (2) violations of the military armistice agreement of 1953; (3) the actions which the United States is taking and plans to take to assure that North Korea is consistently taking the required steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula and engage in North-South dialogue; and (4) instances of non-compliance with the Agreed Framework between North Korea and the United States and the Confidential Minute, including diversion of heavy fuel oil.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I intend to support the second-degree amendment. I ask unanimous consent that I be added as a cosponsor of the amendment.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, speaking about the underlying amendment and the second-degree amendment, this deals with the underlying bill, the foreign operations appropriations bill, which proposed a relatively small contribution that the United States has agreed to make which is part of a very large agreement that holds great promise of stabilizing relations between North Korea and South Korea, North Korea and its other neighbors in Asia. The so-called agreed framework was negotiated in the 1990s.

Mr. President, let us remember as we begin this discussion that in 1993 the Defense Department issued the Bottom-Up Review, which set a standard for the American military that we had to be strong enough to deal with two major regional conflicts in the world at one shot. That MARC was clearly in the gulf region, the Middle East, and the other, in most people's contemplation, was on the Korean peninsula.

Where we think about the fact that we sent a half million of our soldiers to the gulf region to deal with that conflict—and carry out so brilliantly Operation Desert Shield and Desert Storm—and that the potential for conflict on the Korean peninsula is in most people's minds of an equivalent size, we are talking about a very serious exposure for the United States in terms of our military personnel and also in costs to our Treasury.

After rising international concern about the potential diversion of North Korea's nuclear power to develop atomic weapons, a series of negotiations ensued which ended in the so-called agreed framework in October 1994. The North Koreans took on certain obligations, the United States and neighbors in that region, particularly South Korea and Japan, took on other obligations, which thus far all parties have proceeded in what would have to be called good faith to carry out the agreed framework throughout the world, resulting in a de-escalation of tension and the potential for armed conflict there.

This agreement required, for instance, North Korea to freeze operation of its 5-megawatt reactor and halt construction at its 50-megawatt and 200-megawatt reactors. If the agreement were not in place, within a few short years these facilities would have been able to produce enough plutonium for the North Koreans to build dozens of nuclear weapons each year. The agreed framework also required North Korea to cease operations at its reprocessing facility and laboratory which reprocesses plutonium out of spent nuclear fuel, and to seal that facility.

I am pleased to say, Mr. President, that the International Atomic Energy Agency has confirmed that North Korea has taken all these steps to freeze their program. The IAEA is now working closely with the Korean peninsula to ensure that the specific measures needed to continue to monitor that freeze. The fact is that IAEA inspectors are maintaining a continuous presence—this is not just somebody's word and our best hopes, it is the continuous presence of international inspectors at the Yongbyon nuclear facility in North Korea. The framework was deliberately structured so the North Koreans would take the first steps, and we were able to verify compliance every step of the way. The President, on time, every year for the North Koreans to provide a certain amount of money which the United States is taking to purchase heavy fuel oil to help to operate other power plants within their country, and we have agreed to assist them in building light water reactors which are much more nuclear-protected and resistant, likely to be used to develop nuclear weapons than the other reactors that the North Koreans have.

The cost of the light water reactors would amount to most likely $4 billion. The Republic of Korea, that is, South Korea, and Japan have accepted the lion's share of the financial burden for those light water reactors. The United States direct funding to the Korean Peaceful Nuclear Energy Development Organization, known as KEDO, look up under the agreed framework to provide heavy fuel oil for the North Koreans and for other projects, is really a matter of us just assuming a fair share of our burden. We pledged to commit $25 million, which is less than half the total amount required for the heavy fuel oil purchases annually and which represents a very modest commitment when one considers the $4 billion cost for light water reactors that will be assumed primarily by the Republic of Korea and Japan.

Nonetheless, the foreign ops bill that is before us now cuts that amount of money down to $13 million, threatening the stability of the overall agreed framework, and leading to concern in Japan and South Korea about the steadfastness of the United States in fulfilling its obligations under this agreement—leading to some concern in those countries about whether they would fulfill their much larger set of responsibilities under these agreements, and holding the potential to once again destabilize the Korean peninsula with great risk to those who live there and those of us who have a security interest there.

Mr. President, I want to simply quote here from a letter Secretary Perry wrote to Senator ROBERT C. BYRD on this question dated July 15, 1995. The Secretary says that without the full funding of U.S. support, $25 million—a lot of money, but not all of it separate but a very small amount of money when you think of the amount of money we would have to spend if the
Koreas become destabilized and a conflict ensued. Secretary Perry said:

“Without U.S. support for KEDO, the organization will face a significant funding shortfall for HFO. Should KEDO be unable to fulfill its obligation to deliver oil, the risk of the North breaking the nuclear freeze would rise significantly. Such a scenario greatly increases the risk of a direct confrontation with North Korea’s military forces measured in lives and billions of dollars.”

Mr. President, my underlying amendment would restore the amount of money in the bill from the $13 million up to $25 million, which is the amount the United States has pledged to initially fund these purchases of heavy fuel oil and other expenses. It also makes clear—and Senator Levin, had he been here was going to ask this question—that the $25 million can be used not just for the heavy fuel oil and administrative expenses, but other expenses pursuant to the agreed framework between the parties in this matter.

The second-degree amendment which was worked on this evening by the distinguished Senator from Alaska [Mr. Murkowski] and the Senator from Arizona [Mr. McCain] and myself, sets some standards for the distribution of that $25 million. I will yield to the Senator from Alaska in a minute to describe that. It basically requires a certification procedure by the President and grants the President a waiver if he feels it is in the national security interest to do so before the $25 million is expended.

I am pleased we have made such progress on this. I am honored that I have a distinguished group of cosponsors from both sides of the aisle for this amendment.

I thank the Chair, and I yield the floor.

Mr. NUNN. Mr. President, I rise in support of the Lieberman amendment of which I am an original cosponsor.

I would like to recall that in June 1994 North Korea decided to defuel its five megawatt research reactor, precipitating a crisis on the Korean Peninsula. Spent fuel contains essential fissile material for a nuclear arsenal and North Korea could have extracted enough plutonium to build five or six nuclear weapons.

As a result of the negotiation of the October 1994 Framework Agreement, North Korea agreed, among other things, to eventually dismantle its graphite moderated nuclear reactors and related facilities and to safely store and ultimately ship out of its territory the spent fuel from its five megawatt nuclear research reactor. The United States agreed to lead an international consortium to oversee the finance and construction of two 100-megawatt light water reactors and to provide 500,000 metric tons of heavy fuel oil annually until completion of the first light water reactor.

I am advised that North Korea has maintained the freeze on its nuclear facilities, that the IAEA has maintained a continuous presence in North Korea to verify and monitor the freeze, the canning of the more than 8,000 spent fuel rods is proceeding at a steady pace and North Korea has concluded a number of agreements with KEDO to facilitate the furnishing of the light water reactors, including a Protocol on Privileges and Immunities for KEDO personnel.

Mr. President, I believe it is in our national security interest to freeze and eventually dismantle North Korea’s graphite-moderated reactors and related facilities that it has approximately 37,000 troops in and is committed by treaty to defend the Republic of Korea. As Secretary Perry has noted:

"Should KEDO be unable to fulfill its obligation to deliver oil, the risk of the North breaking the nuclear freeze would rise significantly. Such a scenario greatly increases the risk of direct confrontation with North Korea, with costs measured in lives and billions of dollars."

Under the arrangements worked out with our allies, South Korea and Japan have agreed to bear the financial burden for the provision of the light water reactors for North Korea. The cost will be $25 million and by some estimates will approach $6 billion. The United States has agreed to fund less than one-half of the cost of providing heavy fuel oil annually to make up for the loss of electricity.

And I am also pleased that a number of countries have pledged monetary contributions and the European Union is on the verge of making a multi-year financial contribution but that this commitment could be endangered if the United States didn’t provide the $25 million this year.

Insomuch, Mr. President, I believe that a $25 million contribution to KEDO for fiscal year 1997 is in our national security interest and I encourage my colleagues to support the Lieberman amendment.

Mr. LEVIN. Mr. President, I support the Lieberman amendment to provide full funding for the Korean Peninsula Energy Organization, or KEDO. This amendment would provide the funding requested by the Administration needed to meet our obligations under an important agreement this country has with North Korea.

This agreement, known as the “Agreed Framework,” has effectively frozen North Korean nuclear weapons programs. That is why we have such a strong stake in meeting all our obligations under this agreement. If we want to continue to freeze and eventually dismantle the North Korean nuclear weapons program, we must uphold our end of the agreement. That means paying our small portion of the cost of that agreement.

Mr. President, the underlying bill would reduce the funds for implementation of the Agreed Framework with North Korea from $25 million to $13 million. This level of funding—half the amount requested—would not permit the United States to meet its obligation under the Agreed Framework. If that were to happen, North Korea could renege on its commitments under that agreement and resume its nuclear weapons program.

This is a remarkable fact, Mr. President. For want of $12 million, we are apparently willing to risk North Korea’s return to a nuclear weapons program that we all agree would be exceedingly dangerous for our security and for the security of the Asia-Pacific region, including South Korea and Japan.

In almost every debate on defense and security issues, we hear the list of so-called “rogue” nations, always including North Korea, that post a threat because of their work on ballistic missiles, on weapons of mass destruction, or as sponsors of terrorism. Why would we willingly undo a success story—the Agreed Framework that has frozen the Korean nuclear weapons program—and risk the grave dangers of North Korean nuclear weapons?

Indeed, it was the very threat of the North Korean nuclear weapons program that required us to negotiate the Agreed Framework. And had that negotiation not worked, the alternative appeared to be the likelihood of a military confrontation with North Korea, meaning war on the Korean Peninsula that would involve massive casualties to our forces stationed there and to the Korean population.

The agreement that is now in place is a great benefit to our security. Here is how the Director of Central Intelligence, John Deutch, described the results of the agreement in March of this year:

"Under the terms of the 21 October 1994 Agreed Framework with the United States, North Korea agreed to freeze its plutonium production capability. Currently, P’yongyang has halted operation of the SMW graphite moderated reactor as a small scale plutonium production test. This stopped a number of the two larger reactors, frozen activity at the plutonium recovery plant, and agreed to dismantle these facilities.

"When I asked our senior military leaders if they believed the Agreed Framework is in our security interests, they have all answered with a resounding yes. Here is the discussion I had with General Shalikashvili, the Chairman of our Joint Chiefs of Staff in February 1995:

Senators LEVIN. [Has] the nuclear weapons program of North Korea, in your judgment,
remained frozen since that agreement was reached?

General LUCK. Yes, sir.

Admiral PRUEHER. Yes, sir.

Senator LEVIN. And in your judgment, does that make a significant contribution to the security of that peninsula and to our security? It makes a very substantial contribution. If we had not reached an agreement and frozen the North Korean nuclear program, is it true that North Korea today would have enough plutonium to make several nuclear warheads, and could it have several nuclear warheads already and more warheads in the pipeline?

General LUCK. I am not an expert in that area, but certainly that was the prediction before we entered into this agreement.

Senator LEVIN. As far as you know, is that an accurate statement?

General LUCK. As far as I know, it is, sir.

Admiral PRUEHER. And likewise, as far as I know.

Mr. President, Those are the typical comments of our senior military commanders on the importance of the Agreed Framework, and the fact that North Korea is complying with its terms.

The civilian leadership in the Defense Department also agrees with this assessment. I refer to an exchange between myself and Defense Secretary Bill Perry from March 5 of this year, and I ask that an excerpt of the transcript from a hearing of the Armed Services Committee be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, I oppose the bill's restrictions on funding for KEDO, and I urge my colleagues to support the Lieberman amendment.

EXHIBIT 1

LEVIN—PERRY ON NORTH KOREA NUCLEAR AGREED FRAMEWORK (EXCERPT)

Senator LEVIN. First I want to ask you about Korea. Last year you described the situation there with the somewhat agreed framework that froze North Korea's nuclear weapons program, and explained that by freezing the program that we prevented North Korea from producing plutonium for weapons and from producing the weapons themselves. Has North Korea kept its nuclear weapons program frozen?

Secretary PERRY. Yes.

Senator LEVIN. And if we had not entered into that agreed framework, where would North Korea's nuclear program be today, and where would it be, say, in 3 years?

Secretary PERRY. Had we not entered that program, we believe that they would have, first of all, taken the material from their reactor, the spent fuel from their reactor, and reprocess it to get enough plutonium to make perhaps four or five or six bombs, and quite possibly they would have those bombs now; and that, secondly, they were constructing other reactors which, when they were completed, would give them the ability to get capable of making perhaps 10 to 12 bombs a year. All of those programs have been stopped. There is no such fuel being processed or generated today.

Senator LEVIN. I take it that that clearly is in our security interest in a very major way?

Secretary PERRY. This was, to me, a fundamental issue. We were prepared to take very substantial actions that actually raised the risk of conflict in order to stop that program. We are through diplomacy, and we did not have to take those other actions, and that has been a matter of great significance.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI. Let me yield to the Senator from Wyoming who has a unanimous consent request.

AMENDMENT NO. 508

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on my amendment when it is processed tomorrow morning.

The PRESIDING OFFICER. Without objection it will be in order to consider the yeas and nays.

Is there a sufficient second? There appears to be sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 5078

Mr. MURKOWSKI. Mr. President, first let me acknowledge the statement by my friend from Connecticut, Senator LIEBERMAN, relative to his willingness to co-sponsor my second-degree amendment and for the statement in support of the Lieberman amendment which specifically restores the administration's request for $25 million to support the Korea Development Organization. The significance of this is that, if the job is going to be done and done right, it is going to take a commitment. To suggest it is going to be done with half the amount of money is simply unrealistic. We might as well address reality. The administration is prepared to suggest, with the $25 million, it will be able to implement the agreed framework with North Korea.

I also want to recognize Senator McCain, who joins with me, as well as Senator LIEBERMAN, in the second degree to the Lieberman amendment.

Mr. President, I believe I have asked for the yeas and nays. I will be very brief in my remarks, assuming I am correct, that we have requested the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been requested only on the Lieberman amendment.

Mr. MURKOWSKI. KEDO would be my intention to ask for a voice vote on my second-degree amendment to the underlying amendment, to the Lieberman amendment. Perhaps it would be in order to do that now. Then I can proceed with that.

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

The amendment (No. 5069) was agreed to.

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

Mr. LIEBERMAN. I move to lay that off the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, the Appropriations Committee proposed a cut of funding to $13 million. I do not think we are involved, here, in a bean-counter debate. The question is, what does it take to do the job?

If we go back to the initiation of the framework agreement, I think many of us were under the assumption that this would be an obligation pretty much undone written by South Korea and Japan. That has not been the case. We have been involved and we continue to be involved. But my concern, in real terms, is that what we are talking about is a major foreign policy initiative, and that is how we deal with North Korea.

I said on previous occasions I do not think the agreed framework was the best way we could have negotiated it, but I am not going to judge the administration necessarily in hindsight. My objection to the agreement was that, in negotiating, we agreed not to inspect the two sites, the two storage sites, until after the first nuclear plant was about to be fueled. I think that was a mistake, but I am not going to go on at great length.

I am concerned the North Koreans live up to their commitments before the money starts flowing. The Murkowski-Lieberman-McCain amendments would condition the $25 million on the following. The first is Presidential certification that progress is really being made on the North-South relations. This is a condition of the agreed framework, but one that is obeyed in the breach, if you will. There have been significant exceptions to that. North Korea has flouted, in some instances, the armistice agreement and taken several actions in the past few months to increase tensions on the DMZ, by violating borders. The question is how does this decrease tensions? It clearly does not.

Cooperating fully on safe storage of all spent fuel—this is a requirement. Again, it is a condition of the agreed framework. Thus far, I think the cooperation has been relatively reassuring on that one.

No significant diversion of financial or other assistance—Senator McConnell's provision deals with the important matter of the diversion of fuel oil. But I think it must go further. We have spent $82 million in food aid, even though there are reports about what North Korea does with the money. In fact, in the last 2 years we have spent over $50 million for North Korea in food value and other assistance.

So what we are talking about is full compliance with all the provisions of the agreed framework and the confidential part, which includes the timetable for compliance. This should be a no-brainer. If there are violations, the money should simply stop. They should understand that.

If, as the administration assures me, North Korea is fully cooperating with...
the agreed framework and is moving towards advancement on other issues, these should be very, very easy certifications. It should not be any problem at all. Further, before any money is spent, the administration will report on whether North Korea is cooperating fully on activities to account for the MIA’s, those missing in action, including the joint field activities.

A lot of Americans forget, because the emphasis has been on Vietnam where we have unidentified less than 2,300 MIA’s, but that is not the case in North Korea. Mr. President, 8,177 service personnel are unaccounted for in the Korean conflict and at least 5,433 were lost north of the 38th Parallel. These are the forgotten men of the Korean war.

I am pleased that the first joint operation started on July 10. Another operation is scheduled for September. That is good news. It is a start. But it is absolutely crucial to my support for the KEDO, an issue I have spoken out on time and time again, and it is an issue I am glad to see the administration and negotiators have finally brought into the discussion process. When KEDO started, when the first negotiation was taking place, there was not no mention, no condition of our support and assistance and their cooperation on the MIA’s. It is through the efforts of Senator McCain and a number of other Members of this body and Members of the House, to insert this mandate, that I think has brought an awakening to the administration.

The highest calling of Government is full accounting for those who have given so much. We can never properly repay that. We simply have to demand it. We know where those battle sites were. We know where those prison camps were, in the north. We know there are 5,433 that are unaccounted for in the Korean conflict and at least 8,177 service personnel are unaccounted for in the Korean conflict. These are the forgotten men of the Korean war.

I continue to have serious reservations about the Nuclear Framework Agreement with North Korea. Under this deal, the North Koreans get free oil, the benefits of trade and diplomatic relations, two new nuclear reactors, and untold additional benefits, including tacit forgiveness of their blatant violation of the Nuclear Non-Proliferation Treaty. Most of these benefits accrue before North Korea incurs any significant damage to its existing nuclear weapons program. In short, the most charitable appraisal I can give this agreement is that it represents a tendered bribe to North Korea in exchange for a limit on its nuclear weapons program.

I have serious reservations about the part of the Framework Agreement that serves our national security interest is ensuring that the spent nuclear fuel rods in the cooling pond at Yongbyon are safely stored and safeguarded. We must ensure that North Korea cannot easily begin reprocessing this fuel, and we must also ensure against further degradation of their condition in the storage pond. The Department of Energy has taken the lead in this effort, and estimates that all the spent fuel will be safely canned and stored in North Korea by March of next year.

In support of this effort, the U.S. has already contributed about $25 million. Maintaining the nuclear fuel rods in safe storage will require about $2.5 to $5 million per year until it is removed from North Korea. In my view, these funds are well spent to take this dangerous material out of North Korean hands.

The U.S. has also contributed $5 million for heavy fuel oil for North Korea and another $22 million to the operations of KEDO. This bill, with the Lieberman amendment, would give another $25 million to KEDO for heavy fuel oil and administrative costs of implementing the agreement. These expenditures can be expected to continue at least at the level of $20-30 million per year for the next ten years, while the provisions of the agreement are carried out. That is a cost to the U.S. taxpayer of somewhere between $200 and $300 million.

In Congress we have a responsibility to ensure that the American taxpayers know where his money is going. That is why Senator Murkowski and I are proposing an amendment to restrict the use of the $25 million provided in this bill. Our amendment would ensure that taxpayers’ dollars will not be spent to prop up the failing economy and Communist regime in North Korea.

As I have often said, I believe the Framework Agreement will fail in time. I believe North Korea will renge on this agreement, just as they reneged on their freely accepted obligations under the Nuclear Non-Proliferation Treaty, and as they did 9 times during the 2 years of negotiations leading up to this deal. North Korea is currently in compliance with the framework agreement, and therefore, I do not believe the United States should kill the deal by failing to provide a minimal level of funding to implement its more positive aspects.

Mr. President, I will not oppose the Lieberman amendment to restore funding for KEDO to the requested level. However, I believe the American taxpayers should be assured that these millions will not be misused by North Korea. Therefore, I urge my colleagues to support the Murkowski-McCain amendment, and ensure these funds are expended only if certain reasonable conditions are met. I urge the adoption of the Murkowski-McCain amendment.

Mr. President, I will not oppose the Lieberman amendment to restore funding for KEDO to the requested level. However, I believe the American taxpayers should be assured that these millions will not be misused by North Korea. Therefore, I urge my colleagues to support the Murkowski-McCain amendment, and ensure these funds are expended only if certain reasonable conditions are met. I urge the adoption of the Murkowski-McCain amendment.

Mr. SPEtTER. Mr. President, I voted against the Helms amendment because it would prohibit the United States government from making certain payments to the United Nations if the United Nations “borrows funds from any international financial institution.” It may be necessary for the United Nations to borrow such funds to keep operating for a wide variety of contingencies.
The amendment also prohibits the U.S. Government from making certain payments to the United Nations if the United Nations attempts to “impose any tax or fee on any United States persons.” I would certainly support the action of the United Nations if the United Nations attempted to impose certain taxes on the United States, but I certainly do not believe it is necessary to impose a tax or fee on any United States person. I, therefore, wanted to make clear that the United Nations would be able to impose these kinds of taxes on United States persons because that would violate fundamental U.S. sovereignty.

Since this amendment goes beyond the tax or fee issue and prohibits borrowing, I opposed the amendment.

AMENDMENT NO. 5298

Mr. INOUYE. Mr. President, I rise today to thank the managers of the bill, Chairman MCCONNELL and Senator LEAHY for accepting the Inouye-D’Amato amendment expressing the Sense of the Senate that the German Government expand the criteria by which Holocaust survivors may qualify for compensation.

Time is of the essence. Most of the survivors are in their mid-to-late seventies. Each day of delay causes the survivors of one of the most gruesome atrocities mankind has ever witnessed to move a day closer to never recovering the compensation, albeit symbolic, they deserve as compensation.

The German Government and the United States Conference on Jewish Material Claims Against Germany are about to engage in the yearly process of negotiating new categories by which survivors of the Holocaust are entitled to receive compensation.

I recognize that there is absolutely no amount of financial remuneration that can adequately compensate these survivors for the unimaginable suffering they experienced. However, in many cases, pensions of approximately $300 to $500 a month will make a significant difference in the lifestyle these survivors will experience in their golden years.

I would like to take a moment to share with my colleagues the type of hardship my constituent Mr. Armin Nagel experienced while interned at the Vapniarka labor camp in Romania.

Mr. Nagel was interned during World War II in Transnistria, in the Vapniarka concentration camp and in the Grosulovo ghetto just inside the Romanian border.

Vapniarka was a camp used primarily for Jews. In mid-September of 1942 over 1,000 of which about 400 were from the Tigru Jiu camp, were transferred to Vapniarka by train through Tiraspol. They joined the 630 Jews from Bessarabia and Bucovina and about 50 to 60 Ukrainian inmates already interned there. In mid-October of 1943, 700 Jewish survivors were transferred from Vapniarka to the Grosulovo Ghetto and the Vapniarka camp was closed. While in Vapniarka, the inmates were severely beaten by their guards and by fellow Ukrainian inmates.

Based on survivors’ testimonies, Raul Hilberg, in his book “The Destruction of the European Jews,” describes the food that the inmates received as follows:

Vapniarka was the site of a unique Romanian nutritional policy. The inmates were regularly fed 400 grams of a kind of chick pea, a legume called Achenatherum savittanum, and 200 grams of barley. Cooking water and salt and mixed with 220 grams of barley to which was added 100 grams of salt water. The result of this diet manifested itself in muscular cramps, uncertain gait, arterial spasms in the legs, paralysis and incapacitation.

This is just one example of the type of hardship the prisoners experienced at Vapniarka.

Mr. Nagel has been denied a pension by the German authorities because Vapniarka has been categorized as a labor camp. Today, Mr. Nagel is 76 years old and survives on a moderate income supplemented by Social Security. This enables him to meet his basic necessities of food, shelter and clothing. A pension of $300 to $500 a month will make the difference between making ends meet and being able to live a decent lifestyle during his golden years.

Through this resolution the Senate encourages the German Government to negotiate expeditiously and in good faith with the United States Conference on Jewish Material Claims Against Germany.

CLARIFICATION OF THE BAN ON AID TO AZERBAIJAN

Mr. COHEN. Mr. President, in 1992, when the Caucasus conflict was about to be fought with U.S. direct aid to the Government of Azerbaijan under what is known as “section 907.” Although section 907 was not intended to deny humanitarian aid to the war-ravaged population of Azerbaijan, it has done just that.

Mr. President, I rise to support the effort today to clarify section 907 so that the United States can reestablish humanitarian aid to Azerbaijan. I, therefore, support the direct aid to the Government of Azerbaijan.

Section 907 currently prevents non-governmental organizations [NGOs] receiving U.S. funding from dealing with the Government of Azerbaijan in carrying out humanitarian missions in the country.

In former Soviet Azerbaijan, the Government undertook the large portion of the economy, so this restriction makes it very difficult for aid organizations to efficiently deliver much-needed help to the 900,000 refugees from the war with Armenia.

Some examples of the problems section 907 has created for the International Rescue Committee [IRC], Rescue International [RI] and CARE, independent relief agencies, are as follows:

- International Rescue Committee (IRC) initially spent $4 million on aid to Askanian under tarps on the street. The IRC had to be retained for purchasing supplies because UNICEF was working with the Government.

- CARE withdrew a proposal to USAID to rehabilitate buildings and railroad cars as shelters for displaced Azerbaijanis, because the structures were government owned.

- RI was unable to use $500,000 from USAID to rehabilitate buildings in Azerbaijan because section 907 precluded renting a building to an NGO.

- Section 907 has created for the International Rescue Committee and CARE an alternative with the United States Conference on Jewish Material Claims Against Germany.

- RI has been unable to do exchange of pharmaceuticals with the National Health Organization in Azerbaijan, a common practice in areas with scarce medical resources. Because these other NGOs cooperate with the Government.

- Two thousand IRC-built latrines to prevent water-borne diseases among the refugee population cost twice what they should have, because a middleman had to be retained for purchasing supplies.

- The extreme gravity of the humanitarian situation in the country was best illustrated in a recent cable to the State Department from the current United States Ambassador to Azerbaijan, Richard Kaulzlarich. In the cable, the ambassador cited the horrifying preliminary results of a medical survey conducted by the Centers for Disease Control, UNICEF and the World Health Organization in Azerbaijan earlier this year:

- Seventy percent of displaced children in Azerbaijan between the ages of 12 and 23 months suffer from anemia. This can cause irreversible problems in their mental development. Anemia is also widespread in the adult population.

- Thirty percent of displaced children in Azerbaijan between the ages of 6 and 11 months suffer stunted growth caused by malnutrition; 11 percent of the elderly also suffer malnutrition.

- Twenty-four percent of Azerbaijani displaced children suffer from diarrhea.

- Seventeen percent of the displaced population suffer from iodine deficiency (goiter). The message in the ambassador’s cable is clear—The United States must act now to clarify section 907 and try to stem the growing humanitarian crisis in Azerbaijan.

I ask unanimous consent that the text of the ambassador’s cable and a 1994 report by USAID on the effects of the section 907 ban on Azerbaijan be printed in the Record.

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

Mr. COHEN. Finally, Mr. President, action to clarify section 907 is in the U.S. national security interest. On a
conducted a nation-wide health and nutrition survey in Azerbaijan. The survey covered 55 districts with an estimated population of 620,000 IDPS and the non-IDP population of the region for health purposes. Because of section 907 of the Freedom Support Act, CDC's part of the survey could only focus on the IDP population, using PVO humanitarian assistance operations to facilitate their work. Parvanta stated that stunted growth was higher among IDP children aged 6-11 months (30.7%) than the same age group in resident population (21.9%).

HEALTH CARE: OUT OF REACH

Poor access to health care is currently a serious problem, particularly for IDPS in Azerbaijan. Most often, people who want to seek medical treatment belong to a public health system which supposedly provides free medical care. However, people sometimes do not seek medical treatment because they cannot afford it. Despite a public health system that supposedly provides free medical care, people sometimes do not seek medical treatment because they cannot afford it.

FOOD INSECURITY

FORTY-NINE PERCENT OF ALL IDP FAMILIES AND 29 PERCENT OF RESIDENT FAMILIES SURVEYED, SKIPPED MEALS DURING THE WEEK BEFORE THE SURVEY.

STUNTED GROWTH IN CHILDREN

Children in Azerbaijan suffer from chronic health and nutrition problems that lead to stunted growth. The long term functional implications on physical work capacity, intellectual development and overall health may be significant. Recurrent clinical and sub-clinical infections, as well as nutritional deficiencies (particularly micronutrients) can be responsible for this condition. Parvanta stated that stunted growth was higher among IDP children aged 6-11 months (30.7%) than the same age group in resident population (21.9%).

HEALTH CARE: OUT OF REACH

Poor access to health care is currently a serious problem, particularly for IDPS in Azerbaijan. Most often, people who want to seek medical treatment belong to a public health system which supposedly provides free medical care. However, people sometimes do not seek medical treatment because they cannot afford it. Despite a public health system that supposedly provides free medical care, people sometimes do not seek medical treatment because they cannot afford it.

FOOD INSECURITY

Forty-nine percent of all IDP families and 29 percent of resident families surveyed, skipped meals during the week before the survey.

Members of 46 percent of IDP households and of 31 percent of resident households had not eaten meat during the preceding 2 weeks.

Children in Azerbaijan suffer from chronic health and nutrition problems that lead to stunted growth. The long term functional implications on physical work capacity, intellectual development and overall health may be significant. Recurrent clinical and sub-clinical infections, as well as nutritional deficiencies (particularly micronutrients) can be responsible for this condition. Parvanta stated that stunted growth was higher among IDP children aged 6-11 months (30.7%) than the same age group in resident population (21.9%).

HEALTH CARE: OUT OF REACH

Poor access to health care is currently a serious problem, particularly for IDPS in Azerbaijan. Most often, people who want to seek medical treatment belong to a public health system which supposedly provides free medical care. However, people sometimes do not seek medical treatment because they cannot afford it. Despite a public health system that supposedly provides free medical care, people sometimes do not seek medical treatment because they cannot afford it.

FOOD INSECURITY

Forty-nine percent of all IDP families and 29 percent of resident families surveyed, skipped meals during the week before the survey.

Members of 46 percent of IDP households and of 31 percent of resident households had not eaten meat during the preceding 2 weeks.
Budgetary insolvency has severely strained the ability of the social welfare system to continue to support one million beneficiaries. Some 200 schools country-wide are occupied by refugees and IDPs (S,S,E), children are unable to attend school on a regular basis.

Of the total IDP/refugee population, those most in need—i.e., those who have few or no alternative sources of income—are estimated to number 430,000. Some of the families hosting the displaced, pensioners, orphans, handicapped and isolated people bring the total vulnerable population in need of assistance to 450,000.

UNITED STATES GOVERNMENT-FUNDED PVO PROGRAMS IN AZERBAIJAN

USG-funded humanitarian assistance programs in Azerbaijan are being implemented by several US PVOs. USAID-funded PVO activities are managed by Save the Children Fund (SCF), a primary beneficiary of the entire contract. SCF-managed programs are principally in the areas of food, health, care, and shelter for refugees and IDPs. USAID is implementing several aid programs for refugees and IDPs through US PVOs under the Food for Progress program. USAID provides funds and food commodities for international organizations delivering relief in Azerbaijan. These resources are delivered to beneficiaries through PVOs.

IMPACT OF SECTION 907

The principal impact of Section 907 of the FREEDOM Support Act on delivery of humanitarian assistance by private voluntary organizations (PVOs) to those in need in Azerbaijan has been to complicate or preclude activities involving unavoidable contact or interaction with government-controlled enterprises, institutions, and facilities. In many cases where relief activities can be conducted in compliance with Section 907, the restrictions of that legislation have increased the scope and impact of the activities. As the state domination of the entire economy inherited from the Soviet era has barely changed in Azerbaijan, Section 907 has had a substantial impact on delivery of humanitarian aid programs. Following are examples of the impact of Section 907 to date.

MEDICAL SERVICES

Section 907 has blocked or complicated delivery of medical assistance to thousands of Azerbaijanis by USG-funded PVOs. As Azerbaijan’s public health system is entirely state-controlled, it is very difficult to implement any medical assistance projects without providing assistance through government institutions. To ensure that it was not violating Section 907, one PVO developed a limited parallel assistance project without providing assistance to state-owned facilities.

Rehabilitation of public buildings being used as shelter by displaced persons in Azerbaijan was a priority need identified by one implementing USG-funded PVO. However, as Section 907 precluded repairs (in this case winterization and sanitation upgrades) to state-owned buildings, the project was not implemented. As a large number of displaced persons and refugees are necessarily accommodated in public buildings not designed as residential structures, this aspect of Section 907 has had a major impact on the delivery of assistance to those in need in Azerbaijan.

LOCAL PROCUREMENT OF GOODS AND SERVICES

In some cases PVOs have interpreted Section 907 in a manner that precluded local procurement of medicines and services, or made such procurement more difficult and more costly. For example, one PVO project involving improving access to safe water supplies by drilling wells. However, the only available company that could perform the work was state-owned, so the project was not implemented.

Because of the way they have interpreted Section 907, USG-funded PVOs trying to procure goods locally have made prolonged efforts to find privately owned vendors or suppliers. In many cases, the vendors are merely intermediaries who pass on state-produced goods at a higher price. In addition, exclusion of state-owned sources has made competitive bidding impractical, and probably resulted in higher costs.

AID TO TURKEY AND AZERBAIJAN

Mr. BYRD. Mr. President, I would like to engage the subcommittee leadership in a colloquy regarding our policy toward Turkey and the Caucasus. The Turkey provision would make competitive bidding impractical, and probably resulted in higher costs.

AID TO TURKEY AND AZERBAIJAN

Mr. MCCONNELL. That is correct. Mr. President, I would like to engage the subcommittee leadership in a colloquy regarding our policy toward Turkey and the Caucasus. If Turkey, our ally, and Azerbaijan, our friend to the east of Turkey in the Caucasus. The findings of a recently released report on the refugee health crisis in Azerbaijan, by the U.S. Center for Disease Control, UNICEF and the World Health Organization cites serious difficulties in delivering vital medical supplies and other Section 907’s ban on direct U.S. aid has been broadly interpreted and used to restrict the delivery of such aid. This was never the intent of Section 907. Am I correct in this statement? Mr. MCCONNELL. That is entirely correct, the section was never intended to restrict the delivery of humanitarian aid.
Mr. BYRD. The House has included a provision which would set up an artificial ratio of humanitarian aid relative to Azerbaijan and its region of Nagorno-Karabagh. Such ratios have no precedent in the delivery of humanitarian aid and are never workable. I understand the subcommittee has struck that provision.

Mr. McCONNELL. That is, again, correct. Such an artificial mechanism in directing humanitarian aid has never such artificial ratios ever workable. I do not know how it could be administered.

Mr. BYRD. It is in our interest to ensure that humanitarian aid get through to all needy people who are suffering as a result of the war. The chairman, in the action of the full committee, included language suggested by the ranking member and myself which clarified our intent that humanitarian aid be effectively delivered using the facilities of the government of Azerbaijan. If the facilities of that government are used, much of the aid would not be able to be delivered, as I understand it. Further, I have a letter from the Department of State indicating the Administration agrees entirely with this policy and stating the intent of legislation to require its State Department guidelines in regard to that region in order to ensure there is no further ambiguity as to the delivery of food, medicines and the like into Azerbaijan with the assistance of government and facilities there such as warehouses, clinics and other logistical support.

Mr. McCONNELL. Yes I understand the guidelines will be issued promptly after the passage of this bill.

Mr. BYRD. There is still some concern on the part of the organizations that deliver the aid that a statutory provision recognizing this policy might be needed to ensure the aid can in fact be delivered as we intend. I have prepared such an amendment and it is cosponsored by Senators LEAHY, REID, J. JOHNSTON, JEFFORDS, INOUYE, COHEN, LUGAR, and MURKOWSKI. The language would directly reflect the report language already agreed to. However, I am willing to withhold that amendment if the chairman can assure me that he will defend the Senate position in conference and continue to resist the onerous House provisions I have referred to regarding Turkey and Azerbaijan. Lastly, I want to assure the language regarding the delivery of humanitarian aid that we included in the Senate committee report be included in the Statement of Managers of the Conference Report.

Mr. McCONNELL. I appreciate the Senator’s position. I fully intend to resist the House provisions he referred to and we are in complete agreement on what should be the nature of sound U.S. policy toward this region. I will support the Senate position in conference and I am sure that I will have the support of the ranking member and all of our conferees on this matter. I thank the Senator for his interest in this important matter and in the fate of that region and U.S. interests there, which are vital.

Mr. BYRD. I thank the Senator. I ask unanimous consent that a copy of the letter which I referred to dated July 11, from Barbara Larkin, Acting Assistant Secretary of State for Legislative Affairs be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,

Dear Senator BYRD: This letter is in response to your request for our views on language on assistance to Azerbaijan included in the report accompanying the FY 97 Senate Foreign Operations bill. You are aware of our long-standing position regarding aid to Azerbaijan.

As written, this language, as well as similar report language accompanying the House bill, is useful in clarifying congressional intent on interpretation of Section 907 of the FREEDOM Support Act insofar as the delivery of humanitarian assistance is concerned, and is consistent with this regard. We understand this language to express the congressional view that Section 907 should not be interpreted to preclude non-governmental and international organizations from using and repairing Government of Azerbaijan facilities or services to deliver humanitarian assistance to needy civilians, and that humanitarian supplies may be transferred to Government personnel for the purpose of distribution. Further, we understand that the Committee intends that the director of the Agency be permitted to receive assistance in growing their own food for sustenance, and are not precluded from selling the excess in the private sector. We understand that the Committee expects, as do we, private voluntary and international organizations to maintain effective monitoring procedures to ensure appropriate supervision over supplies and recipients.

Consistent with current law and the FY 97 Appropriations process, we intend to revise the State Department and USAID guidelines regarding the delivery of assistance to Azerbaijan to reflect this mutual understanding of Section 907’s scope. Please do not hesitate to contact me if you can be of further assistance.

Sincerely,

Barbara Larkin,
Acting Assistant Secretary, Legislative Affairs.

AID TO AZERBAIJAN

Mr. MURKOWSKI. Mr. President, I rise today to speak in support of Senator BYRD’s comments regarding aid to Azerbaijan in his colloquy with Senator McCONNELL. I understand that Senator BYRD had intended to offer an amendment, which I cosponsored, to the foreign operations appropriations bill on this issue.

Mr. President, Azerbaijan is the only one of the former Soviet Republics to be denied assistance in the Freedom Support Act. Humanitarian aid to Azerbaijan has been denied as a result of its conflict with Armenia. Section 907 of the Freedom Support Act, as currently interpreted, prevents direct assistance from NGOs and other humanitarian organizations from dealing with Azerbaijan’s government in carrying out humanitarian missions. Section 907 states, “U.S. Assistance may not be provided to the Government of Azerbaijan until the President determines, and so reports to Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other actions which would alter the course against Armenia and Nagorno-Karabakh.”

The need for humanitarian aid in Azerbaijan is great, and Section 907 makes it difficult for aid organizations to deliver the much-needed assistance to the people of Azerbaijan, nearly a million of whom are displaced persons and refugees. The U.S. Center for Disease Control, UNICEF and the World Health Organization have all cited serious difficulties in delivering vital medical supplies and other aid to Azerbaijan because of Section 907’s ban on direct U.S. aid. However, this was never the real intent of Section 907. Report language which clarified the intent that humanitarian aid be delivered using the facilities of the government of Azerbaijan has been added to this bill. I understand that Senator BYRD agreed to withhold his amendment which I cosponsored in the understanding that the chairman will defend the Senate position in conference and continue to resist the House provisions.

It is important to recognize the economic and strategic potential of Azerbaijan. The country, known as “the Kuwait of the Caspian” has proven oil reserves of three billion barrels. Experts have put the ultimate potential of the country at as high as forty billion barrels of oil. Gas reserves of the country are 184 billion cubic meters on the discovered fields. In 1994, a consortium of Western oil companies signed an eight billion dollar production sharing agreement with the government of Azerbaijan. They have a thirty year contract to work on the UNESCO-Chirag-Azeri offshore fields. U.S. companies have a good opportunity now to establish a commercial relationship with Azerbaijan.

The strategic potential of Azerbaijan is also very important, and should be brought to the attention of policymakers. Russia, the United States, the European Union, Turkey and Iran all have a great interest in the geo-political and economic state of affairs in Caspian Sea Rim Region. Whether the pipeline from Baku to Novorossiisk will be able to be used, presents a stability question, since it passes through Chechnya. While the U.S. oil company’s have forty percent of the shares in one project and growing financial participation in other projects in the Caspian Rim, they have accepted Russia’s leading role. Finally, Azerbaijan is at a crossroads. How has it fashioned a government, however, there is an Islamic fundamentalist influence that Azerbaijan has so far resisted, that is cause for concern. But Azerbaijan will not be able to develop, and realize its full potential if it is not able to receive the humanitarian assistance that it now needs from U.S. nongovernmental humanitarian organizations.
Mr. McCaIN. Mr. President, Senator DOMINICI offered an amendment this evening to condition International Military Education and Training [IMET] assistance to Mexico on Mexican assurance that it would suspend its engagement in drug trafficking. Mr. President, I fully agree with the sentiment of the amendment. Stems the flow of drugs into the United States is absolutely vital to the quality of life and future of our Nation. I believe that we should encourage Mexican authorities to do everything in their power to take action against drug traffickers. However, I also believe that denying them IMET assistance is not the proper way of going about it.

There are certainly other more beneficial ways to improve the level of cooperation between our two nations. We should not be in the business of threatening our friends. The continuation of IMET assistance is important in its own right, unconnected to the level of cooperation we receive on the issue of drug trafficking. Exposing foreign militaries to U.S. military and human rights ethics promotes our values. It helps create among these militaries a respect for the democratic rule of law and civilian leadership. Over time, this assistance will foster a far more productive United States-Mexico relationship in the areas addressed by the amendment than will threatening sanctions.

Mr. PRESSLER. Mr. President, I had intended today to offer a series of amendments regarding economic assistance to Turkey. These amendments would have been similar to the provisions included in the version of H.R. 3540 that was approved by the House of Representatives on May 22. Specifically, these provisions would cap economic support funds [ESF] at $25 million for the Turkish Army and would direct the President to suspend all military sales to Turkey until it improves its human rights record. And I was a cosponsor of the Humanitarian Corridor Act.

It’s common practice for Congress to use foreign aid as leverage to achieve foreign policy and human rights goals. I have long advocated tougher restrictions on aid to Turkey to achieve a peaceful, free, and united Cyprus. I have called on the President to suspend all military sales to Turkey until it improves its human rights record. And I was a cosponsor of the Humanitarian Corridor Act.

Mr. PRESSLER. I thank my friend from South Dakota. I appreciate his support for the amendment which restores the designation of the Development Fund for Africa as a separate source of long-term development funds for Africa. Mr. President, as the ranking Democrat of the Africa Subcommittee, I have come increasingly aware of the importance of security concerns for the United States. As we head toward the 21st century—an era that will no doubt be marked by transnational concerns—Africa is even more relevant to United States interests, our economic, political, humanitarian, and security concerns.

Long-term development assistance to African nations—whether through bilateral or multilateral channels—directly complements U.S. foreign policy goals and national security interests. There are several examples of this complementarity.

First, we have an interest in a safe and healthy environment. The rapid spread of the Ebola virus demonstrated some of the vulnerabilities on the continent. Now, unfortunately, the rates of HIV and AIDS infections in Africa are among the highest in the world, and they are continuing to rise. As we have seen, viruses do not need visas.

Second, we have an interest in expanding trade and investment ties with the African continent. U.S. exports to Africa expanded by 22.7 percent in 1995—the fastest rate of total U.S. exports worldwide. Already U.S. exports to Africa equal 54 percent more than our exports to the former Soviet Union. We export more to South Africa alone than to all of Eastern Europe combined.

Third, we have an interest in democracy. Well over half of African nations now can be considered democratic or have made substantial progress toward democracy. Many of these nations also are moving toward free-market economies.

Fourth, we have an interest in human resource development. Sub-Saharan Africa has the fastest growing and poorest population in the world. A substantial percentage of Africa’s population is under 18 years of age. These children will soon grow to adulthood and I would hope there will be opportunities for them to engage in productive activities.

At the same time, Africa’s infant and child mortality rates are 2 to 3 times higher than those in Latin America or Asia.

Finally, we have an interest in security. It is unfortunate, but Africa also is home to terrorist activity and to drug and arms traffickers.

Mr. President, a stable African continent serves American interests. The Development Fund for Africa (DFA) was established nearly 10 years ago specifically to ensure a steady source of long-term development funds for Africa.

In the past 8 years, the DFA has contributed to substantial gains in health.
care, education, small business development, democracy, and stability.

The DFA is about investing in development and not in crises. The types of challenges we face in Africa today are very complex and require long-term solutions, and this requires long-term investment.

By restoring the DFA account, we give the administration the opportunity to capitalize on that investment.

I will make a budgetary argument as well. My colleagues know that since my election to the Senate, I have been a consistent deficit hawk. So, I always look for areas where we can cut wasteful Government spending.

Mr. President, the Development Fund for Africa is not one of these areas. On the contrary, it is one of the most effective programs in our foreign assistance package. In fact, the Agency for International Development has based many of its reform initiatives on lessons learned through DFA programs.

As a result of DFA assistance, African farmers are growing more food, more children are attending primary school, and more informal sector entrepreneurs have access to credit than was possible 10 years ago.

And the United States has played a key role in helping several African countries experience dramatic drops in fertility through effective family planning and health care programs.

In sum, Mr. President, restoring DFA through the Simon-Kassebaum amendment would invest in our relationship with the continent of Africa. It does not call for any new money. It does not take funds away from any other region. But it does signal our continued interest in remaining engaged with Africa.

I would also note that passage of this amendment would be a fitting tribute for the Senator from Kansas and the Senator from Illinois. These two Senators, who long ago recognized the importance of remaining engaged with Africa, were instrumental in getting the DFA established in the first place. And both have demonstrated leadership on this issue throughout the years.

In honor of their hard work on this and other issues of concern to Africa, I urge my colleagues to pass this amendment.

MILITARY SALES TO INDONESIA

Mr. FEINGOLD. Mr. President, as the Senate considers the foreign operations appropriations bill, I would like to once again raise the issue of the human rights situation in Indonesia.

As my colleagues may remember, in 1994, the Senate adopted an amendment which I cosponsored with Senator LEAHY to end our sale to Indonesia of arms and military equipment.

A similar amendment was adopted by the Foreign Relations Committee in the 1995 authorization bill. These provisions restricted the sale of light arms to Indonesia in light of concerns related to East Timor.

Last year, however, the State Department sent a letter to Senator LEAHY and myself outlining the Administration's policy toward arms transfers to Indonesia. The letter said—and I quote—'our current arms sales policy . . . prohibits the sale or licensing for export of small or light arms until the Administration determines that the Secretary has determined that there has been significant progress on human rights in Indonesia, including in East Timor.' In light of the Administration's willingness to continue voluntarily this prohibition on the sale of such items, we withdrew offering statutory language on last year's appropriations bill.

Mr. President, we are now debating our foreign assistance program for a new fiscal year, and the situation in the East Timor continues to worsen. As every member of this body knows, Indonesia has sustained a brutal military occupation of East Timor since 1975. Every human rights organization in the world has criticized Indonesia's human rights record particularly in East Timor. The State Department has consistently reported human rights violations by Indonesia's military, including in its most recent report.

Since the Indonesians invaded East Timor 20 years ago, more than 200,000 East Timorese—about a third of the population—have died. But the Indonesian strategy of trying to control East Timor through a combination of infrastructural development and tight internal security has failed to win acceptance of Indonesian rule. Many Timorese are still marginalized and oppressed in their own homeland. Last year the United Nations Special Rapporteur reported that he saw 'an atmosphere of fear and suspicion' in East Timor and that people were afraid to talk about the human rights abuses they and their families had suffered.

Mr. President, East Timor made international headlines in 1991 when the military massacred, by conservative estimates, at least 100 East Timorese who were attending a funeral. The National Human Rights Commission in Jakarta now says it has evidence that the massacre was 'not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent.'

And the tension in East Timor continues to intensify, influenced in part by the ongoing power struggles in Jakarta, the increased resentment of the presence of Indonesian military officers and vigilante groups, and the immigrant settlers brought in by Indonesia to consolidate their occupation of the island.

In sum, I want to make it clear that Indonesia did virtually nothing in 1995 to improve its human rights record. A change in United States policy regarding the sale of military equipment is therefore unwarranted.

The State Department and independent human rights organizations all report continued abuse of basic human rights in the East Timor including arbitrary arrests and detentions, curbs on freedom of expression and association, and the use of torture and summary killings of civilians.

Early last year, several riots and demonstrations in East Timor were broken up violently by the Indonesian military. On January 12, 1995, outside of Dili, the capital, six East Timorese civilians were shot and killed by Indonesian troops. In September, riots broke out in Maliana and in other areas that were motivated by intense religious and ethnic tensions.

The situation has deteriorated sharply in recent months. Just last month—on June 10, 1996—graffiti drawn on a picture of the Virgin Mary in the town of Baucau provoked riots during which Indonesian security forces opened fire and at least 150 people were arrested.

This incident reflects what Human Rights Watch Asia describes as 'an emerging pattern of provocative acts of religious desecration or insult, followed by mass protests, followed by a crackdown by security forces.' In fact, the Baucau riots represent the third such incident in East Timor in less than one year.

Mr. President, I am deeply concerned that—despite the fact that the Government of Indonesia allowed for a visit to East Timor by the U.N. High Commissioner for Human Rights, José Ayala Lasso, in December 1995, and despite the fact that the Government opened an office of the National Commission on Human Rights in Dili . . . despite all of these positive developments—the Government of Indonesia continues to engage in extrajudicial executions and killings and the systematic use of torture.

And the Indonesians have engaged in these activities despite the country's great economic success of the past few years. Mr. President, I would like to dispel any myths among my colleagues that Indonesia's progress on the economic front has led to any progress in its human rights record.

So, we have seen no progress in human rights in Indonesia. I had intended to propose an amendment which codifies the U.S. position on human rights and arms sales to Indonesia. In the past, I have advocated a much more comprehensive arms ban, which I wish we could pass. But a ban on small arms and crowd control weapons emphasizes a very important policy goal—demonstrating to the Indonesian military that they are removed from responsibility for human rights abuses in Indonesia, and particularly in East Timor.

As I have said before in this body, it is especially important that we establish this linkage between arms sales and human rights abuses in Indonesia, and particularly in East Timor. As I have said before in this body, it is especially important that we establish this linkage between arms sales and human rights abuses in Indonesia, and particularly in East Timor.

In the meantime, however, the administration has once again provided us with written assurances that the existing ban on light arms sales to Indonesia will remain in effect. With that understanding, I will refrain, again, from efforts to codify this provision.

Mr. President, the administration's policy sends a clear message to the
leaders of Indonesia that the United States will not be associated with nor will it tolerate their campaign of repression against the people of East Timor.

We do not want to support human rights abuses in East Timor. We do not want weapons manufactured in the United States involved in massacres of peaceful protestors or in interrogations of activists that oppose the Indonesian armed forces. We do not want U.S. arms used to kill and torture the people of East Timor.

Mr. President, I am pleased that the administration is continuing this policy. I ask unanimous consent that the text of the letter be printed in the Record.

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

U.S. DEPARTMENT OF STATE
Washington, D.C., July 25, 1996
Hon. Russell D. Feingold,
U.S. Senate,
Washington, D.C.

Dear Sen. Feingold:
The Administration shares your concern about reports of human rights abuses in Indonesia. We continue to raise our concerns in meetings with Indonesian officials, and Secretary Christopher made a point of meeting with human rights activists during his visit to Jakarta this week.

We understand you may be considering an amendment to the Foreign Operations Appropriations bill that would further restrict the types of defense items that can be sold or licensed for export to Indonesia. While we support your objective, we believe this amendment is unnecessary. The Administration's policy already prohibits the sale of small arms, crowd control equipment, and armored personnel carriers, which we all agree should not be sold or transferred to Indonesia until there is significant improvement in the human rights situation there. This policy has been effective, and the Administration will continue to abide by the policy.

We hope this information is responsive to your concerns. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Barbara Larkin,
Assistant Secretary,
Legislative Affairs.

RUSSIAN FAR EAST AND AMERICAN-RUSSIAN CENTER

Mr. Murkowski. Mr. President, I rise today in support of language in the Senate report for the foreign operations appropriations bill underlying the importance of the work of the United States-Indonesia-Canadian Far East Ad Hoc Working Group, and of the American-Russian Center in Anchorage, AK.

Mr. President, the Gore-Chernomyrdin Commission's United States-West Coast-Russian Far East Ad Hoc Working Group, under the leadership of Jan Kalicki, the Counselor to the Department of Commerce, is doing an outstanding job of developing a bilateral framework that will lead to increased trade and investment between the Russian Far East and the west coast States. The first meeting of the working group was held in Seattle, WA, in June 1995. In an example of the importance of Alaska's relationship with the Russian Far East, the second meeting of the working group was held in Anchorage, AK, in March 1996. It was a very productive and successful event. I encourage all Senators from west coast States to become involved in the work of the group and to encourage businesses in their states to do so as well. The next meeting of the working group will take place in Khabarovsk, in the Russian Far East, from September 22 to 24, 1996.

I have seen firsthand the growth in business activity between the States of the west coast and the Russian Far East. The economic reform efforts taking place in the Russian Far East, in such cities as Vladivostok and Khabarovsk are significant. For example, Vladivostok, once a closed city, now has a stock exchange. Economic reform will also progress as development of the oil and natural gas fields on the continental shelf north and northeast of Sakhalin Island. The oil development is led by two major international oil consortiums with U.S. partners. They have already announced that they will start designing projects for the shelf to produce $30 billion. Alaskans and citizens of other west coast States will be involved in that development. There are also gold, diamond, timber, and fisheries industries in the region. The Russian Far East's resources could provide the engine for greatly increasing export revenues, for the economic restructuring of all of Russia.

I have promoted ties between Alaska and the Russian Far East. In 1989 I helped make possible, and traveled on the groundbreaking first flight from Nome to Providencia. From that initial step, relations between Alaska and the Russian Far East have gone very far, very fast. The working group is doing an outstanding job of setting priorities and coordinating joint efforts to move forward on projects and programs that will benefit both Russians and west coast States by building and increasing business ties between the two regions. The projects of the working group will bring about greater private sector development in the Russian Far East. The group has already proven to be an essential and integral part of the economic reform effort currently underway in Russia.

In addition to my support for the working group, I would also like to take this opportunity to express my support for the American-Russian Center in Anchorage, AK. The Senate has wisely funded it in the foreign operations appropriations bill at the amount of $2,500,000 for its operation and training programs. The center has played an important role in the growth of business and exchanges between Alaska and the Russian Far East. The purpose of the center is to provide business training and technical assistance to the Russian Far East. It has training facilities in Yakutsk, Khabarovsk, Magadan, and Sakhalin Island. They have provided these communities with communications facilities, small business training, advanced internships with American business, and technical assistance since 1993.

Continued funding of the American-Russian Center is ultimately cost-saving for the American taxpayer, allowing the center to serve as an important conduit between the United States and the Russian Far East. They are providing the services that meet the needs of businesses in the United States and the Russian Far East.

I urge all Members to support this important center.

Mr. Gorton. Mr. President, micro enterprise loans help people become self-sufficient and lift themselves out of poverty. Micro credit programs extend small loans to the poor for self-employment projects that generate income. These programs generally offer various services and resources as well as credit for self-employment. Micro credit has shown its ability to lift people out of poverty and its importance to poor people around the world. Approximately 8 million needy people who live in developing countries are helped by Micro credit programs.

Micro credit programs have also been used in developed countries, where many thousands of people receive targeted loan funds and specialized counseling that help them with preparing for self-employment. According to a recent Catholic Relief Service evaluation, "99% of the members from two established banks in Thailand found their income had increased by between $40 and $200 per year." As Results, a non-governmental organization concerned with issues of world poverty, points out in a recent draft of its Microcredit Summit Deceleration: "Increasingly, Microcredit is being linked programmatically to savings plans that either require or strongly encourage savings by borrowers. Practitioners have found that the ability to save funds * * is an important self-help tool for very poor people, allowing them to build assets essential to long-term financial security and self-sufficiency."

This is an important testament to how an individual, ultimately responsible for his own well being, can prosper with a little push, where none existed before.

We can observe the benefits of Micro credit in many countries, where individuals, with help, have become self-sufficient enough to make great economic strides. Micro enterprise lending is proving to be a viable venture that I am glad to support. I also want to commend the Subcommittee on Foreign Operations for expressing its support of micro enterprise funding, specifically its intent.
that at a majority of all micro-enterprise resources be focused on the poorest people. Perhaps the primary conduit for micro enterprise lending by this Government is A.I.D's program with nongovernmental organizations. A.I.D should re-focus its efforts in this regard, and should maintain an aggressive approach to the micro enterprise issue.

A.I.D. FUNDING OF MICROENTERPRISE PROGRAM

Mr. BINGAMAN. Mr. President, during the consideration of the foreign operations appropriations bill, I intend to address the issue of microenterprise finance as a tool for sustainable development in developing countries.

I realize that Third World development efforts have received much criticism in this body, but here is an emerging theory and technique for offering financial services to the poor that is similar to those found in any financial system.

I understand that the microenterprise program is based on the concept that giving poor people access to financial services can allow them to participate in the private sector, rely on their entrepreneurial spirit, and give them the chance to rise out of poverty.

The microenterprise program has gained increasing recognition as a creative and successful way to provide foreign aid to developing countries.

Traditionally, most Western aid programs emphasize increasing credit to the poorest of the poor. But Mr. President, creating and maintaining such distortions in Third World economies does not benefit the poor; in fact, most of such subsidized credit serves only those already established in the private and public sectors. Instead, if you can reach the poorest of the poor and enable them to become self-employed or create micro-business, then at least they face the possibility of emerging from poverty.

In addition, poor people and especially women, face barriers to credit that are often based on a set of constraints including a lack of collateral and being perceived as a bad credit risk.

There are many examples where these misperceptions have been proven wrong.

The Grameen Bank, for example, has become an international success story when talking about microenterprise finance. It is an innovative approach to the poor and has access to 2 million poor in the past 15 years. It has 1,050 offices and serves 35,000 villages, 94 percent being women. The customers, who are also part owners, obtain small loans for self-employment from which they generate credit. Grameen extends credit without collateral but only has a 2 percent default rate, equivalent to that of any Western bank.

To qualify for a loan, a client must join a 5-member group and a 40-member center and attend weekly meetings. The client must assume responsibility for the loan of the group's members because it is the group and not the bank that evaluates loan proposals. If all five in the group repay their loan promptly, they are guaranteed credit for the rest of their lives.

But the bank does not allow borrowers to save money and never forgives a loan, although they may restructure. Grameen helps their clients attain their entrepreneurial potentials and encourages a culture of self-help and self-reliance.

The Grameen model is now being followed by many established nongovernmental organizations. In fact, many are developing new and innovative approaches that are showing enormous ingenuity and success.

I strongly support this more creative and productive approach to providing foreign aid to developing countries, and am appreciative of the efforts of the committee chairman and ranking member, Senators MCCONNELL and LEAHY, for their report language of the foreign operations appropriation bill that A.I.D. maintain last year's level of funding microenterprise programs.

Microenterprise loans average less than $200, but this small amount of money has on the loan recipients is enormous. At least half of the microenterprise resources are identified to make loans of less than $300 to those in the poorest half of the poverty line. This guarantees that microenterprise loans are directed toward those who need it the most. The funds go to individuals, not governments.

Microenterprise loans give people a way to transform their lives. These funds provide a way to become self-sufficient, and allows people to begin to meet their own needs in the areas of health, educating their children, and improving their living environment. Most important, the microenterprise program gives people hope for the future.

Microenterprise foreign aid money is recycled. As money is paid back it is used for new loans to others. Eventually, the microenterprise programs get linked into the formal financial system, and the effect is expanded even more. The microenterprise program will help millions of families.

My colleagues in this Chamber have given strong and sustained support to the microenterprise program. I commend A.I.D. for recognizing this project's utility and worth. This program effectively promotes economic health in poor countries, and should receive the highest possible commitment from A.I.D.

ZIMBABWE

Mr. MCCONNELL. Mr. President, this committee was prepared to deal with a current trade dispute and nationalization of foreign assets in Zimbabwe, but has withdrawn action relying upon the good faith representations of Ambassador Middel of the Republic of Zimbabwe that the problems involving United States companies have been mediated successfully. We congratulate the leadership of the Republic of Zimbabwe for its constructive actions and hope there will be no further need for this committee to review this matter if the Senate of the United States.

Mrs. MURRAY, Mr. President, I rise to make a few remarks about the foreign operations legislation for fiscal year 1997. Let me begin by complementing both Chairman MCCONNELL and Senator LEAHY for bringing this bill to the floor today. As a member of the subcommittee, I appreciate the lengths to which both of these Senators have gone to accommodate me and the citizens of Washington State.

This is important legislation; issues including the Middle East peace process, the growth of democracy in the former Soviet Union, efforts to combat disease and starvation around the globe, international family planning and job-creating export assistance financing are all part of this bill. Few pieces of legislation address so many issues of importance to this country—economic issues, national security issues, and others associated with our role as the world's lone superpower. Importantly, this is all accomplished for an investment that represents less than 1 percent of the Federal budget.

I am particularly pleased that the Appropriations Committee fully funded our assistance program to Russia to foster the growth of democracy and build important new markets for United States goods and services. My home state of Washington is involved in Russia, particularly the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.

Washington State has demonstrated a commitment to developing and expanding ties with the Russian Far East. Educational, cultural, health and athletic exchanges, numerous sister city relationships, the West Coast Working group of the Gore-Chernomyrdin Commission, of course, international trade and commerce with Russia have all captivated the citizens of Washington State.
U.S. export financing through the Ex-Im bank equaled 3.3 percent—a figure significantly below virtually all of our trade partners. It is estimated that the fiscal year 1997 appropriation will support between $15 and $18 billion in exports. About $770 million appropriation to generate $15–$18 billion in economic activity—job creating economic activity—right here in the United States in the manner for several reasons. First, the American taxpayer, through Ex-Im, will support nearly 500,000 American jobs. And export-related jobs have shown to pay approximately 13 percent more than non-export jobs. The Ex-Im Bank is sustaining and creating family wage jobs all across this country.

In my own State of Washington, the Ex-Im Bank is having a significant impact on trade promotion and job creation. Many identify the Boeing Co. with the Export-Import Bank. While the relationship between the bank and the aerospace industry is often overstated, it is important to note that approximately 80 percent of all 7 million dollars Spain is in Washington State do contracting work for Boeing Co. So we Ex-Im helps the United States commercial aircraft industry develop new markets for aircraft in Poland and Latin America, Ex-Im supports jobs at small businesses across my State.

There are examples of the Export-Import Bank aiding Washington State businesses seeking to export abroad. With Ex-Im assistance, Pacific Propeller manufacturer and overhauled, located in Kent, WA secured $7.5 million of important work in Indonesia. Connelly Skis exported its recreational equipment including the new “Big Easy” water ski to Belgium, Columbia, South Africa, and Jamaica. And the Lamb Weston Corp. shipped Washington State french fries to Argentina, Chile, Guatemala, and Aruba. This was all done with assistance of small businesses. The deals may not have occurred without Ex-Im assistance. Clearly, the Export-Import Bank of the United States is a major contributor to my State’s efforts to compete and succeed in international trade. Few recognize the benefits of this small appropriation to the Export-Import Bank, many work and prosper due to this agency’s important work.

Ex-Im is the lender of last resort; meaning the bank finances only deals that will not go through without assistance. The bank supports U.S. exporters when foreign governments offer subsidized financing to competitors, when private financing is unavailable or when deals are too small to locate commercial banks willing to provide financing. Importantly, the Ex-Im bank is a vital tool for small businesses seeking to export. Support for small businesses represented almost 80 percent of Export-Import Bank transactions during fiscal year 1995.

I do have several reservations about the language in the bill which addresses an outstanding controversy regarding the Bank’s provision of so-called retention bonuses. The bill restricts funding for the salary and expenses of the chairman and president of the Bank until Mr. Kamarck is confirmed by the regular process of the Senate. A full Senate confirmation will allow us to provide the best forum to question Mr. Kamarck’s actions and his nomination to lead the Bank. I urge the Senate to proceed immediately with a hearing for Mr. Kamarck.

Additionally, this legislation cuts administrative expenses for the Export-Import Bank by nearly $7 million. This punitive action is another expression of congressional frustration over the retention bonus issue. My concern is that in our zeal to protest previous Bank actions, we will actually be harming the Bank’s ability to help America’s exporters. I hope my colleagues in the Senate and the administration will come together to address outstanding Bank issues prior to this bill becoming law.

This legislation also provides important funding for the Overseas Private Investment Corporation (OPIC) and the Trade and Development Agency (TDA). Both of these agencies also important components in the U.S. Government’s trade promotion arsenal.

Mr. President, in my mind, the trade and export promotion provisions of this legislation represent a partnership with our international trading partners. In Washington State, by virtue of our location and history, we enjoy important cultural and economic ties with virtually every corner of the world. Despite an activist statewide commitment to international trade, Washington State needs the backing of the Federal Government to counter the resources of the Japanese and German Governments and those of our other international trade partners. For example, the European Union. This includes entities like the Export-Import Bank, the Overseas Private Investment Corporation and the Trade and Development Agency all provide needed support—financial and consultative—to U.S. exporters.

For this reason, I urge the conferees to provide sufficient guidance to the Agency for International Development and the Overseas Private Investment Corporation to ensure that the Agency for International Development and the Overseas Private Investment Corporation develop assistance focusing on our key commerce with the countries of Eastern Europe and the Baltics.

Mr. President, I commend the committee for supporting the Export-Import Bank’s ability to help America’s exporters. I urge the Senate to proceed immediately with a hearing for Mr. Kamarck. I urge the Senate to proceed immediately with a hearing for Mr. Kamarck.
Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the Record, unaware of the adoption of the bill. There being no objection, the table was ordered to be printed in the Record, as follows:

<table>
<thead>
<tr>
<th>Foreign Operations Subcommittee Spending</th>
<th>Senate-Reported Bill [Fiscal year 1997, in millions of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget authority</td>
<td>Outlays</td>
</tr>
<tr>
<td>Nondefense discretionary</td>
<td>$70.1 billion</td>
</tr>
<tr>
<td>Outlays from prior-year BA and other actions completed</td>
<td>$70.1 billion</td>
</tr>
<tr>
<td>H.R. 1540, as reported to the Senate</td>
<td>$12.174</td>
</tr>
<tr>
<td>Skewness adjustment</td>
<td></td>
</tr>
<tr>
<td>Subtotal nondefense discretionary</td>
<td>$12.246</td>
</tr>
<tr>
<td>MANDATORY</td>
<td>$12.290</td>
</tr>
<tr>
<td>Senate Subtotal 6001a allocation</td>
<td></td>
</tr>
<tr>
<td>Defense discretionary</td>
<td>$12.250</td>
</tr>
<tr>
<td>Nondefense discretionary</td>
<td>$44</td>
</tr>
<tr>
<td>Violent crime reduction trust fund</td>
<td></td>
</tr>
<tr>
<td>MANDATORY</td>
<td>$44</td>
</tr>
<tr>
<td>Total allocation</td>
<td>$12.294</td>
</tr>
<tr>
<td>Adjusted bill total compared to Senate Subcommittee 6001 allocation</td>
<td></td>
</tr>
<tr>
<td>Defense discretionary</td>
<td>$4</td>
</tr>
<tr>
<td>Nondefense discretionary</td>
<td>$4</td>
</tr>
<tr>
<td>Violent crime reduction trust fund</td>
<td></td>
</tr>
<tr>
<td>MANDATORY</td>
<td></td>
</tr>
<tr>
<td>Total allocation</td>
<td>$4</td>
</tr>
</tbody>
</table>

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. McCAIN. The foreign operations appropriations bill is generally a bill that does not have a problem with earmarks designed to benefit the States of individual members. This is the case again this year. Having said this, I do have some concerns about the bill and report in this regard and would like to briefly outline them.

There is a specific appropriation for $25 million in the bill for the American Center to provide business training and technical assistance to the Russian Far East. I have no reason to doubt the utility of this program. It may offer valuable assistance to the NIS, and I have long been a supporter of such assistance. However, if, as I am informed, AID would have spent roughly the same amount of funds on this program without the earmark, it is not clear to me why it would require such earmark. Why cannot AID simply fund the program out of a larger account, as it apparently has in the past?

I accept AID's support of the program and I do not object to the provision. But, as an appropriation bill, a specific request for funding, which AID did not make in this case, is very helpful in evaluating the need for it when it appears in the bill as an earmark. The cause of a useful program is only helpful by AID listing such things as priorities.

There are assurances in the report that Russian industries and govern-ments support 70 percent of the center's costs and that they have pledged 100 percent support by 1997. For purely budgetary reasons—$2.5 million in any bill is not insignificant—I hope they will follow through on their pledges, I will be following the program carefully to see that they do.

Unlike the bill, the committee report contains several comments on the advisability of funding particular programs that cause me some concern and would appear to have specific members' interest at heart.

First, the report "directs" AID to make at least $2 million available for the core grant of the International Fertilizer Development Center based in Alabama.

Second, it "strongly encourages" support for programs conducted by the University of Hawaii in Pacific regional development. It "strongly supports" the university's efforts to develop a United States-Russian partnership to educate students and it "encourages" AID to collaborate with the university in health and human services training.

Third, it "supports" $750,000 for Florida International University's Latin American Journalism Program.

Fourth, it "urges" AID to support the research activity on pests of Montana State University. If it "encourages" AID to support the education program of the University of Nebraska in Slovakia. Last, it "urges" the International Fund for Ireland to support the work of Montana State University, Virginia Commonwealth, and Portland State.

Again, all of these matters are listed in the report, not the bill, and I would remind the agencies concerned that they are under no legal obligation to spend the funds as directed.

Mr. MURKOWSKI. Mr. President, it is my understanding the rollcall vote will be tomorrow on the Lieberman amendment.

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. MURKOWSKI. Outside of the windup, which I understand I have been entrusted with, I have no further comments.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut?

Mr. LIEBERMAN. Mr. President, briefly, let me thank my friend and colleague from Alaska for his excellent statement and, of course, for the spirit of partnership with which we have gone forward on this.

If I read this right, the foreign operations bill that is before us would appropriate over $12,217,000,000. This amendment concerns $25 million of that—a speck. For anybody individually, $25 million is a lot of money. As part of this bill, it is a very, very small percentage.

I can tell you personally, I don't believe that there is any part of this bill that is a better investment, in terms of preserving international security, saving American soldiers from having to go into battle—which would truly cost us a lot of money—than this $25 million. I know that the administration right up to the President feels that way, very strongly.

I believe that we have achieved two very significant accomplishments with the addition of the Murkowski-McCain second-degree amendment. This is all about keeping promises. The Agreement Framework of October 1994 was a very significant agreement between the United States, South Korea, Japan, and North Korea, the Democratic People's Republic of Korea.

We are saying, by overriding the committee's recommendation to cut the funding down to $13 million, that we promise $25 million a year to fund this agreement. The Congress says we are going to keep that agreement. We are going to fund up to the $25 million. But we expect the North Koreans to keep their end of the bargain as well. We are counting on the administration to effectively monitor the agreement and report to Congress if there is any indication that the North Koreans are not keeping their end of the bargain.

So far, I say, so good. I think the second-degree amendment greatly improves my underlying amendment. I am grateful, again, to my two colleagues, Senators Murkowski and McCain, for the way in which we have gone at this.

I thank the Chair, and I yield the floor.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

GAO REPORT ON MOTOR FUELS: ISSUES RELATED TO REFORMULATED GASOLINE, OXYGENATED FUELS, AND BIOFUELS

Mr. DASCHLE. Mr. President, a report released last week by the General Accounting Office [GAO] concludes that the reformulated gasoline [RFG] program is a cost-effective means of reducing ozone pollution and easing our Nation's vulnerability to oil supply disruptions and related price shocks. Congress was told to pay close attention to the conclusions of this study as it seeks to weigh the nation off imported petroleum and further improve air quality throughout the Nation.

This independent analysis confirms that the reformulated gasoline program is good for the economy and good for the environment. RFG, which reduces emissions of volatile organic compounds and toxic air pollutants by 15 percent, displaces significant amounts of petroleum, much of which is imported. Given the gasoline price shocks that this country recently experienced and the petroleum displacement goals established by Congress in
the 1992 Energy Policy Act, it is time to consider nationwide use of RFG.

According to the GAO report, the potential for RFG with oxygenates to displace petroleum consumption is significant. GAO expects that by the year 2000 about four billion per day day of petroleum will be displaced by oxygenates. This amounts to about 37 percent of the 10 percent petroleum displacement goal established by Congress in the 1992 Energy Policy Act.

GAO noted in its report that if all gasoline in the country were reformulated, the Nation could displace 762,000 barrels of petroleum per day by 2000, and thus meet nearly all of the 10 percent petroleum displacement goal. Moreover, despite predictions by the oil industry that RFG would cost consumers over 13 cents per gallon more than conventional gasoline, GAO found that the actual cost to consumers has been negligible.

The environmental potential of an expanded RFG program is extraordinary. In the future, RFG will be even cleaner. In the year 2000, the Environmental Protection Agency will implement RFG Phase II, which will require further reductions in emissions of volatile organic compounds and toxic pollutants, as well as reductions of nitrogen oxides.

Expanding RFG nationwide will bring these clean air benefits to new areas of the country. Moreover, since air pollution is transported over vast distances, adopting a nationwide RFG program will help further reduce pollution in areas already using RFG to lower ozone levels.

A nationwide program would achieve these air quality benefits at low cost. GAO concluded that Phase II RFG will be one of the most cost-effective measures available to control low-level ozone pollution. With the additional petroleum displacement benefits associated with widespread use of RFG, there seems to be no reason why we should not move in that direction.

Finally, the GAO report demonstrates that continuing research into ethanol, an oxygenate used in RFG, is critical. GAO confirmed that substantial progress has been made in reducing the cost to produce ethanol. Since 1980, the cost to produce corn-based ethanol has dropped from $2.50 per gallon to about $1.34 per gallon. I hope that my colleagues in Congress will review the findings of the General Accounting Office and continue to support the research and incentives that have proven so successful in lowering the cost of ethanol production and encouraging the development of a strong domestic industry. As GAO has shown, these investments provide important dividends in terms of cleaner air and greater energy independence for the United States.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago, in 1972, when the television networks reported that I had been elected as a U.S. Senator from North Carolina. I remember well the exact time that the announcement was made and how stunned I was.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. When I got over my astonishment, I thought about a lot of things. And I remember thinking to myself one of which was that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 66,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the Federal debt which back in February exceeded $5 trillion for the first time in history. Congress created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always like to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that I be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, July 24, stood at $5,173,226,832,007.11. On a per capita basis, the existing Federal debt amounts to $35,191 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday shows an increase of approximately one billion dollars ($1,502,134,956.80, to be exact). That one-day Federal debt increase involves enough money to pay the college tuitions for 231,633 students for 4 years.

CHIAPAS--A TEST FOR MEXICO'S FUTURE

Mr. LEAHY. Mr. President, 3 weeks ago, a group of armed rebels in the state of Guerrero, Mexico, marched down from the mountains and into the city of Coyuca de Benitez, not far from the resort town of Acapulco. Then, last week, several armed men attacked a Mexican army vehicle, killing one citizen and wounding five Mexican soldiers. They were arrested, and the Mexican army is scouring Guerrero’s countryside looking for other members of the insurgent group, known as the “Popular Revolutionary Army,” in an attempt to prevent future outbreaks of violence in the region.

These are just the most recent of several demonstrations of civil unrest in Mexico since the 1994 uprising of the “Zapatista National Liberation Army” in Chiapas. In states like Tabasco, Puebla, and San Luis Potosi, indigenous people are increasingly staging protests, and resorting to violence, to highlight the inequity and racism of which they have been victims for generations.

Unfortunately, while the Mexican Government has reportedly tripled its assistance to Chiapas in the 2 years since the Zapatista uprising, these efforts have produced little in the way of real economic and social change. The disparities that exist between Chiapas and the rest of Mexico are still as appalling as they were 2 years ago. While President Zedillo has recognized that poverty and the lack of access to justice among indigenous populations are matters which must be addressed, his administration has taken few effective steps.

Chiapas is one of Mexico’s richest states, contributing oil, electric energy, cattle, coffee, cocoa, sugar, and various fruits and vegetables to domestic and international markets. Yet the majority of the people are still inadequately fed, housed, and educated; there is no access to adequate food and shelter, or access to education and basic medical care.

Where the government built roads in Chiapas, the roads were often of poor quality. Health clinics lack beds and experienced doctors. Schools lack materials and trained teachers. The uneven distribution of wealth and the unjust distribution of land are at the root of the civil unrest that has captured the world’s attention.

Over 50 percent of Mexico’s hydroelectric power is generated in Chiapas, yet less than one-third of all houses there have electricity.

Coffee producers, with the help of over 80,000 Chiapanecos, almost all of whom are Mayan Indians, produce 35 percent of Mexico’s coffee each year. While over 50 percent of the coffee is exported to markets in the United States and Europe for over three times its value in Chiapas, indigenous laborers, paid as little as $2 per day, rarely see any of that profit.

Cattle has become an increasingly profitable industry, but while nearly 3 million head are exported each year, few of the people in indigenous communities can afford to buy meat. There are reports that half of Chiapanecos are malnourished, and in the highlands and jungle areas the percentage is even higher.

Half of the homes in Chiapas do not have potable water and two-thirds lack sewage systems. There is one doctor for every 2,000 people, who wanted to see me.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. When I got over my astonishment, I thought about a lot of things. And I remember thinking to myself one of which was that I would never fail to see a young person, or a group of young people, who wanted to see me. I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 66,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the Federal debt which back in February exceeded $5 trillion for the first time in history. Congress created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always like to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that I be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, July 24, stood at $5,173,226,832,007.11. On a per capita basis, the existing Federal debt amounts to $35,191 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday shows an increase of approximately one billion dollars ($1,502,134,956.80, to be exact). That one-day Federal debt increase involves enough money to pay the college tuitions for 231,633 students for 4 years.
of Mexico from the political process. While the Zapatista uprising may have given them a voice in the national and international press, they still lack a real voice in their own government.

Politics in Chiapas has been dominated by the PRI and the racial and economic conflicts influenced by the Civil Defense Committee. The Committee is comprised of the few families that own virtually all that is worth owning in the state. Human rights groups including Amnesty International and Americas Watch have documented accounts of torture and political violence by Chiapas authorities since the mid-1980’s.

The majority of the adult population in Chiapas is illiterate. Peasants there have reported that they don’t vote, but the ruling PRI party picks up their voting cards and votes for them. In the 1988 elections which former President Salinas won by a narrow margin, no state gave the PRI a greater percentage of the vote than Chiapas.

What Chiapas needs is increased democratization of the Mexican political system, and greater representation for indigenous people. Until that occurs, political instability will discourage the investment that is necessary to provide jobs for the people there.

The United States loaned Mexico billions of dollars during the economic crisis of 1994. That decision was controversial at the time and a few, who had it been put to a vote in the Congress it might have been defeated. If the Mexican Government does not act aggressively to strengthen the institutions of democracy and reform its economy, political and economic instability will increase. If the peso collapses again, would the United States bail out Mexico a second time? I would not want to bet my house on it.

While the Mexican Government needs to do more to provide the people of Chiapas services like potable water and roads that are passable in the rainy season, what they need most, and what will ultimately bring about the kind of fundamental changes that are needed in order to avoid further violence and instability, is economic investment and a meaningful say in the political process.

Despite widespread poverty in states like Chiapas, the Mexican elite have prospered, from Mexico’s enormous oil wealth and the growth in manufacturing during the past two decades. The beneficiaries of this wealth need to recognize that the future stability and prosperity of their country depends on them. Not the United States. Not anyone else. The United States can provide the financial investment and jobs that are needed to overcome the desperation and inequities that have led to violence in places like Chiapas and Guerrero.

Mr. President, in addition to our geographic location, the United States and Mexico are closely linked both economically and culturally. There is a large population of Mexican-Americans living in the United States, and we are taking unprecedented measures to stem the flow of illegal immigrants from Mexico who risk arrest and even death in search of a better life in the north. There is no escaping the fact that events in Mexico, even in seemingly remote corners of the country, have enormous implications for our own country.

So we must encourage the Mexican Government, and representatives of the people of Mexico, to address to these problems with the utmost urgency. Benito Juarez, Emiliano Zapata, and Mexico’s other great political visionaries and revolutionaries, gave their people hope for a better life. But for many, that hope has faded, and for some, who have resorted to violence, it has died. They have nothing left to lose.

With Mexico’s population continuing to grow, putting increasing pressure on government services and the country’s resources, the situation in places like Chiapas has reached a crisis point. But with creative thinking and the recognition that those who have prospered have a responsibility to help those who have been left out, Mexico’s business elite has an opportunity to play a key role in finally turning the goals of the Mexican revolution into a reality.

TRIBUTE TO JOHN DAVIS AND HIS MANY CONTRIBUTIONS TO THE CITY OF BURLINGTON

Mr. LEAHY. Mr. President, in every community there is someone who has changed the events, who has shaped the future of its residents. Burlington, VT has John Davis. This month John is saying goodbye to the City of Burlington’s Community and Economic Development Office, CEOE, where he has spent the last 10 years making Burlington a better place to live and work. As Housing Director for most of that period John has worked to make affordable housing a reality for countless low and moderate income families, live and work. In 1994 John Davis was quick to attribute that success to the community enthusiasm, coop-
asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Kasich, Mr. Archer, Mr. Goodling, Mr. Roberts, Mr. Biley, Mr. Sensenbrenner, Mr. Hinson, Mr. McCrery, Mr. Bilirakis, Mr. Smith of Texas, Mrs. Johnson of Connecticut, Mr. Camp, Mr. Frank, Mr. Eshoo of Ohio, Mr. Cunningham, Mr. Castle, Mr. Goodlatte, Mr. Sabo, Mr. Gibbons, Mr. Conyers, Mr. de la Garza, Mr. Clay, Mr. Ford, Mr. Miller of California, Mr. Waxman, Mr. Stenholm, Mrs. Kennedy, Mr. Levin, Mr. Tanner, Mr. Becerra, Mr. Thurman, and Ms. Woolsey as the managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of section 695(a) of title 10, United States Code, the Speaker appoints Mr. Hale of Pennsylvania as a member of the Board of Visitors to the U.S. Naval Academy to fill the existing vacancy thereon.

ENROLLED BILL SIGNED
At 4:09 p.m., a message from the Speaker of the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H. R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protection.

At 6:05 p.m., a message from the Speaker of the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:


H. R. 853. An act to amend the Ethics in Government Act of 1978, to extend the authority of the Office of Government Ethics for 3 years, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H. R. 1124) to authorize minor who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under the age of 16 to load cotton into bales and compacters that meet appropriate American National Standards Institute design safety standards.

MEASURES REFERRED
The following bill was referred the first and second times by unanimous consent and referred as indicated:

H. R. 3814. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of committee were submitted:

By Mr. Stevens, from the Committee on Government Affairs:

Franklin D. Rains, of the District of Columbia, to be Director of the Office of Management and Budget.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's consent, and the committee to request him to appear and testify before any duly constituted committee of the Senate.)
but in rural America we still seek to develop.

I realize that this bill will be assigned a number and will not go much further than being referred to a committee. However, this issue needs to be placed on the radar screens of Congress, so that in the coming years we can get this accomplished for the Fort Peck Reservation and the people of the State of Montana.

By Mr. BIDEN (by request):


THE ANTI-GANG AND YOUTH VIOLENCE CONTROL ACT OF 1996

Mr. BIDEN. Mr. President, I rise to introduce the Anti-Gang and Youth Violence Control Act of 1996. This is the President's juvenile justice bill, and I am introducing it at his request.

Over the last several years, a consensus has been building in our Nation, and we are now in the unusual position of having the public and the experts in agreement that juvenile crime and violence is the most pressing problem facing America.

Moreover, we now have the statistics to back up the consensus: This past February, the U.S. Department of Justice released an update to its first national report on juvenile offenders and victims.

The numbers in this report, as well as those in the FBI's most recent uniform crime report, demonstrate what many have been warning of for the last several years—we are facing a devastating rise in juvenile violence and crime.

Between 1988 and 1994 the juvenile violent crime arrest rate has increased by more than 50 percent. In 1994, there were more than 125,000 juvenile arrests for violent crime offenses and another 131,000 juvenile arrests for drug abuse violations.

A total of more than 2.2 million juveniles were arrested for crimes in 1994. Between 1993 and 1994, while adult arrest rates remained virtually stable, the total number of juvenile arrests increased 11 percent.

Over this same period, the number of juvenile arrests for violent crime increased 6.5 percent.

Most frightening, the Justice Department study also found that, even if the overall crime rate stops growing, the rising number of juveniles will nonetheless produce a 22-percent rise in violent crime arrests.

And, should the violent crime rate continue to grow as it has between 1983 and 1992, the number of juveniles arrested for violent crimes will double by the year 2010 to more than 260,000 arrests.

The President's Anti-Gang and Youth Violence Control Act includes important provisions to address these increases in chronic, violent offenders, including transferring the most serious offenders to adult court for prosecution, increasing the range of sanctions available to the courts in sentencing a juvenile, increasing the length of time a juvenile can be incarcerated, and increasing the access courts have to a juvenile offender's prior record.

In many counties, offenders take an important first step toward beginning a needed dialog about a problem that is complicated and must be addressed over the long term. I hope that we can build on what the President has proposed, because we face a three-tiered challenge in reforming the juvenile justice system.

As juvenile violence grows, both in rate and intensity, it is, of course, important to reform the juvenile justice system to address the most violent young criminals. The current system was never designed to handle either the number of juveniles or the level of violence being perpetrated by a small number of juveniles.

The President's bill focuses on this aspect of juvenile justice reform. Just as critical—if not more so—if we are to effectively end the rise of juvenile crime rates is to focus on where this new breed of criminals is coming from and work to prevent future increases like the ones we have seen over the past decade.

Allow me to put some of the aforementioned statistics in context.

First, even with the increases in juvenile crime and violence, juveniles accounted for less than 1 percent of all violent crimes and 25 percent of all property crimes in 1994.

Second, a small proportion of all children commit most of the violent juvenile crimes—less than one-half of 1 percent of all juveniles were arrested for a violent crime, and approximately 7 percent of youth who commit crime are violent offenders.

This last number is both heartening and frightening. On the one hand, it indicates a special target population which demands our immediate attention, and that targeting this population could have significant results in lowering juvenile crime rates. As I noted, the President's bill address this need to crack down on this group.

On the other hand, the President's bill does not address the very real need to address the 95 percent of kids who are not yet committing serious crimes, but could become part of this 5 percent if left unchecked.

In other words, we must do more to identify those offenders who will end up a part of that dangerous 5 percent and turn them around before they are too far down the road to violence.

Focusing attention on the violent 5 percent misses the essential point that most kids in the juvenile justice system—95 percent of all juveniles—are not violent. They are also often first-time offenders. These are the juveniles the system was originally designed to handle, and rightfully so, because these are the children who can still be deterred from becoming life-long criminals if we provide juvenile courts with the appropriate prevention and intervention resources at this critical stage.

Today, in most States, a juvenile can commit multiple offenses before they get any real attention from the juvenile justice system. This must change. We must help these 95 percent of juvenile offenders at the time of their first misbehavior and keep them from becoming repeat or serious offenders. This means that court judges the ability to impose a range of graduated sanctions designed to prevent additional criminal behavior.

Finally, we must realize that most children are not delinquent—94 percent of children in 1994 did not come before a judge—but these children are in danger of becoming delinquent due to the risk factors many of them face.

Any truly comprehensive juvenile justice plan must address not only those children already in the system, but it must also focus on those children who may enter the system if their needs are not addressed.

This task may sound like an impossible task, but it is not. We know what works and we can implement it. For example, we know that nearly 50 percent of all youth crime occurs during the hours after-school and before dinnertime, as these are the hours that 80 percent of America's children spend in street activities for children, we also achieve the goal of "target-hardening"—that is, we can reduce juvenile crime by removing potential victims from offender's paths.

Mr. President, as I have stated, although I generally support the efforts and initiatives of the President's Anti-Gang and Youth Violence Control Act, it can only be one component of an overall juvenile justice initiative if it is successful. This bill does contain some important initiatives to deal with the most violent youth offenders. Among others, these provisions—which incorporate proposals made by me and other Members of Congress, include programs to initiate drug treatment and set life-long criminal if we provide juvenile courts with the appropriate prevention and intervention resources at this critical stage.

Today, in most States, a juvenile can commit multiple offenses before they get any real attention from the juvenile justice system. This must change. We must help these 95 percent of juvenile offenders at the time of their first misbehavior and keep them from becoming repeat or serious offenders. This means that court judges the ability to impose a range of graduated sanctions designed to prevent additional criminal behavior.

Finally, we must realize that most children are not delinquent—94 percent of children in 1994 did not come before a judge—but these children are in danger of becoming delinquent due to the risk factors many of them face.

Any truly comprehensive juvenile justice plan must address not only those children already in the system, but it must also focus on those children who may enter the system if their needs are not addressed.

This task may sound like an impossible task, but it is not. We know what works and we can implement it. For example, we know that nearly 50 percent of all youth crime occurs during the hours after-school and before dinnertime, as these are the hours that 80 percent of America's children spend in street activities for children, we also achieve the goal of "target-hardening"—that is, we can reduce juvenile crime by removing potential victims from offender's paths.

Mr. President, as I have stated, although I generally support the efforts and initiatives of the President's Anti-Gang and Youth Violence Control Act, it can only be one component of an overall juvenile justice initiative if it is successful. This bill does contain some important initiatives to deal with the most violent youth offenders. Among others, these provisions—which incorporate proposals made by me and other Members of Congress, include programs to initiate drug treatment and set life-long criminal if we provide juvenile courts with the appropriate prevention and intervention resources at this critical stage.

Today, in most States, a juvenile can commit multiple offenses before they get any real attention from the juvenile justice system. This must change. We must help these 95 percent of juvenile offenders at the time of their first misbehavior and keep them from becoming repeat or serious offenders. This means that court judges the ability to impose a range of graduated sanctions designed to prevent additional criminal behavior.
issues of juvenile justice by working with me to develop a comprehensive youth violence control and delinquency prevention plan.

By Mrs. FEINSTEIN:

S. 1992. A bill to recognize the significance of the AIDS Memorial Grove, located in Golden Gate Park in San Francisco, California, and to direct the Secretary of the Interior to designate the AIDS Memorial Grove as a national memorial to the Committee on Energy and Natural Resources.

The AIDS Memorial Grove Act of 1996

Mrs. FEINSTEIN. Mr. President, today I am introducing the AIDS Memorial Grove Act of 1996.

This bill is identical to H.R. 3193 sponsored by Congresswoman Pelosi in the House.

The legislation recognizes the significance of the 15-acre AIDS Memorial Grove in Golden Gate Park in San Francisco and directs the Secretary of the Interior to designate the AIDS Memorial Grove as a national memorial.

The AIDS Memorial Grove is a place where people come together to grieve, find solace, support and hope. Since 1987, volunteers have been planting trees and maintaining this woodland area. Visitors come not only from San Francisco, but also from all across the United States.

In giving national recognition to the area, the legislation makes the AIDS Memorial Grove the Nation's first living memorial dedicated to the thousands of Americans who have died of AIDS and in support of individuals who are living with acquired immune deficiency syndrome and their families and friends.

No Federal funds would be required.

The AIDS Memorial Grove is, and will continue to be, a public/private partnership totally supported by private donations. The AIDS Memorial Grove Board of Directors already has signed a 99-year agreement with the City of San Francisco and the San Francisco Recreation and Park Department to maintain the grove in perpetuity.

The legislation is consistent with other bills creating areas affiliated with the National Park System. I urge my colleagues to join me in working for its enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1992

SECTION 1. SHORT TITLE.

This Act may be cited as the "AIDS Memorial Grove Act of 1996".

SEC. 2. RECOGNITION AND DESIGNATION OF THE AIDS MEMORIAL GROVE AS A NATIONAL MEMORIAL.

(a) RECOGNITION OF SIGNIFICANCE OF THE AIDS MEMORIAL GROVE.—The Congress hereby recognizes the significance of the AIDS Memorial Grove, located in Golden Gate Park in San Francisco, California, as a memorial—

(1) dedicated to individuals who have died as a result of acquired immune deficiency syndrome; and
(2) in support of individuals who are living with acquired immune deficiency syndrome and their loved ones and caregivers.

(b) DESIGNATION AS NATIONAL MEMORIAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall designate the AIDS Memorial Grove as a national memorial.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. LEVIN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 675

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. LEVIN] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1675

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. LEVIN] was added as a cosponsor of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1748

At the request of Mr. BINGAMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1857

At the request of Mr. GREGG, his name was added as a cosponsor of S. 1857, a bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration.

S. 1988

At the request of Mr. DOMENICI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1988, a bill to protect the genetic privacy of individuals, and for other purposes.

S. 1954

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. KYL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. FRIST], the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1954, a bill to establish a uniform and more efficient Federal process for protecting property rights guaranteed by the fifth amendment.

S. 1957

At the request of Mr. PRESSLER, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1957, a bill to amend chapter 59 of title 49, United States Code, relating to intermodal safe container transportation.

S. 1997

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1997, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

AMENDMENT NO. 4974

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 4974 proposed to H.R. 3603, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 5017

At the request of Mr. BREAUX, his name was added as a cosponsor of amendment No. 5017 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. MCCAIN, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Maine [Mr. COHEN] were added as cosponsors of amendment No. 5017 proposed to H.R. 3540, supra.

AMENDMENT NO. 5018

At the request of Mr. COVERDELL, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of amendment No. 5018 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

COHEN (AND OTHERS)

AMENDMENT NO. 5019

Mr. COHEN (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. CHAFFEE, Mr. BREAUX, Mr. JOHNSTON, and Mr. THOMAS) proposed an amendment to the bill (H.R. 3540) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1997, and for other purposes; as follows:
On page 188, strike lines 3 through 22 and insert the following:

POLICY TOWARD BURMA

SEC. 569. (a) Until such time as the President determines and certifies to Congress that there are measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) BILATERAL ASSISTANCE.—There shall be no United States assistance to the Government of Burma, other than:

(A) counter-narcotics assistance,

(B) counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or comparable, if the Secretary of State certifies to the appropriate congressional committees that:

(i) the Government of Burma is fully cooperating with U.S. counter-narcotics efforts, and

(ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) VISAS.—Except as required by treaty obligations, the Burmese mission to the United States, the United States shall not grant visas to any Burmese government official.

(b) CONDITIONAL SANCTIONS.—The President shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after due and diligent enactment of this act, the Government of Burma has physically harmed, reinterred for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the democratic opposition.

(c) MULTILATERAL STRATEGY.—The President shall seek to develop in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy and improved human rights practices and the quality of life in Burma, in the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

(d) PRESIDENTIAL REPORTS.—Every six months following the enactment of this act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees:

(i) progress toward democratization in Burma;

(ii) progress on improving the quality of life in Burma; Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

(iii) progress made in developing the strategy referred to in subsection (c).

(e) AUTHORITY.—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines that such assistance is necessary to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(f) DEFINITIONS.—(1) The term ‘international financial institutions’ shall include the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term ‘new investment’ shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a non-governmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person’s performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development;

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation; and

(D) the entrance into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

AMENDMENT NO. 5020

Mr. MCCONNELL (for Mr. BUMPERS, for himself, Mr. HATFIELD, Mr. GORTON, Mr. SIMON, Mr. JOHNSTON, Mr. BURNS, Mr. REID, and Mr. ROTH) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 136, strike lines 6 and 7 and insert in lieu thereof the following:

‘‘(h)(1) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $11,000,000 shall be available only for assistance for Mongolia’s energy sector.

(2) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $700,000,000 shall be available only for assistance to the Multilateral Investment Guarantee Agency;’’.

AMENDMENT NO. 5021

Mr. MCCONNELL (for Mr. REID) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following:

FEMALE GENITAL MUTILATION

SEC. . (a) LIMITATION.—Beginning 1 year after the date of the enactment of this Act, the Secretary of State shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of such a fund to institutions, other than to address basic human needs, if the government of any country which the Secretary of the Treasury determines:

(1) has, as a cultural custom, a known history of the practice of female genital mutilation;

(2) has not made the practice of female genital mutilation illegal; and

(3) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(b) DEFINITION.—For purposes of this section, the term ‘international financial institution’ shall include the institutions identified in section 533(b) of this Act.

INOUYE (AND BENNETT) AMENDMENT NO. 5022

Mr. INOUYE (for Mr. INOUYE, for himself and Mr. BENNETT) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 107, line 23, strike ‘‘should be made available’’ and insert ‘‘shall be available only’’.

LEAHY AMENDMENT NO. 5023

Mr. LEAHY (for Mr. REID) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 184, line 6, delete the word ‘‘MORATORIUM’’ and everything that follows through the period on page 185, line 3.

LEAHY (AND INOUYE) AMENDMENT NO. 5024

Mr. MCCONNELL (for Mr. LEAHY, for himself and Mr. INOUYE) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 177, line 24, after ‘‘Jordan,’’ insert the following: ‘‘Tunisia.’’

On page 178, line 2, after ‘‘101’’ insert the following: ‘‘Provided, That not later than May 1, 1997, the Secretary of State shall submit a report to the Committees on Appropriations describing actions by the Government of Tunisia during the previous six months to improve respect for civil liberties and promote the independence of the judiciary.’’

AMENDMENT NO. 5025

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mrs. KASSEBAUM, and Mr. HATFIELD, Mr. DASCHLE, and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 135, line 7, delete ‘‘$626,000,000’’ and insert in lieu thereof ‘‘$700,000,000.’’

AMENDMENT NO. 5026

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 148, line 10 through line 13, strike the following language, ‘‘That comparable requirements of any similar provision in any other Act shall be applicable only to the extent that funds appropriated by this Act have been authorized: Provided further, ‘‘.

SMITH (AND OTHERS) AMENDMENT NO. 5027

Mr. SMITH (for himself, Mr. THOMAS, and Mr. HELMS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 105, line 17, strike ‘‘provided further,’’ and all that follows through the colon on line 21.

HELMS (AND OTHERS) AMENDMENT NO. 5028

Mr. HELMS (for himself, Mr. LOTT, and Mr. GREGG) proposed an amendment to the bill, H.R. 3540, supra; as follows:
On page 198, lines 17 and 18, insert the following:

```
SEC. 9. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States or any of its specialized agencies (including the United Nations Development Program) if the United Nations attempts to implement or impose any taxation or fee on any United States persons or borrows funds from any international financial institution.

(b) REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations or such agency, as the case may be, is not engaged in, and has not been engaged in during the previous five years, any effort to develop, advocate, promote, or publicize any proposal concerning taxation or fees on United States persons or borrows funds from any international financial institution.

(c) DEFINITIONS.—As used in this section:

(1) The term "indirect financial institution" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the International Monetary Fund, and the Multilateral Insurance Guarantee Agency.

(2) The term "United States person" refers to—

(A) a natural person who is a citizen of or nationals of the United States; or

(B) a corporation, partnership, or other legal entity organized under the laws of the United States, its territories, possession, or district of the United States.

MURkowski (AND OTHERS) AMENDMENT NO. 5029

Mr. MURkowski (for himself, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. BOND) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following:

```
SENSE OF CONGRESS REGARDING THE UNITED STATES-JAPAN INSURANCE AGREEMENT

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

(1) The United States and Japan share a long and beneficial bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth. But the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Japan is the second largest insurance market in the world and the largest life insurance market in the world.

(4) The share of foreign insurance in Japan is less than 3 percent, and large Japanese life and non-life insurers dominate the market.

(5) The Government of Japan has had as its stated policy for several years the deregulation and liberalization of the Japanese insurance market, and has developed and adopted a new insurance business law as a means of achieving this objective of liberalization and deregulation.

(6) The Governments of Japan and the United States concluded in October of 1994 the United States-Japan Insurance Agreement, following more than one and one-half years of negotiations, in which Agreement the Government of Japan reiterated its intention to deregulate and liberalize its market.

(7) The Government of Japan in June of 1995 undertook additional obligations to provide greater foreign access and liberalization to its market through its schedule of insurance obligations during the financial services negotiations of the World Trade Organization (WTO).

(8) The United States insurance industry is the most competitive in the world, operates successfully throughout the world, and thus could be expected to achieve higher levels of foreign market access and regulatory consistency under a more open, deregulated and liberalized Japanese market.

(9) Despite more than one and one-half years since the conclusion of the United States-Japan Insurance Agreement, despite more than one year since Japan undertook new commitments under the WTO, despite the entry into force on April 1, 1996, of the new Insurance Business Law, the Japanese market remains closed and highly regulated and thus continues to deny fair and open treatment for foreign insurers, including competitive United States insurers.

(10) The non-implementation of the United States-Japan Insurance Agreement is a matter of grave importance to the United States Government.

(11) Dozens of meetings between the United States Trade Representative and the Ministry of Finance have taken place during the past year.

(12) President Clinton, Vice President Gore, Secretary Rubin, Secretary Chris Christensen, Secretary Kantor, Ambassador Barshesky have all indicated to their counterparts in the Government of Japan the importance of this matter to the United States.

(13) The United States has written repeatedly to the Minister of Finance and the Ambassador of Japan.

(14) Despite all of these efforts and indications of importance, the Ministry of Finance has failed to implement the United States-Japan Insurance Agreement.

(15) Several deadlines have already passed for resolution of this issue with the latest deadline set for July 31, 1996.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

(1) the Ministry of Finance of the Government of Japan should immediately and with complete compliance with the Agreement:

(2) cease any and all efforts to require insurance market liberalization or impose any taxation or fee on United States persons or borrows funds from any international financial institution.

(3) Japan is the second largest insurance market in the world and the largest life insurance market in the world.

HELMS AMENDMENT NO. 5030

Mr. McCOnNELL (for Mr. HELMs) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following:

```
SENSE OF CONGRESS REGARDING THE UNITED STATES-JAPAN INSURANCE AGREEMENT

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

(1) the Ministry of Finance of the Government of Japan should immediately and without further delay completely and fully comply with all provisions of the United States-Japan Insurance Agreement, including most especially those which require the Ministry of Finance to deregulate and liberalize the primary sectors of the Japanese market, and those which insure that the current position of foreign insurers in Japan will not be jeopardized until primary sector deregulation has been achieved, and a three-year period has elapsed:

(2) failing satisfactory resolution of this matter on or before July 31, 1996, the United States Government should use any and all resources at its disposal to find a peaceful political solution to the Chechen problem.

(3) The United States Senate has written to the Prime Minister of the Federal Republic of Germany in April of 1996 seeking cooperation in its efforts to mediate in Chechnya.

HEILS AMENDMENT NO. 5031

Mr. McCOnNELL (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following new section:

```
REPORT ON DOMESTIC FEDERAL AGENCIES

SEC. 5. REPORT ON FOREIGN AND REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 544(a)(6) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States and against the United Nations and the amount of United States assistance provided to such country in that fiscal year.

FAIRCLOTH AMENDMENTS NOS. 5032-5033

Mr. McCOnNELL (for Mr. FAIRCLOTH) proposed two amendments to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following new section:

```
REPORT ON DOMESTIC FEDERAL AGENCIES

SEC. 4. REPORT ON FOREIGN AND REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 544(a)(6) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States and against the United Nations and the amount of United States assistance provided to such country in that fiscal year.

AMENDMENT NO. 5033

Mr. McCOnNELL proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following new section:

```
REPORT ON DOMESTIC FEDERAL AGENCIES

SEC. 4. REPORT ON FOREIGN AND REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 544(a)(6) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States and against the United Nations and the amount of United States assistance provided to such country in that fiscal year.
(b) DEFINITIONS.—As used in this section:

(1) DOMESTIC FEDERAL AGENCY.—The term "domestic Federal agency" means a Federal agency the primary mission of which is to carry out functions other than foreign affairs, defense, or national security functions.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term in section 531 of title 5, United States Code.

(3) INTERNATIONAL ORGANIZATION.—The term "international organization" has the meaning given the term in section 1 of the International Organization Immunities Act (22 U.S.C. 226a).

(4) UNITED STATES ASSISTANCE.—The term "United States assistance" has the meaning given the term in section 481 of title 22, United States Code.

"domestic Federal agency" means a Federal agency the primary mission of which is to carry out functions other than foreign affairs, defense, or national security functions.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term in section 531 of title 5, United States Code.

(3) INTERNATIONAL ORGANIZATION.—The term "international organization" has the meaning given the term in section 1 of the International Organization Immunities Act (22 U.S.C. 226a).

(4) UNITED STATES ASSISTANCE.—The term "United States assistance" has the meaning given the term in section 481 of title 22, United States Code.

Simon (And Others) Amendment No. 5034

Mr. McConnell (for Mr. Simon for himself, Mrs. Kasebaum, Mr. Feingold, Ms. Moseley-Braun, and Mr. Jeffords) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 105, beginning on line 12, strike "section 551(1) of title 5, United States Code." and insert "section 551(a)(1)

Mr. Garam (for himself, Mr. Biden, Mr. Hatch, and Mrs. Hutchinson) proposed an amendment to the bill, S. 1675, to provide for the nationwide tracking of convicted sexual predators, and for other purposes, and insert the following:

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a person' and 'predatory' have the same meanings as in section 3401(13); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) or section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(B) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of offenders under subsection (c) that is necessary to protect the public.

"(C) INDIVIDUAL REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the Federal Bureau of Investigation to enable the Secretary to protect adequately the public health or safety, or the environment. To the extent that the federal government is responsible for personal or property damages arising from such fuel or waste while in the federal government's possession, such liability shall be borne by the federal government.''

THE NUCLEAR WASTE POLICY ACT OF 1996

WELLSTONE AMENDMENTS NOS. 5035-5037

(Ordered to lie on the table.)

Mr. Wellstone submitted three amendments intended to be proposed by him to the bill (S. 1030) to amend the Nuclear Waste Policy Act of 1982; as follows:

Amendment No. 5035

On page 65 of the bill at the end of line 20, insert the following: "the adjusted fee program for the time period specified under subsection (b) for the time period specified under subsection (d).

(2) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during a period of incarceration, not to exceed 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation.

(2) for the life of the person, if that person—

(i) has 2 or more convictions for an offense described in subsection (b);

(ii) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

(iii) has been determined to be a sexually violent predator.

(3) COMMUNITY NOTIFICATION.—

(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person who is required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to all of these individuals and shall require the submission of fingerprints and photographs of the individual.

(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply with respect to those individuals and shall provide that the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

(3) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence after that person establishes a new residence during any period in which that person resides for not less than 10 days.

(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient sexual offender registration program, including a program established under section 170101(c)(4) that is necessary to protect the public.

(4) COMMUNITY NOTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

(2) IDENTIFICATION OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

(3) COMMUNITY NOTIFICATION.—

(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence after that person establishes a new residence during any period in which that person resides for not less than 10 days.

(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) shall, except during a period of incarceration, verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to all of these individuals and shall require the submission of fingerprints and photographs of the individual.

"(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply with respect to those individuals and shall provide that the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

(3) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence after that person establishes a new residence during any period in which that person resides for not less than 10 days.

(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.
"(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a \[\text{ minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—}

(A) the Department of Justice, the Attorney General, or the State and local law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

(B) the FBI.

(5) VERIFICATION.—

(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction to which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under paragraph (c) relocate are notified of the new residence of such person.

(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

(C) VERIFICATION.—

(I) STATE AGENCIES.—If a State agency cannot verify that a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under paragraph (c) or if the person receives notification from a State under clause (i), the FBI shall require that, either the State or the FBI:

(1) classify the person as being in violation of the registration requirements of the National database; and

(2) notify the person to the National Crime Information Center Wanted Person File and create a wanted persons record, provided that an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

(II) FINGERPRINTS.—

(I) IN GENERAL.—(A) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI under this section and law enforcement officials pursuant to regulations issued by the Attorney General.

(B) STATE REGISTRATION SYSTEMS.—In a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

(II) PENALTY.—A person registered under paragraph (c) who fails to comply with this section shall:

(1) in the case of a first offense—

(A) be fined not more than $100,000; or

(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 10 years and fined not more than $100,000; or

(2) in the case of a second or subsequent offense—

(A) be imprisoned for up to 10 years and fined not more than $100,000; or

(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than $10,000.

(III) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be transmitted to the FBI and to State and local law enforcement officials having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (I) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.

SEC. 7. IMMUNITY FOR GOOD FAITH CONDUCT.

State and federal law enforcement agencies, employees of state and federal law enforcement agencies, and local law enforcement officials shall be immune from liability for good faith conduct under section 170102.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

SEC. 9. COMPLIANCE BY STATES.

Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

SEC. 10. INELIGIBILITY FOR FUNDS.

(a) Deferral of Funds.—No funds that are not allocated for failure to comply with paragraphs (a) or (b) shall be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3785).

(b) Ineligibility for Funds.—(1) A State that fails to implement the program as described in sections 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3785).

(2) Any funds that are not allocated for failure to comply with sections 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

MOYNIHAN AMENDMENT NO. 5939

Mr. McCONNELL (for Mr. MOYNIHAN) proposed an amendment to the bill, H.R. 3540, supra, as follows:

On page 188, between lines 22 and 23, insert the following new section:

REPORTS ON THE SITUATION IN BURMA

SEC. 9b. (a) LABOR PRACTICES.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State, shall submit a report to the appropriate congressional committees on—

(1) Burma’s compliance with international labor standards including, but not limited to, the use of forced labor, slave labor, and involuntary prison labor by the junta;

(2) the degree to which foreign investment in Burma has contributed to violations of fundamental worker rights;

(3) labor practices in support of Burma’s foreign tourist industry; and

(4) efforts by the United States to end violations of fundamental labor rights in Burma.

S8872 CONGRESSIONAL RECORD—SENATE  July 25, 1996
Mr. MCCONNELL. Mr. McCONNELL (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 3540, supra; as follows:

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

SEC. 3. HAITI. The Government of Haiti shall be eligible for benefits under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard, except as otherwise stated in law: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

BROWN AND SIMON AMENDMENT NO. 5041

Mr. MCCONNELL (for Mr. Brown, for himself and Mr. Simon) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following new section:

SEC. 4. TRADE RELATIONS WITH EASTERN AND CENTRAL EUROPE.

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

(1) The countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Romania, Slovenia, Bulgaria, Greece, and Austria, are important to the long-term stability and economic success of a future Europe freed from the shackles of communism.

(2) The Central and Eastern European countries, particularly Hungary, Poland, the Czech Republic, Romania, Slovakia, Slovenia, Latvia, Lithuania, and Estonia, are in the midst of dramatic reforms to transform their centrally planned economies into free market economies and to join the Western community.

(3) It is in the long-term interest of the United States to encourage and assist the transformation of Central and Eastern Europe to a free market economy, which is the solid foundation of democracy, and will contribute to regional stability and greatly increased opportunities for commerce with the United States.

(4) Trade with the countries of Central and Eastern Europe accounts for less than one percent of total United States trade.

(5) The presence of a market with more than 250,000,000 people, with a growing appetite for consumer goods and services and badly in need of modern technology and management, should be an important market for United States exports and investments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should take steps to promote more open, fair, and free trade between the United States and the countries of Central Europe, including Poland, Hungary, the Czech Republic, Slovakia, Latvia, Lithuania, Estonia, Romania, Slovenia, Bulgaria, Greece, and Austria, including—

(6) developing closer commercial contacts;

(7) the mutual elimination of tariff and nontariff discriminatory barriers in trade with these countries;

(8) establishing fair and expeditious dispute settlement procedures.

SPECTER AND OTHERS AMENDMENT NO. 5042

Mr. McCONNELL, for Mr. Specter, for himself, Mr. Moynihan, and Mr. D'AMATO, proposed an amendment to the bill, H.R. 3540, supra; as follows:

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

SEC. 5. LIMITATION ON FOREIGN SOVEREIGN IMMUNITY.

(a) IN GENERAL.—Section 1605(a)(7) of title 28, United States Code, is amended to read as follows:

"(7) in which money damages are sought against a foreign state for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or material support or resources (as defined in section 2339A of title 28) for such an act, if—"

"(A) such act or provision of material support was engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employ, or agency;

(B) the foreign state against whom the claim was brought—"

"(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(ii) had no treaty of extradition with the United States at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

"(B) the foreign state against whom the claim was brought—"

"(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(ii) had no treaty of extradition with the United States at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

"(C) the claimant or victim was a national of the United States; and

"(D) the claimant or victim was a national of the United States; and

"(B) the foreign state against whom the claim was brought—"

"(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(ii) had no treaty of extradition with the United States at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

"(B) the foreign state against whom the claim was brought—"

"(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(ii) had no treaty of extradition with the United States at the time the act occurred or was later so designated as a result of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))."

(b) SENSE OF THE CONGRESS.—Therefore, it is the sense of the Congress that—

(1) the United States should work closely with Romania and other countries working toward NATO membership to ensure that every opportunity is provided.

BROWN AMENDMENTS NOS. 5043-5044

Mr. McCONNELL, for Mr. Brown and Mr. Gorton, proposed two amendments to the bill, H.R. 3540, supra; as follows:

AMENDMENT NO. 5043

At the appropriate place, add the following new section:

SEC. 6. SENSE OF CONGRESS REGARDING CROATIA.

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

(1) Croatia has politically and financially contributed to the NATO peacekeeping operations in Bosnia.

(2) The economic stability and security of Croatia is important to the stability of South Central Europe.

(3) Croatia is in the process of joining the Partnership for Peace.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that:

(1) Croatia should be recognized and commended for its contributions to NATO and the various peacekeeping efforts in Bosnia.

(2) The United States should support the active participation of Croatia in activities appropriate for qualifying for NATO membership, provided Croatia continues to adhere fully to the Dayton Peace Accords and continues to make progress toward establishing democratic institutions, a free market, and the rule of law.

AMENDMENT NO. 5044

At the appropriate place, add the following new section:

SEC. 7. ROMANIA'S PROGRESS TOWARD NATO MEMBERSHIP.

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

(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament in 1990, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property.

(2) Local elections, parliamentary elections, and presidential elections have been held in Romania, with 1996 marking the second nationwide presidential elections under the new Constitution.

(3) Romania was the first former Eastern bloc country to join NATO'S Partnership for Peace program and has hosted Partnership for Peace military exercises on its soil.

(4) Romania is the second largest country in terms of size and population in Central Europe and as such is strategically significant.

(5) Romania formally applied for NATO membership in April 1996 and has begun an individualized dialogue with NATO on its membership application; and

(6) Romania has contributed to the peace and reconstruction efforts in Bosnia by participating in the Implementation Force (IFOR).

(b) SENSE OF THE CONGRESS.—Therefore, it is the sense of the Congress that:

(1) Romania is making significant progress toward establishing democratic institutions, a free market economy, civilian control of defense forces and the rule of law;

(2) Romania is making important progress toward meeting the criteria for accession into NATO;

(3) Romania deserves commendation for its clear desire to stand with the West in NATO, as evidenced by its early entry into the Partnership for Peace, its formal application for NATO membership, and its participation in IFOR;

(4) Romania should be evaluated for membership in the NATO Participation Act's transition assistance program at the earliest opportunity; and

(5) The United States should work closely with Romania and other countries working toward NATO membership to ensure that every opportunity is provided.
DORGAN (AND OTHERS)  
AMENDMENT NO. 5045

Mr. DORGAN (for himself, Mr. HATFIELD, Mr. BUMPERS, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, Mr. PELL, Mr. INOUYE, Mr. WYDEN, Mr. KENNEDY, Mr. SIMON, Mr. LAUTENBERG, and Ms. BURRESS) proposed an amendment to the bill, H.R. 3540, supra, as follows:

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

TITLE CONGRESSIONAL REVIEW OF ARMS TRANSFERS ELIGIBILITY ACT OF 1996

SEC. 01. SHORT TITLE.  
This title may be cited as the "Congressional review of Arms Transfers Eligibility Act of 1996".

SEC. 02. PURPOSE.  
The purpose of this title is to provide congressional review of the eligibility of foreign governments to be considered for United States military assistance and arms transfers, and to establish clear standards for such eligibility including adherence to democratic principles, the protection of human rights, nonaggression, and participation in the United Nations Register of Conventional Arms.

SEC. 03. ELIGIBILITY FOR UNITED STATES MILITARY ASSISTANCE OR ARMS TRANSFERS.  
(a) PROHIBITION; WAIVER.—United States military assistance or arms transfers may not be provided to a foreign government during a fiscal year unless the President determines and certifies to the Congress for that fiscal year that—  
(1) such government meets the criteria contained in section 04;  
(2) it is in the national security interest of the United States to provide military assistance and arms transfers to such government, and the Congress enact a law approving such determination; or  
(3) an emergency exists under which it is vital to the interest of the United States to provide military assistance or arms transfers to such government.  
(b) TERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President shall submit to the Congress at the earliest possible date after the determination ceases to meet the criteria contained in section 04, the President shall submit a decertification at any time thereafter in the fiscal year.

SEC. 04. CRITERIA FOR CERTIFICATION.  
The criteria referred to in section 03(a)(1) are as follows:  
(A) PROMOTES DEMOCRACY.—Such government—  
(1) is chosen by and permits free and fair elections;  
(2) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;  
(3) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and  
(D) promotes the strengthening of political, legislative, and civil institutions of democracy in the Government and the autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—  
(A) does not engage in gross violations of internationally recognized human rights, as described in section 502(o)(3) of the Foreign Assistance Act of 1961;  
(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;  
(C) permits access on a regular basis to political prisoners by international humanitarian organizations, such as the International Committee of the Red Cross;  
(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights; and  
(E) does not impede the free functioning of and access of domestic and international human rights organizations or, in situations of war or famine, of humanitarian organizations.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN UNITED NATIONS REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

SEC. 05. CERTIFICATION AND DECERTIFICATION.  
(a) NOTIFICATION TO CONGRESS.—In the case of a determination by the President under section 03(a)(1) or (2) with respect to a foreign government, the President shall submit to the Congress the initial certification in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications at any time thereafter in the fiscal year.

(b) DECERTIFICATION.—If a foreign government ceases to meet the criteria contained in section 04, the President shall submit a decertification of the government to the Congress, whereupon any prior certification under section 03(a)(1) shall cease to be effective.

SEC. 06. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.  
For purposes of this title, the terms "United States military assistance and "arms transfers" mean—  
(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961;  
(2) the transfer of defense articles, defense services, and design and construction services under the Arms Export Control Act (except any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

SEC. 07. EFFECTIVE DATE.  
(a) Except as provided in subsection (b), this title shall take effect October 1, 1997.  
(b) Any initial certification made under section 03 shall be transmitted to the Congress with the President's budget submission for fiscal year 1998 under section 1105 of title 31, United States Code.

KERRY AMENDMENT NO. 5046

Mr. KERRY proposed an amendment to amendment No. 5045 proposed by Mr. DORGAN to the bill, H.R. 3540, supra, as follows:

At the end of the amendment, add the following new section:

SEC. 1. INTERNATIONAL ARMS TRANSFERS REIGIME.

(a) INTERNATIONAL EFFORTS.—The President shall continue and expand efforts through the United Nations and other international fora, such as the Wassenaar Arrangement on Export Controls for Conventional Arms and Other dual Goods and Technologies, to curb worldwide arms transfers, particularly to nations that do not meet the criteria established in section 04, and to work with a new establishment of a multilateral regime to govern the transfer of conventional arms.

(b) REPORT.—The President shall submit an annual report to the Congress describing efforts he has undertaken to gain international acceptance of the principles incorporated in section 04, and evaluating the progress made toward establishing a multilateral regime to control the transfer of conventional arms. This report shall be submitted in conjunction with the submission of the annual request for authorizations and appropriations for foreign assistance programs for a fiscal year.

DOMENICI (AND OTHERS)  
AMENDMENT NO. 5047

Mr. DOMENICI (for himself, Mr. D’AMATO, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. MURkowski, Mr. SHELBY, Mr. HELMs, Mr. Gramm, Mr. Bingaman, Mr. KEMPThorne, Mr. Bond, Mr. HATCH, and Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 3540, supra, as follows:

On page 31, after lines 17 and 18, insert the following new section:

SEC. 23. REPORT.—(1) Not later than 30 days after the date of enactment of this Act, the Administrator of the Drug Enforcement Administration shall submit a report to the President—

(A) identifying the 10 individuals who are indicted in the United States for unlawful trafficking or production of controlled substances most sought by United States law enforcement officials, and the reason to believe reside in Mexico; and  
(B) identifying 25 individuals not named under paragraph (1) who have been indicted for such offenses and who there is reason to believe reside in Mexico.

(2) The President shall promptly transmit to the Government of Mexico a copy of the report submitted under paragraph (1).

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds appropriated under the heading "International Military Education and Training" may be made available for any program, project, or activity for Mexico.

(2) EXCEPTION.—Paragraph (1) shall not apply if, not later than 6 months after the date of enactment of this Act, the President certifies to Congress that—

(A) the Government of Mexico has extradited to the United States the individuals named pursuant to subsection (a)(i); or  
(B) the Government of Mexico has apprehended and begun prosecution of the individual named pursuant to subsection (a)(i).

(c) WAIVER.—Subsection (b) shall not apply if the President of Mexico certifies to the President of the United States that—

(A) the Government of Mexico made intensive, good faith efforts to apprehend the individuals named pursuant to subsection (a)(i)
but did not find one or more of the individuals within Mexico; and
(2) the Government of Mexico has apprehended and extradited or apprehended and prosecuted 3 individuals named pursuant to subsection (a)(2) for each individual not found under paragraph (1).

THE NUCLEAR WASTE POLICY ACT OF 1996

MURKOWSKI AMENDMENT NOS. 5048-5057

(Ordered to lie on the table.)
Mr. MURKOWSKI submitted 10 amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

A MENDMENT NO. 5048
Strike subsections (h) through (i) of section 201 and insert in lieu thereof the following—

"(h) BENEFITS AGREEMENT.—
"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the City of Caliente County, Nevada, concerning the integrated management system.
"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any rights to participation or compensation of the City of Caliente and Lincoln County, Nevada.
"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).
"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.
"(5) LIMITATION.—Only 1 agreement may be in effect at any one time.
"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT.—
"(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County is entitled under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Event</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Annual payments prior to first receipt of spent fuel</td>
<td>$25,000</td>
</tr>
<tr>
<td>(B) Annual payments beginning upon first spent fuel receipt</td>
<td>$25,000</td>
</tr>
<tr>
<td>(C) Payment upon closure of the interim transfer facility</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

"(2) DEFINITIONS.—For purposes of this section, the term
"(A) `spent fuel' means high-level radioactive waste or spent nuclear fuel; and
"(B) `first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to the first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1⁄4 of such annual payments under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).
"(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

A MENDMENT NO. 5049
In section 603 strike the word `solely'.

A MENDMENT NO. 5050
In subsection (a) of section 604 strike "The Secretary or the Secretary's designee or designee of the City of Caliente and Lincoln County, Nevada" and insert in lieu thereof the following:

"SEC. 503. Compliance with Other Laws.
"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 1731 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system."

A MENDMENT NO. 5051
Strike section 501 and insert in lieu thereof the following:

"SECTION 501. Compliance with Other Laws.
"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if
"(1) complying with such requirement and a requirement of this Act is impossible; or
"(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act."

A MENDMENT NO. 5052
Strike section 501 and insert in lieu thereof the following—

"SECTION 501. Compliance with Other Laws.
"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if
"(1) complying with such requirement and a requirement of this Act is impossible; or
"(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act."

A MENDMENT NO. 5053
Strike subsections (i) of section 201 and insert in lieu thereof the following—

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way along the 'Chalk Mountain Heavy Haul Route' depicted on the map dated March 13, 1996, and on file with the Secretary, necessary to commence intermodal transfer at Caliente, Nevada."

A MENDMENT NO. 5054
Beginning on page 1, line 3, strike "Nuclear" and all that follows, and insert in lieu thereof the following: "Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. Short Title and Table of Contents.

"(a) Short Title.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.
"(b) Table of Contents.—
"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.
"Sec. I—OBLIGATIONS
"Sec. 101. Obligations of the Secretary of Energy.
"Sec. 102. Intermodal transfer.
"Sec. 103. Transportation planning.
"Sec. 104. Transportation requirements.
"Sec. 105. Permanent repository.
"Sec. 106. Land withdrawal.
"Sec. II—INTEGRATED MANAGEMENT SYSTEM
"Sec. 201. Intermodal transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent repository.
"Sec. III—LOCAL RELATIONS
"Sec. 301. Financial assistance.
"Sec. 302. On-Site representative.
"Sec. 303. Acceptance of benefits.
"Sec. 304. Restrictions on use of funds.
"Sec. 305. Land of conveyances.
"Sec. IV—FUNDING AND ORGANIZATION
"Sec. 401. Program funding.
"Sec. 403. Federal contribution.
"Sec. V—GENERAL AND MISCELLANEOUS PROVISIONS
"Sec. 501. Compliance with other laws.
"Sec. 503. Licensing of facility expansions and transshipments.
"Sec. 504. Siting a second repository.
"Sec. 505. Financial arrangements for low-level radioactive waste site closure.
"Sec. 506. Nuclear Regulatory Commission training authority.
"Sec. 507. Emplacement schedule.
"Sec. 508. Transfer of title.
"Sec. 509. Decommissioning pilot program.
"Sec. 510. Water rights.
"Sec. VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD
"Sec. 601. Definitions.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.
"Sec. VII—MANAGEMENT REFORM
"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.
"Sec. 703. Effective date.

"SECTION 2. Definitions.
"For purposes of this Act:
"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's carrying out this Act or a regulation under this Act.
"(2) AFFECTED INDIAN TRIBE.—The term "affected Indian tribe" means any Indian tribe—
"(A) whose reservation is surrounded by or borders an affected unit of local government, or
"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of Congressionally ratified treaties may be substantially affected by the locating of an interim storage facility or a repository if the Secretary of the Interior..."
finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

(3) \textit{AFFECTED UNIT OF LOCAL GOVERNMENT.}—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility, including any other units of local government that are contiguous with such unit.

(4) \textit{Defensive ACTIVITY.}—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any activities or functions under

(5) \textit{Defensive ACTIVITY.}—The term 'emplacement schedule' means the schedule for emplacement of any activity of the Secretary in accordance with this Act.

(6) \textit{Defensive ACTIVITY.}—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with the emplacement schedule.

(7) \textit{Defensive ACTIVITY.}—The term 'low-level radioactive waste' means radioactive waste that

(8) \textit{Defensive ACTIVITY.}—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(9) \textit{Defensive ACTIVITY.}—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(10) \textit{Defensive ACTIVITY.}—The term 'storage' means the location of a repository.

(11) \textit{Defensive ACTIVITY.}—The term 'storage' means the location of a repository.

(12) \textit{Defensive ACTIVITY.}—The term 'storage' means the location of a repository.

(13) \textit{Defensive ACTIVITY.}—The term 'storage' means the location of a repository.

\textit{TITLE I—OBLIGATIONS}

\textit{SEC. 101. OBLIGATIONS OF THE SECRETARY.}

(a) \textit{Disposal.}—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

(b) \textit{Interim Storage.}—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 201 in accordance with the emplacement schedule.

(c) \textit{Transportation.}—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising an integrated management system.

(d) \textit{Integrated Management System.}—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

(e) \textit{Private Sector Participation.}—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure, and contract with the private sector to fulfill the Secretary's obligations and requirements under this Act.
U.S. Senate, 105th Congress, 1st Session

``(f) PE-E-ISTS RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—
``(1) any right of a contract holder under section 221 of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or
``(2) the right of the Secretary to convey, at no cost to the Secretary, nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadli...
SEC. 203. TRANSPORTATION REQUIREMENTS.

(a) Package Certification.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety office, federal, State, and local governments, and Indian tribes. The Commission shall promulgate regulations governing the provision of such technical assistance and funds.

(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

(e) Compliance With Transportation Regulations.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1982, pursuant to a contract with the Secretary, shall comply with all regulations governing such transportation issued by the federal, state and local governments, and Indian tribes, in the same way and to the same extent as the Secretary complies with regulations governing transportation that is in or affects interstate commerce. Such regulations must comply with such requirements, as required by 49 U.S.C. sec. 5126.

(f) Employment Protection.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act and any employee engaged in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

(g) Training Standard.—(1) No later than 12 months after the date of enactment of this Act, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to employees responsible for the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards, including training for managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standards before such personnel may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(2) The training standards required to be promulgated under subparagraph (1) shall, among other things, deem appropriate the following:

(A) a specified minimum number of hours of initial on-site instruction and practical field experience under the direct supervision of a trained, experienced supervisor;

(B) a requirement that on-site managerial personnel receive the same training as workers; and

(C) a training program applicable to personnel responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(3) There is authorized to be appropriated for the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

SEC. 204. INTERIM STORAGE.

(a) AUTHORIZATION.—The Secretary shall designate an interim storage facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be designed, planned, and constructed by the Secretary in accordance with the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Secretary's regulations governing the licensing of independent spent fuel storage installations.

(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility site.

(2) The Secretary shall consent to an agreement setting forth interim storage conditions that the Commission determines is suitable for development as a repository.

(c) DESIGN.—The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

(d) LICENSING.—The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the interim storage facility system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional Congressional approval in order to use such systems.
“(U) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999. The license for the first phase shall have an initial term of up to 100 years, or does not begin full spent nuclear fuel storage capacity of 60,000 MTU. The license for the second phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

“(S) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall issue an application for the second phase of the interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary issues a license application for construction of a repository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 1, 2003, the license application shall be submitted such that the license can be issued to permit the second phase facility. The interim storage facility shall have a term of 20 years.

“(E) ADDITIONAL AUTHORITY.—

“(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase of the facility in accordance with subsection (d). The Commission shall issue an order suspending such construction at any time if the Commission determines that such construction is not consistent with the scope of the licensing action; and shall modify or eliminate such risk.

“(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 for the interim storage facility, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

“(3) EMBELEM OF FUEL AND WASTE.—Subject to paragraph (1), once the Secretary has issued a license for the first phase of the interim storage facility, the Environmental Report and Safety Analysis Report submitted in support of the license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 10 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

“(P) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations and designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (1) of this section, and facility use pursuant to paragraph (2) of this section shall be considered preliminary decisionmaking and planning activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

“(Q) ENVIRONMENTAL IMPACT STATEMENT.—

“(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). In preparing such Environmental Impact Statement, the Commission—

“(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

“(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

“(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

“(i) the need for the interim storage facility, including any individual component thereof;

“(ii) the time of the initial availability of the interim storage facility;

“(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

“(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

“(v) any alternatives to the design criteria for such facility or any individual component thereof, as determined by the Secretary in the license application; or

“(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license has been or will be issued pursuant to paragraph (1) or (2) of this section and the Secretary's obligation to manage the Nation's spent nuclear fuel and high-level radioactive waste.

“(R) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to construct a geologic management system in accordance with the provisions of this Act shall provide sufficient and independent grounds for any further findings by the Commission review of reasonable alternative spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate the interim nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

“(T) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (3)(A) through (C) to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Commission shall seek authorization, as necessary, to store spent nuclear fuel and waste for purposes of paragraph (3)(A) through (C) at the interim storage facility.

“(U) REPOSITORY CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain Site in accordance with the Secretarial program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

“(V) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, the Secretary shall, by rule, establish the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain Site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of the Energy Policy Act of 1996, or the term of the renewal period for which a license has been or will be issued pursuant to paragraph (1) or (2) of this section and the Secretary's obligation to manage the Nation's spent nuclear fuel and high-level radioactive waste.
"(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the repository's engineered and geologic barriers consistent with the need for disposal capacity.

"(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility or alternate sites or designs for the repository, the Commission shall grant such license amendments or alternate sites or designs for the repository, as described in subsection (b), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statements or supplements prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, the general leasing laws, the geothermal leasing laws, the material sales laws, and the mining laws.

"(2) JURISDICTION.—JURISDICTION.—In any action brought in the superior court of any State that the Yucca Mountain site is located, the United States shall be a defendant, and the Yucca Mountain site shall be a defendant, and the Yucca Mountain site shall be considered a Federal action significant to the quality of the human environment for purposes of the National Environmental Policy Act of 1969 and any other Federal environmental law.

"(a) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assessment and method uncertainties commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

"(e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider the need for a repository, or alternate sites or designs for the repository.

"(3) ADOPTION BY COMMISSION.—The Secretary of the Interior shall adopt a repository performance impact statement and any supplements thereto, shall to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, will result in a level of performance with respect to nuclear fuel or high-level radioactive waste that will prevent any human activity at the site that poses an unreasonable risk of releasing significant amounts of contamination into the environment for purposes of the repository's engineered or geologic barriers; or

"(D) the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).
CONGRESSIONAL RECORD — SENATE
S8881
JULY 25, 1996

(2) BOUNDARIES.—The boundaries depicted on the map entitled ‘‘Yucca Mountain Site Withdrawal Map,’’ dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site and (B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Governor of the state of Nevada, the Governor of Arizona, the Governor and Lieutenant Governor of California, the Governor and Lieutenant Governor of Oregon, and the Governor and Lieutenant Governor of Idaho,

(4) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this section shall be filed with the Secretary, the Governor of the State of Nevada, any provision of such Constitution inconsistent with subsection (d) for that fiscal year, minus—

The Secretary shall offer to the Unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

(a) GRANTS.—The Secretary is authorized to make grants to an affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

(1) to commission an agreement that allows for an earlier conclusion of the integrated management system on the affected Indian tribe or affected unit of local government,

(2) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents,

(3) to develop a request for impact assistance under subsection (c);

(4) to engage in any monitoring, testing, or evaluation activities with regard to such site;

(5) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

(6) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

(d) OTHER ASSISTANCE.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant any affected Indian tribe or affected unit of local government an amount equal to the amount assessed pursuant to subparagraph (A), if the Secretary determines that such assistance would result in activities of the integrated management system.

(ii) the percentage of such appropriations attributable to the fee under paragraph (1); and

(ii) the percentage of such appropriations attributable to the fee under paragraph (1).

The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(2) BOUNDARIES.—The boundaries depicted on the maps and legal descriptions of the interim storage facility site with the Congress, the Governor of the state of Nevada, the Governor of Arizona, the Governor and Lieutenant Governor of California, the Governor and Lieutenant Governor of Oregon, and the Governor and Lieutenant Governor of Idaho, are as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—(A) Period.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary determines that an affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system on the affected Indian tribe or affected unit of local government.

(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

(b) S PECIAL CONVEYANCES.ÐNotwithstanding any other provision of law, the Secretary shall, in conjunction with the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States, issue a final withdrawal regulation by rule or notice admitting all or part of the Yucca Mountain site with the Congress, the Governor of the state of Nevada, the Governor of Arizona, the Governor and Lieutenant Governor of California, the Governor and Lieutenant Governor of Oregon, and the Governor and Lieutenant Governor of Idaho, as such affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

(a) GRANTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requested by such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

(b) S ALARY AND TRAVEL EXPENSES.ÐAny employee of the Federal Government, including any employee of the Atomic Energy Commission, may receive any further assistance under this section (a) to the County of Nye, Nevada:
shall immediately transmit the proposal for an adjustment to the fee in subsection (c)(2), the Secretary shall propose the Federal Government that are specified in or excessive to recover the costs incurred by the Secretary for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor. The person paying the fee under this paragraph is actively and in good faith negotiating with the Secretary for a contract under subsection (a) with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian power reactor prior to January 7, 1983, the fee amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste generated as a byproduct of the processing of one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph for the collection of the fee. The person paying the fee under this paragraph to the Secretary shall have no further financial obligations to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

(2) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3) together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate if the amount of the fees will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress. (B) ADVANCE CONTRACTING REQUIREMENT.—(1) IN GENERAL.—(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—(i) such person has entered into a contract under subsection (a) with the Secretary, or (ii) the Secretary affirmes in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(8) PRECONDITION.—The Commission, as it determines to be appropriate, may require, as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) for such licensees, that such persons have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such licensees. (2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated by a person (other than a State or department of the United States) shall enter into an Administered Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall be appropriated to the Nuclear Waste Fund immediately upon their realization.

(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—(A) IN GENERAL.—The Secretary shall ensure that the Nuclear Waste Fund is established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982, to carry out this section, and expenditures of amounts in excess of current needs, the Nuclear Waste Fund contains at any time the amount of funds set forth in section 101 or 102 of title 5, United States Code; and

(1) ALLOCATION.—No later than one year after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the interim storage or permanent disposal of high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include, but is not limited to, the appropriate portion of the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

(2) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(3) REPORT.—In conjunction with the annual report submitted to Congress under section 407, the Secretary shall report to the Congress annually the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors.

MISCELLANEOUS PROVISIONS

SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any law are inconsistent with or duplicative of the require-ments of the Atomic Energy Act of 1954, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system."
SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

(a) Jurisdiction of the United States Courts of Appeals.—

(1) Original and exclusive jurisdiction.—Except for review in the Supreme Court of the United States, except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action

(2) in which the Act or a regulation issued under the Act or a decision or order of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

(3) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(4) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or a regulation issued under this Act to prepare such statement with respect to any such action.

(b) Venue.—The venue of any proceeding under this section shall be in the judicial circuit in which the parties involved or their authorized representative resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

(c) Application of Other Law.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any Act relating to the same matter.

SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

(a) Oral hearing.—In any Commission hearing under section 199 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to a license, or for a hearing or for determination, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a statement of the facts, conclusions, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) Adjudicatory hearing.—

(1) Designation.—At the conclusion of any oral argument under subsection (a), the Commission shall, if it determines that

(A) there are unresolved, substantial, and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing, and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute,

(2) Determination.—In making a determination under this subsection, the Commission—

(1) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(3) shall not consider—

(I) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor construction permit that has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(II) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless—

(I) such issues result from any revision of siting or design criteria by the Commission following such decision; and

(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(c) Application of Other Law.—The provisions of this section relating to any matter shall be applied in lieu of the provisions of any Act relating to the same matter.

SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

(a) Financial Arrangements.—

(1) Standards and instructions.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in connection with such activities. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of a national defense site, by the Secretary of Energy. The Commission may, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses,

(2) Bonding, surety, or other financial arrangements.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before the execution of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) Title and Custody.—

(1) Authority of Secretary.—The Secretary may transfer title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and, following the termination of the license issued by the Commission for such disposal, if the Commission determines that

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) the owner and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

(2) Modification.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

(c) Special Sites.—If the low-level radioactive waste involved is the result of a licensor's activity to recover uranium, thorium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and land on which such waste is disposed of when such site has been decontaminated and stabilized in accordance with
the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance of such site.

SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

The Commission is authorized and directed to develop regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operating licenses and for opera-

SEC. 510. WATER RIGHTS.

(a) Federal Reservation.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reserva-

(a) FUNDING.—No funds from the Nuclear Waste Fund shall be used for the Decommissioning Pilot Program.

SEC. 513. WATER RIGHTS.

(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute an express or implied Federal reserva-

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights upon the Secretary's acceptance of such spent nuclear fuel from the La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with adequate financial arrangements approved by the Secretary.

(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAW.—Nothing in this Act shall be construed to limit the exercise of water rights for such lands.

(b) If the Secretary is unable to begin emplace-

(1) The emplacement priority ranking shall be established in accordance with the following:

(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

(2) The Secretary's spent fuel emplace-

(2) The Secretary's spent fuel emplace-

(a) The emplacement schedule shall be im-

(1) The emplacement schedule shall be im-

(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

(2) The Secretary's spent fuel emplace-

(2) The Secretary's spent fuel emplace-

The spent nuclear fuel shall constitute a transfer of title to the United States.

(3) EMERGENCY ACQUISITION BY THE UNITED STATES TO ACQUIRE WATER RIGHTS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(4) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(5) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(6) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(7) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(8) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(9) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(10) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(11) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(12) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(13) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(14) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAW.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(b) If the Secretary is unable to begin emplace-

(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

(2) The Secretary's spent fuel emplace-

(2) The Secretary's spent fuel emplace-

The spent nuclear fuel shall constitute a transfer of title to the United States.

(3) EMERGENCY ACQUISITION BY THE UNITED STATES TO ACQUIRE WATER RIGHTS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(4) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(5) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(6) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(7) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(8) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(9) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(10) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(11) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(12) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(13) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAWS.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.

(14) EMERGENCY ACQUISITION AND EXERCISE OF WATER RIGHTS THROUGH NEVADA LAW.—The United States may acquire and exercise water rights by eminent domain by the United States to acquire water rights for such lands.
CONGRESSIONAL RECORD—SENATE

S8885

July 25, 1996

Amendment No. 5055

Beginning on page 1, line 3, strike "Nuclear" and all that follows, and insert in lieu thereof the following: the "Nuclear Waste Policy Act of 1992 is amended to read as follows:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Waste Policy Act of 1992.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

TITLE I—OBIGATIONS

Sec. 101. Obligations of the Secretary of Energy.

TITLE II—INTEGRATED MANAGEMENT SYSTEM

Sec. 201. Intermodal transfer.

Sec. 202. Transportation planning.

Sec. 203. Transportation requirements.

Sec. 204. Interim storage.

Sec. 205. Permanent repository.

Sec. 206. Territorial boundaries.

TITLE III—LOCAL RELATIONS

Sec. 301. Financial assistance.

Sec. 302. On-Site representative.

Sec. 303. Acceptance of benefits.

Sec. 304. Restrictions on use of funds.

Sec. 305. Land of conveyances.

TITLE IV—FUNDING AND ORGANIZATION

Sec. 401. Program funding.


Sec. 403. Federal contribution.

TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 501. Compliance with other laws.


Sec. 503. Licensing of facility expansions and transshipments.

Sec. 504. Siting a second repository.

Sec. 505. Financial arrangements for low-level radioactive waste site closure.

Sec. 506. Nuclear Regulatory Commission training authority.

Sec. 507. Emplacement schedule.

Sec. 508. Transfer of title.

Sec. 509. Decommissioning pilot program.

Sec. 510. Water rights.

TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

Sec. 601. Definitions.


Sec. 603. Functions.

Sec. 604. Investigatory powers.

Sec. 605. Compensation of members.

Sec. 606. Staff.

Sec. 607. Support services.

Sec. 608. Report.

Sec. 609. Authorization of appropriations.

Sec. 610. Termination of the board.

TITLE VII—MANAGEMENT REFORM

SEC. 701. MANAGEMENT REFORM INITIATIVES.

(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, by the maximum extent practicable, in like manner as a private business.

(b) AUDITS.—

(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all sites, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted prior to the enactment of the Nuclear Waste Policy Act of 1996.

(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually audit the performance of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

(d) VALUE ENGINEERING.—The Secretary shall create a value-engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value-engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an ongoing basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

SEC. 702. REPORTING

(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include:

(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall contain the following:

(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

(2) the record of the use for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

(3) the Secretary's analysis of its funding needs for the next fiscal years.

SEC. 703. EFFECTIVE DATE.

"This Act shall become effective two days after enactment."
reservoir's boundaries arising out of con-
gressionally ratified treaties may be sub-
stantially and adversely affected by the lo-
cating of an interim storage facility or a re-
pository. The Secretary, in making any such
finds, upon the petition of the appropriate
governmental officials of the tribe, that such
effects are both substantial and adverse to the
tribe.

"(3) AFFECTED UNIT OF LOCAL GOV-
ernment.—The term 'affected unit of local gov-
ernment' means the unit of local government
with jurisdiction over the siting of a re-
pository or interim storage facility. Such term may,
at the discretion of the Secretary, include
other units of local government that are con-
tiguous with such unit.

"(4) ATOMIC ENERGY DEFENSE ACTIVITY.—
The term 'atomic energy defense activity' means any activity of the Secretary per-
formed in whole or in part in carrying out
any of the following functions:

(A) Naval reactors development.

(B) Weapons activities including defense
inertial confinement fusion.

(C) Verification and control technology.

(D) Defense nuclear materials production.

(E) Waste management, including sabotage
outbreaks and material byproducts management.

(F) Defense nuclear materials security
and safeguards and security investigations.

"(E) Defense nuclear materials production.

(F) Waste management, including sabotage
outbreaks and material byproducts management.

(G) Environmental impact investigation
of potential defense nuclear participation in
the nuclear fuel cycle.

"(5) CIVILIAN NUCLEAR POWER REAC-
TOR.—The term 'civilian nuclear power reactor'
means a nuclear reactor which is not re-
quired to be licensed under section 103 or 104
b. of the Atomic Energy Act of 1954 (42 U.S.C.
2133, 2134(b)).

"(6) COMMISSION.—The term 'Commission'
means the Nuclear Regulatory Commission.

"(7) CONTRACTS.—The term 'contract'
means the contracts, executed prior to the date
describing the Nuclear Waste Policy
Policy Act of 1996, under section 302(a) of the
Nuclear Waste Policy Act of 1982, by the Sec-
retary and any person who generates or holds
title to spent nuclear fuel or high-level
radioactive waste of domestic origin for ac-
ceptance of such waste or fuel by the Sec-
retary and the payment of fees to offset
the Secretary's expenditures, and any subse-
quent contracts executed by the Secretary
pursuant to section 401(a) of this Act.

"(8) CONTRACT HOLDERS.—The term 'con-
tract holders' means any entity (other than the Sec-
retary) to contracts.

"(9) DEPARTMENT.—The term 'Department'
means the Department of Energy.

"(10) DEPOSALS.—The term 'disposal'
means the emplacement in a repository of spent
nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of
such material for any future purpose.

"(11) DISPOSAL SYSTEM.—The term 'dis-
posal system' means all natural barriers and
engineered barriers, and engineered systems and components, that prevent the release of radioactive waste to the
environment.

"(12) EMPLOYMENT SCHEDULE.—The term
'emplacement schedule' means the schedule
established by the Secretary in accordance with
section 901(a) for emplacement of spent
nuclear fuel and high-level radioactive waste at the interim storage facility.

"(13) ENGINEERED BARRIERS AND ENGI-
NEERED SYSTEMS AND COMPONENTS.—The
terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include: (A) nuclear fuel and high-
level radioactive waste form, spent nuclear
fuel package or high-level radioactive waste
package, and other materials placed over and around	
(wrapped) the nuclear fuel or radioactive waste
form; and

"(14) HIGH-LEVEL RADIOACTIVE WASTE.—
The term 'high-level radioactive waste' means—

(a) the highly radioactive material re-
sulting from the reprocessing of spent nu-
clear fuel, including liquid waste produced
directly reprocessing and any solid material
derived from such liquid waste that contains
radioactive fission products in sufficient concentra-
tions; and

(b) other highly radioactive material
that, consistent with existing local law,
determines by rule requires permanent
isolation, which includes any low-level ra-
dioactive waste with concentrations of radio-
active substances below those established
by the Commission for class C radioactive
waste, as defined by section 61.55 of title 10,
Code of Federal Regulations, as in effect on
January 26, 1983.

"(15) FEDERAL AGENCY.—The term 'Federal
agency' means any Executive agency, as de-
fined in section 105 of title 5, United States
Code.

"(16) INDIAN TRIBE.—The term 'Indian tribe'
means any Indian tribe, band, nation,
or other organized group or community of
Indians recognized as eligible for the services
of the Bureau of Indian Affairs or as Indians
classified as such by law, including any tribe,
developing in whole or in part in carrying out
duty by contract holders at an interim storage fa-
cility.

"(17) INTEGRATED MANAGEMENT SYSTEM.—
The term 'integrated management system'
means the system developed by the Sec-
retary for the acceptance, transportation,
storage, and disposal of spent nuclear fuel and high-level
radioactive waste in accordance with title II of this Act.

"(18) INTERM  storage facility.—The term
'interim storage facility' means a facility de-
dicated to storage of spent nuclear fuel and
high-level radioactive waste, as defined in sec-
tion 3(c) of the Alaska Native Claims
Settlement Act (43 U.S.C. 1602(c)).

"(19) INTERM INTEGRATION SYSTEM.—
The term 'interim integration system'
means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary
and stored and reserved in accordance with this
Act for the location of the interim
storage facility.

"(20) LOW-LEVEL RADIOACTIVE WASTE.—
The term 'low-level radioactive waste' means ra-
dioactive material that—

(A) is not spent nuclear fuel, high-level
radioactive waste, transuranic waste, or by-
product material as defined in section 11.e.(2)
of the Atomic Energy Act of 1954 (42 U.S.C.
2034).

(B) is not classified as a high-level radioactive waste.

"(21) METRIC TONS URANIUM.—The terms
'metric tons uranium' and 'MTU' means the
amount of uranium in the original unirradiated fuel element whether or not the spent
uranium fuel has been reprocessed.

"(22) NUCLEAR WASTE FUND.—The term
'Nuclear Waste Fund' and 'waste fund'
means the fund established in the United States
Treasury under the provisions of the Nuclear

"(23) OFFICE.—The term 'Office' means the
Office of Civilian Radioactive Waste Manage-
ment established within the Department
prior to the date of enactment of this Act

"(24) PROGRAM APPROACH.—The term 'pro-
gram approach' means the Civilian Radio-
active Waste Management Program,
dated May 6, 1996, as modified by this Act,
and as amended from time to time by the
Secretary in accordance with this Act.

"(25) REPOSITORY.—The term 'repository'
means a system designed and constructed
under title II of this Act for the geologic dis-
posal of spent nuclear fuel and high-level ra-
dioactive waste, including both surface and
subsurface areas at which spent nuclear fuel and
high-level radioactive waste receipt,
transportation, handling, possession, safeguarding, and storage
are conducted.

"(26) SECRETARY.—The term 'Secretary'
means the Secretary of Energy.

"(27) SITE CHARACTERIZATION.—The term
'site characterization' means activities,
whether in a laboratory or in the field,
under contract to establish a condition
and the ranges of the parameters of a can-
didate site relevant to the location of a re-
pository, including borings, surface exca-
vations, exploratory excavations, facili-
ties, limited subsurface lateral excavations
and borings, and in situ testing needed
to evaluate the licensability of a candidate site
for the location of a repository, but not in-
cluding preliminary borings and geophysical
testing needed to assess whether site charac-
terization should be undertaken.

"(28) SPENT NUCLEAR FUEL.—The term
'spent nuclear fuel' means fuel that has been
withdrawn from a nuclear reactor following
irradiation, the constituent elements of
which have not been separated by reprocess-
ing.

"(29) STORAGE.—The term 'storage' means
retention of spent nuclear fuel or high-level
radioactive waste for subsequent use, proc-
essing, or disposal.

"(30) STORAGE FACILITY.—The term 'storage
facility' has the same definition as that set forth in
section 103(j) of the Federal Land Policy and
Management Act of 1976 (43 U.S.C. 1702)).

"(31) YUCCA MOUNTAIN SITE.—The term
'Yucca Mountain site' means the area in
the State of Nevada that is withdrawn and
reserved in accordance with this Act for the loca-
tion of a repository.
System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary’s obligations and requirements of the Act.

(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under section 301 of the Nuclear Waste Policy Act of 1982, to the interim storage facility site.

(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in In re Nuclear Waste Disposal Site Litigation.

(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary’s failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

TITLE II—INTEGRATED MANAGEMENT SYSTEM

SEC. 201. INTERMODAL TRANSFER.

(a) Access.—The Secretary shall utilize heavy-haul transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

(b) DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

(c) ACQUISITION.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. The Secretary shall ensure that land and city wastewater disposal activities shall occur no later than November 30, 1999.

(e) LANDS.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the sites and rights-of-way to be acquired under this subsection; and

(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate transport of spent nuclear fuel and high-level radioactive waste.

(g) LOCAL GOVERNMENT INvolvement.—The Commission shall enter into a Memorandum of Understanding (MOU) with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

(h) BENEFITS AGREEMENT.—

(1) IN GENERAL.—The Secretary shall offer to enter into agreement with Lincoln County, Nevada concerning the integrated management system.

(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to protect any right within the Secretary’s authority to participate or compensation of Lincoln County, Nevada.

(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

(6) USE OF AGREEMENT.—Decisions of the Secretary under this section are not subject to judicial review.

(7) CANCELLATION.—

(1) CONTENT OF AGREEMENT.—The Secretary shall enter into agreement with Lincoln County pursuant to this section if any major element of the integrated management system may not be completed.

(8) ADDITIONAL COSTS.—The Secretary shall make payments under this section in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Event</th>
<th>Payment</th>
</tr>
</thead>
</table>
| Annual payments prior to first receipt of spent fuel | $25,000,000
| Annual payments between first spent fuel receipt and... | $5,000,000 |
| Payment upon closure of the intermodal transfer facility | $5,000,000 |

(9) DEFINITIONS.—For purposes of this section, the term—

(a) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

(b) ‘first spent fuel receipt’ does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstrations.

(10) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

(11) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/2 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

(12) RESTRICTIONS.—The Secretary may not reduce the purpose for which the payments under paragraph (1)(C) are used.

(13) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State laws.

(14) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the Secretary to make payments in accordance with such agreement under section 403(c)(2).

SECTION 302. BENEFITS SCHEDULE

(a) BENEFITS SCHEDULE.—The Commission shall enter into agreement with Lincoln County, the City of Caliente, the City of Pioche, the City of Battle Valley, and the City of Pioche Community Expansion Area concerning the integrated management system.

(b) ACCORD AND SATISFICATION.—The agreement shall include receipt of spent fuel or high-level radioactive waste or spent nuclear fuel; and

(c) BENEFITS AGREEMENT.—

(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the receipt of spent fuel under paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, but not including any right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of the interest in the property that is other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property that is other appropriate agency.

(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site
Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site
Map 12: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area
Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area
Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the special conveyances.

(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the Secretary of the Interior, the Secretary of the Senate shall provide evidence of title transfer.

SEC. 202. TRANSPORTATION PLANNING.

(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate so that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, the transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by that date, shall, in consultation with the Secretary of Transportation, develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

(b) TRANSPORTATION AGREEMENT.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary’s institutional plans to ensure that institutional issues are addressed and resolved on a
schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999.

"(f) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under section 2104 of the Atomic Energy Act of 1954, shall promulgate a regulation establishing training standards applicable to individuals who will be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall determine, in promulgating the regulation required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can promulgate the regulations required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers. The regulation shall require that the employer possesses the evidence of satisfaction of the applicable training standards before an individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the training regulations required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can promulgate the regulations required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standards before an individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGING CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act or in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes, through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste, training the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel or high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation.

"(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding transportation of spent nuclear fuel or high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste, and include the following:

"(1) A specified minimum number of hours of initial off site instruction and actual field experience of an individual or supervision of a trained, experienced supervisor;

"(2) A requirement that on-site managerial personnel receive the same training as workers, for an additional number of hours of specialized training pertinent to their managerial responsibilities; and

"(3) A training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person engaged in the transportation of spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1996, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the federal, state and local governments, and Indian tribes, in the same way and to the same extent as any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

"(f) CONSENT TO CONTRACT.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act, and in connection with contracts awarded under the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under section 2104 of the Atomic Energy Act of 1954, shall promulgate a regulation establishing training standards applicable to individuals who will be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall determine, in promulgating the training regulations required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers. The regulation shall require that the employer possesses the evidence of satisfaction of the applicable training standards before an individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the training regulations required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can promulgate the regulations required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers. The regulation shall require that the employer possesses the evidence of satisfaction of the applicable training standards before an individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(h) TRANSPORTATION TRACKING.—The Secretary shall conduct a program to educate the public regarding transportation of spent nuclear fuel or high-level radioactive waste, training the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel or high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation.

"(i) VIABILITY ASSESSMENT.—The President shall conduct an assessment of the viability of the proposed repository at Yucca Mountain. The assessment shall include:

"(i) an estimate of the costs to construct and operate the repository in accordance with the design concept,

"(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by July 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 203(d) of this Act,

"(iii) a plan and cost estimate for the remaining work required to complete a license application,

"(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept,
any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

(f) ADDITIONAL AUTHORITY.—

(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases. A license for the interim storage facility, no later than November 30, 1999, shall be renewable for additional terms not later than 16 months after the date of the submittal of such license application.

(2) F AMILITY USE.—Notwithstanding any other applicable licensing requirement, the Commission shall terminate all or part of any license issued for the facility in a generic manner.

(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase of the interim storage facility. The Environmental Report and Site Characterization Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license for the second phase of such interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of such license application.

The Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a repository by January 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license issuance is to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

(6) ADDITIONAL AUTHORITY.—

(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility no later than 16 months after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility no later than 15 months after the date of the submittal of such license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such license if it determines that the Secretary has taken appropriate action to eliminate such risk.

(2) USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to subparagraphs (B) and (C), the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contract or contract amendment entered into prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March 1996 (DOE/RW-0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

(A) spent nuclear fuel from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

(B) spent nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

(4) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, shall be conducted in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). In preparing such Environmental Impact Statement, the Commission shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). In preparing such Environmental Impact Statement, the Commission—

(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

(i) the need for the interim storage facility, including any individual component thereof;

(ii) the time of the initial availability of the interim storage facility;

(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with the Nuclear Waste Policy Act of 1996; or

(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified in the license application; or

(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

(C) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the Yucca Mountain site and notify Congress and the State of Nevada of the Secretary's determination and the reasons...
therefore, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage spent nuclear fuel and high-level radioactive waste.

(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the following:

(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that the repository can be permanently closed—

(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed—

(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(B) without reasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data, if necessary, the Secretary shall be able to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository. In accordance with paragraph (1), the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activities from the repository that would pose an unreasonable risk of—

(A) breaching the repository's engineered and geologic barriers; or

(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (b).

(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository of a retired nuclear reactor, spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the environment, human health, and safety and establishes by rule another standard for repository closure consistent with applicable regulations.

(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate, in the event that the Secretary seeks a license to permit permanent closure of the repository.

(2) CONSIDERATION.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this Act, the Secretary shall consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoinder issuance of the Commission's repository licensing regulations prior to its final decision on review of such regulations.

SEC. 206. LAND WITHDRAWAL.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sales laws, and the mining laws.

(2) JURISDICTION.—Jurisdiction of any land remaining in the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.
(b) Land Description.—

(1) Boundaries.—The boundaries depicted on the map entitled "Interim Storage Facility Site," dated October 11, 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(2) Notice and Maps.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the interim storage facility and the Yucca Mountain site; and

(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(4) Notice and Maps.—Concurrent with the Secretary’s application to the Commission for the construction of the repository, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

(B) file copies of the maps described in paragraph (1), and the legal description of the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions of special conveyances referred to in this section and make minor adjustments in the boundaries of the sites.

(5) Construction.—The maps and legal descriptions for the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions of special conveyances referred to in this section and make minor adjustments in the boundaries of the sites.

TITLE III—LOCAL RELATIONS

SEC. 301. ON-SITE REPRESENTATIVE.

(a) Grants.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

(1) to review activities taken with respect to the site; (2) to develop a request for impact assistance under subsection (c); (3) to conduct monitoring, testing, or evaluation activities with respect to such site; (4) to provide information to residents regarding any activities of the Secretary, the Commission with respect to such site; and (5) to request information, and make comments and recommendations to, the Secretary concerning any activity taken with respect to such site.

(b) Salary and Travel Expenses.—Any salary and travel expenses that would normally be incurred by any affected Indian tribe or affected unit of local government may be charged against federal funds made available for use under this section.

(c) Financial and Technical Assistance.—

(1) Assistance Requests.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government seeking representation in connection with the site. Such assistance shall be provided only to an affected Indian tribe or affected unit of local government in whose interests the assistance is being sought.

(2) Report.—Any affected Indian tribe or affected unit of local government shall submit an assistance request to the Secretary. The Secretary shall provide assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system that are likely to have an adverse impact on the affected Indian tribe or affected unit of local government. The report shall be provided to the Secretary of the Interior, the Governor of Nevada, and any other affected unit of local government in whose interest the assistance is being sought.

(4) Taxable Amounts.—In addition to financial and technical assistance, the Secretary is authorized to enter into agreements or contracts with an affected Indian tribe or affected unit of local government, respectively, for any amount equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to enter into tax integrated management system activities, as such affected Indian tribe or affected unit of local government terminates such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(5) Consent to Special Conveyances.—

(a) Consent.—The acceptance or use of any of the benefits provided under this title by an affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express or implied, to any conveyance, or to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(b) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel as a defense to conveyance in any suit for compensation for any taking of property by the United States; or to any compensation, in response to any decision by the United States to deny anyone the right to improve those easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of Interior or the holder of any such other conveyance in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property. Any conveyance or other permit or lease issued by the Federal agency administering or granting such authority shall be void after the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(6) Special Conveyances.—Notwithstanding any other provision of law, Federal agencies shall not convey or offer to convey or lease to the County of Nye, Nevada, or any other holder of the permit or lease issued by the Federal agency administering or granting such authority, any Federal real property and industrial activities occurring within such affected unit of local government, or any part of the property, except that any conveyance or other permit or lease issued by the Federal agency administering or granting such authority shall be void after the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(7) Authority of Secretary.—In the performance of the Secretary’s functions under this Act, the Secretary is authorized to enter into contracts with any person or persons who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin, respectively, to reimburse the Secretary for the cost of transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees by the Secretary in the amounts set forth in the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1982, any contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

(8) Annual Fees.—

(a) For electricity generated by civilian nuclear power reactors and sold between January 1, 1982, and September 30, 2031, the fee under paragraph (1) shall be equal to 10 mills per kilowatt hour generated and sold. For electricity generated by nonnuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected shall be reduced so that it does not exceed the annual level of appropriation for the Nuclear Regulatory Commission and the Nuclear Waste Fund in the fiscal year prior to the year for which the fees are assessed.

(9) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to implement the purposes of this Act. Appropriations made for the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.
CONGRESSIONAL RECORD — SENATE
July 25, 1996

S8892

(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the Federal Government that are specified in subsection (c)(2), the Secretary shall propose to the Congress on the financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate of pay not in excess of level 5 of the General Schedule under section 5315 of title 5, United States Code.

(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

SEC. 403. FEDERAL CONTRIBUTION.

(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste from under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include, to the extent appropriate, costs associated with research and development activities with respect to development of an interstorage facility and repository; and as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste from foreign research reactors, as established under subsection (a).

(c) REPORT.—In conjunction with the annual report submitted to Congress under subsection (d), the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.
(d) Authorization.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to carry out the provisions of this Act and the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license under subsection (a).

V GENERAL AND MISCELLANEOUS PROVISIONS

SEC. 501. COMPLIANCE WITH OTHER LAWS.

If the requirements of any law are inconsistent with or preempted by the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only with the requirements of such Act and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

(1) complying with such requirements and a requirement of this Act is impossible, or

(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

(a) Jurisdiction of the United States Courts of Appeals.—

(1) Original and exclusive jurisdiction.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action for judicial review described in subparagraph (B) of subsection (b) of this section.

(2) Venue.—The venue of any proceeding before the United States Court of Appeals for the District of Columbia Circuit shall be in the judicial district where the civil action for judicial review described in subparagraph (B) of subsection (b) of this section is commenced.

(b) Deadline for commencing action.—A civil action for judicial review described under subsection (a) may be brought not later than 180 days after the date such party acts in the judicial district where the civil action for judicial review described in subparagraph (B) of subsection (b) of this section is commenced.

(c) Challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(d) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); any action under this Act or alleging a failure to prepare such statement with respect to any such action.

(2) Venue.—The venue of any proceeding under this section shall be in the judicial district where the civil action for judicial review described in subparagraph (B) of subsection (b) of this section is commenced.

(3) Application. — The provisions of paragraph (1) and (2) shall apply to any proceeding under this section.

(c) Application of other law.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for such purpose at a nuclear power plant by the Commission.

(d) Judicial review.—No court shall hold unlawful or set aside a decision of the Commission unless the petition for review is commenced within 30 days after the date such party acts in the judicial district where the civil action for judicial review described in subparagraph (B) of subsection (b) of this section is commenced; the petition states with respect to any matter under review the Commission’s decision, action, or failure to act.

(1) An objection to the procedure used to present the information to the Commission in a time manner or where the court finds that the failure to present such information is prejudicial to the affected party; and

(2) the court finds that such failure has been discriminatory and prejudicial to a significant interest of the person or entity seeking such review.

SEC. 504. SITING A SECOND REPOSITORY.

(a) Congressional action required.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

(b) Report.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

(a) Financial arrangements.—

(1) Standards and instructions.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure that—

(A) each license application, authorization, or amendment is accompanied by a financial arrangement that provides for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be approved and provided by the Commission, on or in the case of site-specific site agreements for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

(B) bonding, surety, or other financial arrangements. — The Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site approved in part under this section, the Commission shall determine before termination of the license in such site be carried out by the person having title and custody for such site following license termination.

(C) Title and custody. — The Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site and required in part under this section to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(D) Authority of Secretary.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon the request of the Secretary of the Interior and the Secretary of Energy, or the licensee if such license is issued by the Commission for such disposal, if the Commission determines that—

(i) there is a need for a site-specific arrangement for site closure, decommissioning, and decontamination have been met by the licensee.
involved and that such licensee is in compliance with the provisions of subsection (a); "(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and 
(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under paragraphs (a) and (b) of this section, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

SEC. 501. EMPLACEMENT SCHEDULE.

(a) The emplacement schedule shall be implemented in accordance with the following:

(1) Emplacement priority ranking shall be determined by the Department's annual "Acceptance Ranking," published in the Federal Register.

(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000, 1,200 MTU in fiscal year 2001, 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

(b) If the Secretary is unable to begin emplacement by November 30, 1999, the Department shall be required to provide notice of delay to the Congress and the State of Nevada. The delay shall be implemented in accordance with the provisions of subsection (a);

(2) thereafter the emplacement rate shall be determined by the Department's annual "Acceptance Ranking," published in the Federal Register.

SEC. 502. TRANSFER OF TITLE.

(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and shall be authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.

SEC. 503. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 505. WATER RIGHTS.

(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the laws of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

SEC. 601. DEFINITIONS.

"FOR PURPOSES OF THIS TITLE—") (1) the term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board,

"(2) 'Board' means the Nuclear Waste Technical Review Board established under section 502(a) of the Nuclear Waste Policy Act of 1996, and

"(3) each person nominated for appointment to the Board who is an employee of the Board or a contractor of the Department of Energy.

SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.


(b) MEMBERS.—

(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President. Each member's term shall commence on December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

(2) CHAIRMAN.—The President shall designate a member of the Board to serve as Chairman.

(3) NATIONAL ACADEMY OF SCIENCES.— "(A) NOMINATIONS.—The National Academy of Sciences shall nominate not less than 22 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each term to commence on December 22, 1987, except that the term of one member whose term has expired may continue to serve as a member of the Board until such time as the President designates the member's successor for appointment. Any member of the Board may continue to serve as a member of the Board after December 22, 1987, without regard to whether such member's successor for appointment has taken office.

SEC. 603. FUNCTIONS.

"The Board shall have the following duties and powers:

(1) site characterization activities; and

(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

SEC. 604. INVESTIGATORY POWERS.

"(A) Hearings.—Up on the request of the Chairman or a majority of the Members of the Board, the Board may conduct hearings, sit at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths, and may require the attendance of witnesses appearing before the Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

"(B) PRODUCTION OF DOCUMENTS.—

(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the Members of the Board, the Board may require the Secretary or a contract or any other person to provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

"(2) EXTENT.—Subject to existing law, information obtained under paragraph (1) that is not suitable for public disclosure shall include drafts of products and documentation of work in progress.

SEC. 605. COMPENSATION OF MEMBERS.

"(A) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable to level II of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.
``(b) Travel Expense.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

``SEC. 606. STAFF.

``(a) Clerical Staff.—

``(1) Authority of Chairman.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

``(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

``(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be appointed in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

``(4) Majors.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

``(5) Title 5.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

``(a) Title 5.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

``(b) Clerical Staff.—

``(1) Authority of Chairman.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

``(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

``(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be appointed in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

``(4) Majors.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

``(5) Title 5.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

``Sec. 607. SUPPORT SERVICES.

``(a) General Services.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

``(b) Accounting, Research, and Technology Assessment Services.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services as the Board may request, as may be necessary for the effective performance of the functions of the Board.

``(c) Additional Support.—Upon the request of the Chairman, the Board may secure temporary and intermittent services under title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

``Sec. 608. REPORT.

``The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

``Sec. 609. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated for expenditures such as may be necessary to carry out the provisions of this title.

``Sec. 610. TERMINATION OF THE BOARD.

``The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

``Sec. 701. MANAGEMENT REFORM

``Sec. 702. MANAGEMENT REFORM INITIATIVES.

``Sec. 703. EFFECTIVE DATE.

``This Act shall become effective one day after enactment.

``AMENDMENT NO. 5056

Beginning on page 1, line 3, strike "Nuclear" and all that follows, and insert in lieu thereof the following:

"TITLE VII—MANAGEMENT REFORM

``SEC. 701. MANAGEMENT REFORM

``SEC. 702. MANAGEMENT REFORM INITIATIVES.

``SEC. 703. EFFECTIVE DATE.

``This Act shall become effective one day after enactment."
Title VII—Management Reform

Sec. 701. Management reform initiatives.
Sec. 702. Repeal.
Sec. 703. Effective date.

SECTION 2. DEFINITIONS.

For purposes of this Act:

(A) the term 'acceptance' means the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

(B) the term 'affected Indian tribe' means any Indian tribe—

(1) whose reservation is surrounded by or borders an affected unit of local government, or

(2) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a reposition system of the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such lands.

(3) the term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such lands.

(4) the term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

(A) Nuclear reactors development.

(B) Weapons activities including defense inertial confinement fusion.

(C) Verification and control technology.

(D) Defense Nuclear Materials Production.

(E) Defense nuclear waste and materials byproduct management.

(F) Defense nuclear materials security and safeguards and security investigations.

(G) Testing and development.

(5) the term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

(6) the term 'Commission' means the Nuclear Regulatory Commission.

(7) the term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1982, under section 302(a) of the Nuclear Waste Policy Act of 1962, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptation of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contract entered into by the Secretary pursuant to section 401(a) of this Act.

(8) the term 'contract holders' means parties (other than the Secretary) that generate or hold title to spent nuclear fuel or high-level radioactive waste.

(9) the term 'Department' means the Department of Energy.

(10) the term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

(11) the term 'emplacement in a repository of spent nuclear fuel or high-level radioactive waste' means the emplacement in a repository of spent nuclear fuel and high-level radioactive waste at an interim storage facility.

(12) the term 'engineered barriers and engineered systems and components' means man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

(13) the term 'high-level radioactive waste' means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing laws and regulations, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1977.

(14) the term 'interim storage facility' means the area in the State of Nevada that is designated by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

(15) the term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and reserved in accordance with this Act for the location of the interim storage facility.

(16) the term 'low-level radioactive waste' means radioactive material that—

(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 114 of the Atomic Energy Act of 1954 (42 U.S.C. 2141(d)); and

(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.
accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designating holders to and from the facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secret act determines it to be in the best interest of the United States, with the exception of any transportable storage systems purchased by contract holders prior to the date of enactment of this Act, all right, title and interest of the United States in and to such contract holders for use in the integrated management system.

(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with the private sector to facilitate for the Secretary's obligations and requirements under this Act.

(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify, or in any manner reduce or abate, any right, title or interest in or to real property vesting in the United States in such property prior to the date of enactment of this Act, all right, title and interest of the United States in and to such contract holders for use in the integrated management system.

SEC. 201. INTERMODAL TRANSFER.

(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to transport spent nuclear fuel and high-level radioactive waste from the site of the Idaho Nuclear Waste Dwelling Line at Caliente, Nevada, to the interim storage facility at Caliente, Nevada.

(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999.

(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of the Crescent Valley, Caliente, and city waste water disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city waste water disposal activities shall occur no later than November 30, 1999.

(3) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

(4) BENEFITS SCHEDULE.

<table>
<thead>
<tr>
<th>Event</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Annual payments prior to first receipt of spent fuel</td>
<td>$2.5</td>
</tr>
<tr>
<td>(B) Annual payments beginning upon first spent fuel receipt</td>
<td>$5</td>
</tr>
<tr>
<td>(C) Payment upon closure of the intermodal transfer facility</td>
<td>$5</td>
</tr>
</tbody>
</table>

(2) DEFINITIONS.—For purposes of this section:

(A) spent fuel means high-level radioactive waste or spent nuclear fuel; and

(B) first spent fuel receipt does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational readiness.

(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of this Act and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(C), that first annual payment shall be reduced by an amount equal to 1/2 of such annual payment under paragraph (1)(A) for each full month between the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

(1) INITIAL LAND CONVEYANCES.

(2) CONVEYANCE OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraphs (1) and (2), together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other agency in writing within 60 days of such date of enactment that it elects not to take title to or any part of the property, except that any lands conveyed to the County of Lincoln under this Act that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of such date of enactment that it elects not to take title to or any part of the property.

(3) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site
Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site
Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area
Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area
Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

(4) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the special conveyances.

(5) EVIDENCE OF TITLE TRANSFER.—Upon the request of the Secretary of Interior, the Secretary of Interior shall certify evidence of title transfer.

SEC. 202. TRANSPORTATION PLANNING.

(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are
necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to designated interim storage facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, substantially the quantities of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by that date, shall, in consultation with the Secretary of Transportation, develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel or high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall consider the need for federal, state, and local regulations governing such transportation issued by the federal, state and local governments, and Indian tribes, in the same way and to the same extent that they are engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority delegated to him in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers engaged in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standards before he may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission to establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of training standards and to avoid duplicative regulation.

(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

(A) a specified minimum number of hours of initial on-site instruction followed by annual field experience under the direct supervision of a trained, experienced supervisor;

(B) a required amount of specialized managerial personal receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

SEC. 205. INTERIM STORAGE.

(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations. The interim storage facility shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility site at the interim storage facility site by November 30, 1999, except that—

(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a reclassification of the Yucca Mountain site to a site not suitable for development as a repository is necessary to ensure the safety of the interim storage facility site.

(C) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law, the Secretary shall begin construction of an interim storage facility at an alternative storage facility site as defined in section 219 of this Act. The interim storage facility site as defined in section 219 of this Act shall be deemed to be approved by law for purposes of this section.

(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the interim storage facility before the designated interim storage facility site is approved by law.
The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(ii) the time of the initial availability of the interim storage facility;

"(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility; and

"(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a).

The design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

"(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

"(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to establish an interim storage system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amended license to operate any civilian nuclear power plant under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in subsection (a). The criteria established under this section shall be consolidated with judicial review of the Commission's licensing decision.

"(ii) SITE CHARACTERIZATION ACTIVITIES.—The Commission shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

"(iii) ENVIRONMENTAL IMPACT STATEMENT.—In preparing such environmental impact statement under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary shall prepare such statement in a manner consistent with the criteria established pursuant to paragraph (a)(1). The Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

"(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this section shall apply to any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.
Mountain site in accordance with the Secretary’s program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designated to be the most cost-effective manner, consistent with the need for disposal capacity.

(b) Repository Licensing.—Upon the completion of any licensing proceeding for the Yucca Mountain site, such regulations shall provide for the limitations governing the disposal of spent nuclear fuel and high-level radioactive waste.

(c) Maximum Neutron Capacity.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the use of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

(d) Repository Licensing Procedure.—The Commission shall adopt its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geological repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

(1) Construction Authorization.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that the repository can be permanently closed.

(A) In conformity with the Secretary’s application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(2) License.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

(A) in conformity with the Secretary’s application, the provisions of this Act, and the regulations of the Commission;

(B) without reasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(3) Closure.—After placing spent nuclear fuel and high-level radioactive waste in the repository, and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission’s regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed.

(A) In conformity with the Secretary’s application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public;

(C) consistent with the common defense and security.

(4) Post-Closure.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that pose an unreasonable risk of—

(A) breaching the repository’s engineered or geologic barriers; and

(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

(C) Modification of Repository Licensing Procedure.—The Commission’s regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, spent nuclear fuel or high-level radioactive waste.

The Secretary shall review such applications with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

(D) Repository Licensing Standards.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive material or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Secretary determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission’s repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the applicable regulations for an overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator’s standards.

The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

(i) Establishment of Overall System Performance Standard.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety. Such a standard shall be the repository performance standard established in paragraph (1).

(ii) Application of Overall System Performance Standard.—The Commission shall issue the license if it finds reasonable assurance that during the first 10,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

(iii) Compliance with Safety Standards.—The Secretary shall not consider those site characterization activities at the site subsequent to repository closure consistent with the Commission’s regulations, the limitations governing the disposal of spent nuclear fuel and high-level radioactive waste, the overall system performance standard, and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

(iv) Considerations.—For purposes of compliance with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, alternative sites or designs for the repository.

(v) Adoption by Commission.—The Secretary shall, upon finding that the repository can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance:

(A) in accordance with any applicable regulations; or

(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site and in the vicinity of any alternate sites or designs for the repository.

The Secretary shall modify or eliminate those site characterization activities designated to be the most cost-effective manner, consistent with the need for disposal capacity.

(vi) Additional Analysis.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 10,000 years after the commencement of operation of the repository and terminating at 10,000 years after the commence ment of operation of the repository.

(vii) National Environmental Policy Act.—(1) Submission of Statement.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

(2) Considerations.—For purposes of compliance with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, alternative sites or designs for the repository.

(3) Adoption by Commission.—The Secretary shall, upon finding that the repository can be reasonably assumed to exceed the health consequences, adopt such environmental impact statement as appropriate.

(4) Judicial Review.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.
"(1) Withdrawal.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of public appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sales laws, and the mining laws.

"(2) Jurisdiction.—The Secretary may transfer title to the land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal or State entity to an Indian tribe or to a Federal, State, or local government in order to further the development, and operations, of the integrated management system.

"(3) Reservation.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the integrated management system.

"(4) Assistance.—In addition to financial and technical assistance provided under this Act, the Secretary shall use all reasonable efforts to develop strategies to ensure the participation and coordination of the affected Indian tribes, local governments, and other entities in the management of the integrated management system.

"(5) Notice and Maps.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(6) Notice and Maps.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(7) Construction.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites, if necessary.

"SEC. 301. FINANCIAL ASSISTANCE.

"(a) Grants.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of deter- mining, acquiring, developing, and disposing of real property, including, but not limited to, property for the purpose of conducting oversight activities, and for any other purpose consistent with the purposes of title 18, United States Code; and

"(b) for litigation purposes; and

"(c) for any other purpose consistent with the purposes of this Act.

"SEC. 302. ON-SITE REPRESENTATIVE.

"The Secretary may designate one or more on-site representatives to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

"(a) The Secretary may accept or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an agreement, as if by voluntary act, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual abandonment, in response to any action by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any affected Indian tribe or the affected unit of local government premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before a Federal, State, or local government, or for any lobbying activity as provided in section 193 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 305. LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to enter upon such property, shall be conveyed to the County of Nye, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection shall be conveyed to a Federal grazing permit or lease or a similarly federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) Special Conveyances.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site
Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site
Map 3: Pahrump Landfill Sites
Map 4: Gabbs Lagoon Industrial Park Site
Map 5: Amargosa Valley Regional Landfill Site
Map 6: Beatty Landfill/Transfer Station Site
Map 7: Round Mountain Landfill Site
Map 8: Tonopah Landfill Site
Map 9: Round Mountain Landfill Site
Map 10: Gabbs Lagoon Landfill Site
Map 11: Tonopah Landfill Site

"(1) Termination. Such grants shall continue until such time as all activities, development, and operations are terminated at such site.

"(2) Assistance to Indian Tribes and Units of Local Government. Such grants shall continue until such time as all activities, development, and operations are terminated at such site.

"(3) Assistance to Indian Tribes and Units of Local Government. Such grants shall cease to be payable when the expiration of the 1-year period following the date on which the Secretary determines that such affected Indian tribe or affected unit of local government has not received any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary determines that such affected Indian tribe or affected unit of local government has not received any further assistance under this section if the integrated management system activity at such site is terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 306. CONSTRUCTION.

"(a) Construction.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions of special conveyances referred to in subsection (b).

"(b) CONSTRUCTION.—The boundaries depicted on the map entitled "Interim Storage Facility Site Withdrawal Map," dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility Site.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any affected Indian tribe or the affected unit of local government premised solely upon the acceptance or use of benefits under this title.

"(d) FINANCIAL AND TECHNICAL ASSISTANCE.—(1) Assistance Requests. The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

"(2) REPORT. Any affected Indian tribe or affected unit of local government may request assistance under this subsection by preparing and submitting to the Secretary a report on the economic, social, public health, and safety impacts that are likely to result from activities of the integrated management system.

"(3) OTHER ASSISTANCE. In addition to financial assistance provided under this subsection, the Secretary is authorized to grant any affected Indian tribe or affected unit of local government an amount equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax interstate民族 activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(4) TERMINATION. Such grants shall cease to be payable when the expiration of the 1-year period following the date on which the Secretary determines that such affected Indian tribe or affected unit of local government has not received any grant under paragraph (1) after the expiration of the 1-year period following the date of determination by the Secretary that such affected Indian tribe or affected unit of local government has not received any further assistance under this section if the integrated management system activity at such site is terminated by the Secretary or if such activities are permanently enjoined by any court.

"(5) Assistance to Indian Tribes and Units of Local Government. Such grants shall cease to be payable when the expiration of the 1-year period following the date on which the Secretary determines that such affected Indian tribe or affected unit of local government has not received any further assistance under this section if the integrated management system activity at such site is terminated by the Secretary or if such activities are permanently enjoined by any court.

"(6) CONSTRUCTION.—The maps and legal descriptions of the Interim Storage Facility Site and the Yucca Mountain Site are reserved for the use of the Secretary for the construction and operation, respectively, of the integrated management system.
SEC. 401. PROGRAM FUNDING.

(a) CONTRACTS.

(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person that generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, interim storage and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts under section (d) for that fiscal year, minus the aggregate amount of fees assessed during any fiscal year on or after October 1, 1999, pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures of amounts collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the existing balance of the Nuclear Waste Fund no later than September 30, 2002, the Commission shall suspend the license of any person who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

(2) ANNUAL FEES.

(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt-hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during any fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d), the Secretary shall—

(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403.

The Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee may result from the use of a spent fuel or high-level radioactive waste or from the entry into contracts with any person that generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, interim storage and disposal of such waste or spent fuel. The amount of the fee for the disposal of such waste shall be determined jointly by the Secretary, the Commission, and the Department of Energy in accordance with chapter 11 of title 31, United States Code.

(C) NUCLEAR WASTE FUND.—

(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Amounts paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to this Act shall be deposited in the Nuclear Waste Fund, subject to subsections (d) and (e), for purposes of the integrated management system.

(2) ADMINISTRATION OF NUCLEAR WASTE FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to Congress on the financial condition and operations of the Nuclear Waste Fund during such fiscal year.

(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund does not have sufficient amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to request funds from the Nuclear Waste Fund as necessary to make payments from the Nuclear Waste Fund, subject to subsections (d) and (e), for purposes of the integrated management system.

(3) OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

(A) ESTABLISHMENT.—There hereby is established an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President with the consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Office and for ensuring that the costs of the integrated management system are funded.
out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

SEC. 501. COMPLIANCE WITH OTHER LAWS.

(a) Allocation.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1996, acting pursuant to section 533 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage facility or permanent disposal facility, and the appropriate portion of the costs allocated to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(b) Authorization.—(1) Designation.—At the conclusion of the first 180 days following such decision, the President, or the Commission shall designate the appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility or permanent disposal facility, and the appropriate portion of the costs associated with research and development activities with respect to the use at any nuclear power plant of new technology not previously approved for use at a nuclear power reactor, unless—

(II) any other Act relating to the same matter.

(c) Report.—In conjunction with the annual report submitted to Congress under Section 702, the Secretary shall advise the Congress annually of the amounts paid for spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(d) Authorization.—There is authorized to be appropriated funds for such activities.

SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

(a) Jurisdiction of the United States Courts of Appeals.—

(1) Jurisdiction and Exclusive Jurisdiction.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States Courts of Appeals shall have original and exclusive jurisdiction over any civil action—

(II) any other Act relating to the same matter.

(b) Authorization.—The provisions of this section shall not apply to the first application for a license or license amendment that is being considered under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity for the 1978 to 1984 period, by the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another civilian nuclear power reactor, the construction of additional spent nuclear fuel pool capacity, or other means, except that the Commission shall, at the request of any party, provide oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to be substantial and necessary to the decision. The fact finder shall make a finding as to the sufficiency of sworn testimony or written submission only if there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and such decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(c) Judicial Review.—(1) Designation.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed factual issues which remain any remaining questions of law, for resolution in an adjudicatory hearing if it determines that—

(II) any other Act relating to the same matter.

(2) Authorization.—The provisions of this section shall not apply to any license, licenses, or authorizations to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

SEC. 503. LICENSING OF FUEL EXPANSIONS AND TRANSPHENTMENTS.

(a) Oral Argument.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity for the 1978 to 1984 period, by the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another civilian nuclear power reactor, the construction of additional spent nuclear fuel pool capacity, or other means, the Commission shall, at the request of any party, provide oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to be substantial and necessary to the decision. The fact finder shall make a finding as to the sufficiency of sworn testimony or written submission only if there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and such decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(b) Determination.—In making a determination under this subsection, the Commission—

(a) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and such decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) Determination.—In making a determination under this subsection, the Commission—

(a) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and such decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(b) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and such decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.
.training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civil nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification programs for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant license examination programs.

SEC. 507. EMPLOYMENT SCHEDULE.

(a) The employment schedule shall be implemented in accordance with the following:

(1) Employment priority ranking shall be determined by the Department’s annual ‘Acceptance Priority Ranking’ report.

(2) The Secretary’s spent fuel emplacement rate shall be no less than the following:
- 1.200 MTU in fiscal year 2001
- 1,200 MTU in fiscal year 2002
- 2,000 MTU in fiscal year 2003

(3) Thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

SEC. 508. TRANSFER OF TITLE.

(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dainyland Power Cooperative’s La Crosse Reactor and, upon acceptance, shall provide a written notice to the Board of the Secretary’s acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dainyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.

SEC. 509. DECOMMISSIONING PILOT PROGRAM.

(a) Authorization.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the medium-to-highly radioactive waste site described in subparagraph (C).

(b) Funding.—No funds from the Nuclear Waste Fund shall be used for the Decommissioning Pilot Program.

SEC. 510. WATER RIGHTS.

(a) No Federal Reservation.—Nothing in this Act or any act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

(b) Acquisition and Exercise of Water Rights Under Nevada Law.—Nothing in this Act shall be construed to limit the exercise of water rights as it deems necessary or desirable to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of Nevada law. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

TITLe VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

SEC. 601. DEFINITIONS.

For purposes of this title:

(1) Chairman.—The term ‘Chairman’ means the Chairman of the Nuclear Waste Technical Review Board.

(2) Board.—The term ‘Board’ means the Nuclear Waste Technical Review Board.

SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.


(b) Members.—

(1) Number.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

(2) Chair.—The President shall designate a member of the Board to serve as Chairman.

(3) National Academy of Sciences.—

(A) Nominations.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons from among persons who meet the qualifications described in subparagraph (C).

(B) Vacancies.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

(C) Nominees.—

(1) The President shall be nominated for appointment to the Board shall be—

(ii) eminent in a field of science or engineering, including environmental sciences; and

(iii) selected solely on the basis of established records of distinguished service.

(ii) The membership of the Board shall be representative of the range of scientific and engineering disciplines related to activities under this title.

(iii) No person shall be nominated for appointment to the Board who is an employee of—

(i) the Department of Energy;

(ii) a national laboratory under contract to the Department of Energy; or

(iii) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

(iv) Vacancies.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

(3) Terms.—Members of the Board shall be appointed for terms of 4 years, each such
term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

SEC. 603. FUNCTIONS.

"The Board shall limit its evaluations to the technical and scientific validity solely of the functions undertaken directly by the Secretary after December 22, 1987—"

(1) site characterization activities; and

(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

SEC. 604. INVESTIGATOR POWERS.

"(a) Hearings.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Each member of the Board may administer oaths or affirmations to witnesses appearing before the Board. The Secretary or the Secretary's designee, or designees shall not required to appear before the Board or to furnish any of the Board for more than twelve working days per calendar year.

(b) Function of Documents.—""(1) Response to Inquiries.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to answer any inquiry of the Board under this title.

"(2) Extent.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

SEC. 605. COMPENSATION OF MEMBERS.

"(a) In General.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board. On or after January 27, 2007, each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

SEC. 606. STAFF.

"(a) Clerical Staff.—""(1) Authority of Chairman.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) Provisions of Title 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with provisions of sections 5339, 5339a, and 5339c of chapter 53 of title 5 relating to classification and General Schedule pay rates.

"(b) Duties of Staff.—""(1) Authority of Chairman.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for level III of the General Schedule.

SEC. 607. SUPPORT SERVICES.

"(a) General Services.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services may provide the Board with such necessary administrative services, facilities, and support on a reimbursable basis.

"(b) Accounting, Research, and Technology Assessment Services.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and payable from any funds, objects, or services provided to the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) Additional Support.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) Mails.—The Board may use the United States mails in the same manner and under the same conditions, and at the same rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

SEC. 608. REPORT.

"(a) The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"(b) Authorization of Appropriations.—The Board shall be authorized to appropriate funds for expenditure in accordance with the provisions of this title.

"(c) Title 5. Professional staff members shall be paid at the rate of pay payable for level III of the Executive Schedule, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

SEC. 609. MANAGEMENT REFORM.

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) In General.—The Secretary is directed to take actions necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, by the maximum extent practicable, in like manner as a private business.

"(b) Audit.—

"(1) Standard.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) Time.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

"(3) Purpose.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other material necessary as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the management practices and performances of each audit conducted under this section.

"(4) Time.—No audit contemplated by this subsection shall take more than 6 months to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is completed.

SEC. 702. REPORTING.

"(a) Initial Report.—Within 180 days of enactment of this section, the Secretary shall transmit to Congress its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligations to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event the Secretary is unable to meet the planned schedule and timeline;

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2007;

"(b) Annual Reports.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of—

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing fiscal year.

SEC. 703. EFFECTIVE DATE.

"This Act shall become effective one day after enactment.''

AMENDMENT NO. 5054

Beginning on page 1, line 3, strike "Nuclear" and all that follows, and insert in lieu thereof the following: "The Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) Short Title.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.
or high-level radioactive waste.

Section 301. Financial assistance.

Section 204. Interim storage.

Section 203. Transportation requirements.

Section 202. Transportation planning.

Section 201. Intermodal transfer.

Section 505. Financial arrangements for low-level radioactive waste management.


Section 508. Transfer of title.

Section 509. Decommissioning pilot program.

Section 506. Nuclear Regulatory Commission and high-level radioactive waste under title II of this Act in accordance with title II of this Act.


Section 303. Financial assistance.

Section 304. Reimbursement.

Section 305. Financial arrangements for low-level radioactive waste site closure.

Section 306. Nuclear Regulatory Commission training authority.

Section 307. Emplacement schedule.

Section 308. Transfer of title.

Section 309. Decommissioning pilot program.

Section 310. Water rights.

Title VI—Nuclear Waste Technical Review Board

Section 601. Definitions.


Section 603. Functions.

Section 604. Investigatory powers.

Section 605. Compensation of members.

Section 606. Staff.

Section 607. Support services.

Section 608. Report.

Section 609. Authorization of appropriations.

Section 610. Termination of the board.

Title VII—Management Reform

Section 701. Management reform initiatives.

Section 702. Reporting.

Section 703. Effective date.

Section 2. Definitions.

For purposes of this Act:

(1) ACCEPT, ACCEPTANCE. The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

(2) AFFECTED INDIAN TRIBE. The term 'affected Indian tribe' means any Indian tribe—

(A) whose reservation is surrounded by or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

(4) ATOMIC ENERGY DEFENSE ACTIVITY. The term 'atomic energy defense activity' means any activity performed in whole or in part in carrying out any of the following functions:

(A) Atomic reactor development.

(B) Waste management systems, including defense inertial confinement fusion.

(C) Verification and control technology.

(D) Defense nuclear materials production.

(E) Defense nuclear waste and materials byproducts management.

(F) Defense nuclear materials security and safeguards investigations.

(G) Defense research and development.

(5) CIVILIAN NUCLEAR POWER REACTOR. The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

(6) COMMISION. The term 'Commission' means the Nuclear Regulatory Commission.

(7) CONTRACTS. The term 'contracts' means the agreements made by the Secretary to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

(8) CONTRACT HOLDERS. The term 'contract holders' means parties (other than the Secretary) to contracts.

(9) DEPARTMENT. The term 'Department' means the Department of Energy.

(10) DISPOSAL. The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

(11) DISPOSAL SYSTEM. The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides and fission products.

(12) EMPLACEMENT SCHEDULE. The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS. The terms 'engineered barriers' and 'engineered systems and components,' mean man-made systems and components that prevent the release of radionuclides and fission products.

(14) HIGH-LEVEL RADIOACTIVE WASTE. The term 'high-level radioactive waste' means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly reprocessing and any solid material derived from such liquid that contains fission products in sufficient concentrations; and

(B) other high-level radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

(15) FEDERAL AGENCY. The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

(16) INDIAN TRIBE. The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611).

(17) INTEGRATED MANAGEMENT SYSTEM. The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

Title II—Interim Storage Facility

Section 201. Interim Storage Facility. The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

Title III—Interim Storage Facility Site. The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and approved by the President with the advice and consent of the Senate.

Title IV—Funding and Organization

Section 4. Funding and Organization.

Section 5. Financial assistance.

Section 6. Contact holders.

Section 7. Financial arrangements for low-level radioactive waste site closure.

Section 8. Nuclear Regulatory Commission training authority.

Section 9. Emplacement schedule.

Section 10. Transfer of title.

Section 11. Decommissioning pilot program.

Section 12. Water rights.


Section 14. Termination of the board.

Title VII—Management Reform

Section 701. Management reform initiatives.

Section 702. Reporting.

Section 703. Effective date.
and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, tunneling, the lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including borings and geological and geophysical testing needed to assess whether site characterization should be undertaken. 

(28) SPENT NUCLEAR FUEL.—The term ‘spent fuel’ means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been reprocessed.

(29) STORAGE.—The term ‘storage’ means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste for fuel for subsequent use, processing, or disposal.

(30) WITHDRAWAL.—The term ‘withdrawal’ has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

(31) YUCCA MOUNTAIN SITE.—The term ‘Yucca Mountain site’ means the area in the State of Nevada, no later than November 30, 1999, that is withdrawn and reserved in accordance with this Act for the location of a repository.

TITLE I—OBLIGATIONS


(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

(b) INTERIM STORAGE.—The Secretary shall develop the capability to commence intermodal transfer pursuant to section 104 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility site as necessary to facilitate transfers to the interim storage facility site.

(d) MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary’s obligations and requirements under this Act.

(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

(2) obligations imposed upon the federal government by the United States District Court of Idaho in Idaho ex rel. New World Nuclear, Inc. v. Batt (No. 91-0054-S-EJ L).

(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the Secretary to any liability or liability for the Secretary’s failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

TITLE II—INTEGRATED MANAGEMENT SYSTEM

SEC. 201. INTERMODAL TRANSFER.

(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, no later than November 30, 1999.

(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail intermodal transfer at Caliente, Nevada, no later than November 30, 1999.

(c) ACQUISTIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente Nevada.

(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and easements within Lincoln County, Nevada, as required to facility replacement replacement replacement of land and city wastewater disposal facilities necessary to support continued implementation of this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

(2) file copies of a map of such sites and rights-of-way with Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of County Commissioners of Lincoln County, Nevada, and the Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

(g) LOCAL GOVERNMENT INVOLVEMENT.—The Secretary shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission on reasonable access to the facility and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

(h) BENEFITS AGREEMENT.—

(1) IN GENERAL.—The Secretary shall offer to enter into agreement with Lincoln County, Nevada concerning the integrated management system.

(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as the Secretary determines necessary to assure the right of participation, or compensation of Lincoln County, Nevada.

(i) AMENDMENT.—An amendment entered into under this subsection may be amended only with the mutual consent of the parties and the amendment and terminated only in accordance with paragraph (4).

(j) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

(k) LIMITATION.—Only 1 agreement may be in effect at any one time.

(l) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

(m) CONTENT OF AGREEMENT.—

(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Event</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Annual payments prior to first receipt of spent fuel</td>
<td>625</td>
</tr>
<tr>
<td>(B) Annual payments beginning upon first spent fuel receipt</td>
<td>5</td>
</tr>
<tr>
<td>(C) Payment upon closure of the interim transfer facility</td>
<td>5</td>
</tr>
</tbody>
</table>

(n) DEFINITIONS.—For purposes of this section, the term—

(A) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

(B) ‘first spent fuel receipt’ does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

(o) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution.

(p) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

(q) DISPUTE.—In the event of a dispute concerning such agreements, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

(r) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(g)(2).

(i) INITIAL LAND CONVEYANCES.—

(1) CONVEYANCE OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title, and interest in the property of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilization and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by...
operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of enactment that the permit or lease negotiated by the permittee or lessee will be for a term of less than 12 months after the date of enactment of the Act, and that the permit or lease will not be extended beyond that 12-month period, or unless the Secretary of Interior or the Secretary of the Treasury, as the case may be, consents in writing to the term of a lease or permit negotiated by the permittee or lessee.

Sec. 203. Transportation Planning.

(a) Transportation Readiness. The Secretary shall ensure that the interim storage facility no later than November 30, 1998, that is capable of storing spent fuel and high-level radioactive waste.

(b) Compliance with Transportation Regulations. Any person that transports spent nuclear fuel or high-level radioactive waste, or that receives or uses such materials, or that operates a facility engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste, shall comply with all requirements governing the licensing of independent spent nuclear fuel storage facilities under this Act, including the Commission's requirements, any regulations promulgated by the Secretary of Energy, and the transportation regulations issued by the Secretary under section 161 of the Nuclear Waste Policy Act of 1982.

(c) Employee Protection. Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste shall comply with the employee protection provisions of 49 U.S.C. sec. 5126.

Sec. 204. Interim Storage.

(a) Authorization. The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste, including the sites designated by the contract holders of the temporary storage facility. The interim storage facility shall be designed, constructed, and operated to ensure that spent nuclear fuel and high-level radioactive waste can be stored safely and securely, in accordance with the requirements established by the Secretary of Energy, for periods of time required to allow the Commission to make a decision concerning the permanent disposal of spent nuclear fuel and high-level radioactive waste.

(b) Scheduling. The Secretary shall set a date for the commencement of operations of the interim storage facility no later than December 31, 1998.

(c) Training. The Secretary shall ensure that adequate training standards are established for workers, and that adequate technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

(d) Public Education. The Secretary shall conduct a program to educate the public regarding transportation of spent nuclear fuel and high-level radioactive waste. The program shall include, but not be limited to, information about the interim storage facility and the regulations governing such transportation issued by the Secretary of Transportation.

(e) Compliance with Transportation Regulations. Any person that transports spent nuclear fuel or high-level radioactive waste, or that receives or uses such materials, or that operates a facility engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste, shall comply with all requirements governing the licensing of independent spent nuclear fuel storage installations under this Act.

(f) Employee Protection. Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste shall comply with the employee protection provisions of 49 U.S.C. sec. 5126.

(g) Training Standard. No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall promulgate a training standard for use in the interim storage facility that includes the following requirements:

(i) The training standard shall include a specified minimum number of hours of initial and recurrent training for workers.

(ii) The training program shall ensure that workers are trained in the safe transport and handling of spent nuclear fuel and high-level radioactive waste.

(iii) The training program shall include a requirement that the employer possess evidence of training that is compatible with other training programs used for employees involved in the transport of spent nuclear fuel and high-level radioactive waste.

Sec. 205. Local Government and Indian Tribes.

(a) Consultation. The Secretary, in cooperation with the appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel and high-level radioactive waste, shall consult with and provide technical assistance and guidance to these local government and Indian tribes.

(b) Public Education. The Secretary shall ensure that adequate training standards are established for workers, and that adequate technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

(c) Public Education. The Secretary shall conduct a program to educate the public regarding transportation of spent nuclear fuel and high-level radioactive waste. The program shall include, but not be limited to, information about the interim storage facility and the regulations governing such transportation issued by the Secretary of Transportation.

(d) Compliance with Transportation Regulations. Any person that transports spent nuclear fuel or high-level radioactive waste, or that receives or uses such materials, or that operates a facility engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste, shall comply with all requirements governing the licensing of independent spent nuclear fuel storage installations under this Act.

(e) Employee Protection. Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste shall comply with the employee protection provisions of 49 U.S.C. sec. 5126.

(f) Training Standard. No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall promulgate a training standard for use in the interim storage facility that includes the following requirements:

(i) The training standard shall include a specified minimum number of hours of initial and recurrent training for workers.

(ii) The training program shall ensure that workers are trained in the safe transport and handling of spent nuclear fuel and high-level radioactive waste.

(iii) The training program shall include a requirement that the employer possess evidence of training that is compatible with other training programs used for employees involved in the transport of spent nuclear fuel and high-level radioactive waste.
No later than June 30, 1998, the Secretary shall provide to the Congress a viability assessment of the Yucca Mountain site. The Secretary shall submit to the Congress an application for a license for the first phase of the interim storage facility. The Environmental Impact Statement, the Commission's report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than on or before December 31, 2002.

Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository, the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site selected by the President is not acceptable, the Secretary may select an interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as designated by the Secretary shall be approved by law for purposes of this section.

Within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall select a site for the construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as designated by the Secretary shall be approved by law for purposes of this section.

The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to comply with the Secretary's obligations under this Act.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to comply with the Secretary's obligations under this Act.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

The Secretary shall consent to an amendment to the contracts to provide for reimbursement to the Secretary in the event that contract holders' spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.
Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.)

(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such criteria for the licensing of the repository according to the following procedures:

(1) CONSTRUCTION AUTHORIZATION.—The Secretary shall not issue construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(2) LICENSE.—Following substantial completion of construction and the filing of any additional data that the Commission determines are necessary to substantiate the repository's operational reliability, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(3) CLOSURE.—After placing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

(A) the repository's engineered or geologic barriers; or

(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue guidelines that define the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repositorylicensing determinations for the protection of the public shall be based on a finding whether the repository can be operated in conformance with the overall system performance standard established by subsection (b)(1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive materials from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose of more than 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that the repository will be operated in conformance with the overall system performance standard which will be based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

(e) FACTORS.—For purposes of making the finding in paragraph (2)—

(1) The Commission shall not consider catastrophic events where the health consequences due to the impact of the event on the repository can be reasonably assumed to exceed the health consequences due to the impact of all other events.

(2) For the purposes of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, habits, and social behavior represent the average for persons living in the vicinity of the site.

(f) The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

(i) prevent any human activity at the site thereafter from presenting an unreasonable risk of breaches of the repository's engineered or geologic barriers; and

(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

(g) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions and methods commencing after the first 1,000 years of operation of the repository and terminating at

SEC. 205. PERMANENT REPOSITORY.

(a) Repository Characterization.—

(1) GUIDELINES.—The guidelines promulgated and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate any characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

(b) Repository Licensing.—

(1) CONSTRUCTION AUTHORIZATION.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations to authorize the emplacement of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

(2) LICENSE.—Following substantial completion of construction and the filing of any additional data that the Commission determines are necessary to substantiate the repository's operational reliability, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(3) CLOSURE.—After placing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

(A) the repository's engineered or geologic barriers; or

(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.
10,000 years after the commencement of operation of the repository. 

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.

"(1) Submission of statement.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement if necessary.

"(2) Considerations.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

"(3) Adoption by Commission.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in the interests of the public and the Indian tribes affected and in the interests of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the Repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) Judicial Review.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) Withdrawal and Reservation.—(1) Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of Federal real property and industrial activities at such site; and

"(2) to develop a request for impact assistance under subsection (c);

"(3) to engage in any monitoring, testing, or evaluation activities with respect to such site;

"(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

"(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) Salary and travel expenses.—Any salary or travel expense that would ordinarly be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) Financial and technical assistance.—

"(1) Assistance requests.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance.

"(2) Report.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety impacts that are likely to result from activities of the integrated management system.

"(d) Other assistance.—

"(1) Taxable amounts.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, in consultation with the Governor of Nevada, the Archivist of the United States, the Secretary, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(2) Notice and maps.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(3) to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance.

"(3) Adoption by Commission.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in the interest of the public and the Indian tribes affected and in the interest of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the Repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) Judicial Review.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) Withdrawal and Reservation.—(1) Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of Federal real property and industrial activities at such site; and

"(2) to engage in any monitoring, testing, or evaluation activities with respect to such site;

"(3) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) Salary and travel expenses.—Any salary or travel expense that would ordinarly be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) Financial and technical assistance.—

"(1) Assistance requests.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance.

"(2) Report.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety impacts that are likely to result from activities of the integrated management system.

"(d) Other assistance.—

"(1) Taxable amounts.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, in consultation with the Governor of Nevada, the Archivist of the United States, the Secretary, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(2) Notice and maps.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(3) to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government requesting such assistance.

"(3) Adoption by Commission.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in the interest of the public and the Indian tribes affected and in the interest of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the Repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) Judicial Review.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.
enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, unless the Secretary of the Interior shall provide evidence of title transfer.

The Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

- Map 1: Proposed Pahrump Industrial Park Site
- Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site
- Map 3: Pahrump Landfill Sites
- Map 4: Amargosa Valley Regional Landfill Site
- Map 5: Amargosa Valley Municipal Landfill Site
- Map 6: Beatty Landfill/Transfer Station Site
- Map 7: Round Mountain Landfill Site
- Map 8: Gabbs Landfill Site
- Map 9: Gabbs Landfill Site.

(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions to the extent of minor adjustments in the boundaries of the sites.

(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(5) TITLE IV—FUNDING AND ORGANIZATION

SEC. 403. PROPOSED FUNDING.

(a) CONTRACTS—

(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary’s functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the performance of all or any part of the following activities: assessment, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set forth in the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1982 the Secretary may require the consent to such amendment to such contracts as necessary to implement the provisions of this Act.

(2) ANNUAL FEES.—

(A) For electricity generated by civilian nuclear power reactors and sold between January 1, 1973, and September 30, 2002, the fees paid therefor shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the fees paid therefor shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the fees paid therefor shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the fees paid therefor shall be equal to 1.0 mill per kilowatt hour generated and sold.

(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year ending October 31, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the amount required for expenditures on those activities specified in subparagraph (B), the Secretary shall propose to the Federal Government pursuant to section 403. The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt hour generated and sold.

(ii) any unobligated balance collected pursuant to subsection (a) to the Secretary of the Interior, or

(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403. The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt hour generated and sold.

(iii) such person has entered into a contract under subsection (a) with the Secretary, or

(iv) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(3) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

(4) ASSIGNMENT.—The rights and duties of contract holders are assignable.

(5) NUCLEAR WASTE FUND.—

(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury Department of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of:

(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

(B) all receipts, proceeds, and recoveries realized under subsections (a), (c) and (d) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately after their receipt.

(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

(2) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the nuclear waste fund realizations at any time during the fiscal year exceed the amount of resources necessary to implement the provisions of this Act, the Secretary shall, within 10 days of such determination, discontinue the receipt of fees under this Act.
Treasury to invest such amounts, or any portion of such amounts as the Secretary deems to be appropriate, in obligations of the United States.

(1)(i) percent rates determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

(1)(ii) rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States Treasury, and the interest rate applicable to existing borrowings.

(1)(C) Exemption.—Receipts, proceeds, and recoveries realized by the Secretary under this subsection may be used to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(2) Authorization.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spend nuclear fuel from foreign research reactors, as established under subsection (a).

(a) Appropriation Request.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from Congress to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(b) Report.—In conjunction with the annual report submitted to Congress under section 402(d), the Chairman of the Commission shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

(c) Authorization.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spend nuclear fuel from foreign research reactors, as established under subsection (a).

SEC. 502. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

(a) Authorization.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(b) Jurisdiction of the United States Courts of Appeals.—(1) Original and Exclusive Jurisdiction.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any civil action—

(3) challenging the constitutionality of any decision or order taken, under any provision of this Act; or

(4) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement or assessment with respect to such action.

(2) Venue.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

(b) Deadline for Commencing Action.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, including any appeal therefrom by a party shown by the record to have known, or has reason to have known, that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under similar circumstances would not have known, or have reason to have known, that he did not know of the decision or action complained of (or of the failure to act).

(c) Application of Other Law.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other law relating to the same subject matter.

SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS. (a) Authorization.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

(b) Jurisdiction of the United States Courts of Appeals.—(1) Original and Exclusive Jurisdiction.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any civil action—

(3) challenging the constitutionality of any decision or order taken, under any provision of this Act; or

(4) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement or assessment with respect to such action.

(2) Venue.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

(b) Deadline for Commencing Action.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, including any appeal therefrom by a party shown by the record to have known, or has reason to have known, that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under similar circumstances would not have known, or have reason to have known, that he did not know of the decision or action complained of (or of the failure to act).

(c) Application of Other Law.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other law relating to the same subject matter.
permit or operating license for a civilian nuclear power reactor at such site, unless—

"(I) such issue results from any revision of siting or design criteria by the Commission following an application for such license, authorization, or amendment being considered.

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity.

"(III) the failure to approve, issue, or deny such license, authorization, or amendment is being considered.

(3) APPLICATION.—The provisions of paragraph (2) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) if the decision results from a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 504. SITING A SECOND REPOSITORY.

(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific licenses or authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

(a) FINANCIAL ARRANGEMENTS.—

(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or by notice, in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may consider necessary to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, or reclamation of such sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2221), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 1, 1983, prior to the issuance of such licenses.

(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring will be necessary for such a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring will be needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of any such waste and land on which such waste is disposed when such site has been decommissioned and decontaminated by the owner and when such owner has made adequate financial arrangements approved by the Commission for such site following license termination and monitoring of such site.

SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for operators for civilian nuclear power plant operators and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant license personnel training programs.

SEC. 507. EMPLACEMENT SCHEDULE.

(a) Emplacement schedule shall be implemented in accordance with the following—

(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

(2) The Secretary's spent fuel emplacement rate shall be no less than the following:

- 1,200 MTU in fiscal year 2001;
- 2,000 MTU in fiscal year 2002;
- 2,700 MTU in fiscal year 2003;
- 3,000 MTU annually thereafter.

(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in paragraph (2) or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary.

(1) the total quantity accepted by the Secretary is consistent with the total quantity the Secretary would have accepted if the Secretary had commenced emplacement in fiscal year 2000, and

(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

SEC. 508. TRANSFER OF TITLE.

(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Federal Government;

(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with the spent nuclear fuel at the rate of one spent nuclear fuel unit per unit of the title removed from the site, and thereupon, upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the spent nuclear fuel and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities and equipment for temporary storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.

SEC. 509. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommision and decontaminate the sodium-cooled fast breeder reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 510. WATER RIGHTS.

(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the acquisition or exercise of water rights as provided under Nevada State laws.

TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

SEC. 601. DEFINITIONS.

For purposes of this title—

(1) CHAIRMAN.—The term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board.

(2) BOARD.—The term 'Board' means the Nuclear Waste Technical Review Board continued under section 602.

SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board is continued as the Nuclear Waste Technical Review Board.
Board shall be filled by the nomination and among persons who meet the qualifications December 22, 1987, nominate not less than 22 of Sciences shall, not later than 90 days after calendar year.

Board for more than twelve working days per year before the Board or any element of the Board may administer oaths or affirmations to witnesses appearing before the Board and act at such times and places, take such testimony, and receive such evidence, as the Board may determine is necessary to enable it to carry out this title.

``SEC. 605. COMPENSATION OF MEMBERS.

(a) IN GENERAL.—Each member of the Board shall serve without compensation and may be paid for each day (including travel time) such member is engaged in the work of the Board. (b) TRAVEL EXPENSE.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is provided for the Department of Energy.

``SEC. 606. STAFF.

(a) CLERICAL STAFF.—(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint such clerical staff as may be necessary to discharge the responsibilities of the Board.

(b) AUDITS.—Professional staff shall be appointed subject to the provisions of section 5, United States Code, governing appointments in the competitive service, and may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

``SEC. 701. MANAGEMENT REFORM INITIATIVES.

(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the highest degree of protection of human health and the environment is achieved in the most cost effective manner. (b) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of section 5, United States Code, governing appointments in the competitive service, and may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

``SEC. 702. COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General may require to conduct its examination of the costs incurred by the Office. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

``SEC. 703. TERMINATION OF THE BOARD.

(a) IN GENERAL.—The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository. (b) PRODUCTION OF DOCUMENTS.—Upon the request of the Chairman or a majority of the members of the Board, subject to existing law, the Secretary of Energy (or the Secretary's designee or designees) shall provide the Board with such records, files, papers, data, or information that is available to the public as may be necessary to respond to any inquiry of the Board.

``SEC. 607. MANUFACTURING AND REHABILITATION INITIATIVES.

(a) IN GENERAL.—The Secretary shall encourage the production of critical fuel or high-level radioactive waste and may be paid without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

``SEC. 704. TECHNICAL AND SCIENTIFIC STAFF.

(a) IN GENERAL.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

``SEC. 705. CONTRACTS INanity for the performance of services and for the manufacture of products.

``SEC. 706. MANAGEMENT REFORM.

(a) IN GENERAL.—The Secretary shall direct the Comptroller General of the United States to conduct an audit of the Office of Civilian Radioactive Waste Management, including the West Valley Demonstration Plant, every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The results of each such audit conducted under this section shall be submitted to the Congress not later than 180 days after the date on which the audit is submitted to the Congress. (b) PROVISIONS OF TITLE 5.—Subject to existing law, in like manner as is provided in section 5702 and 5703 of title 5, United States Code.

``SEC. 204. PRODUCTION OF DOCUMENTS.—(1) AUTHORITY OF COMPTROLLER.—The Comptroller General may prescribe. The Comptroller General may examine any records of the Office that is generally available to the public.

``SEC. 707. MANUFACTURING AND REHABILITATION INITIATIVES.

(a) IN GENERAL.—The Secretary shall cause to be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The results of each such audit conducted under this section shall be submitted to the Congress not later than 180 days after the date on which the audit is submitted to the Congress. (b) PROVISIONS OF TITLE 5.—Subject to existing law, in like manner as is provided in section 5702 and 5703 of title 5, United States Code.
studies of parameters that are shown not to affect long-term repository performance.

SEC. 702. REPORTING.

"(a) Initial Report.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include:

"(1) an analysis of the Secretary’s progress in meeting its statutory and contractual obligations to accept title to, possession of, and control over spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing how the Secretary intends to take to meet the Secretary’s obligations under this Act and the contracts;

"(3) a detailed description of the Secretary’s contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

"(b) Annual Reports.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to Congress for the purposes of updating the information contained in such report. The annual reports shall be brief and shall notify Congress of:

"(1) any modifications to the Secretary’s schedule and timelines for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary’s contingency plans; and

"(3) the Secretary’s analysis of its funding needs for the ensuring 5 fiscal years.

SEC. 703. EFFECTIVE DATE.

"This Act shall become effective two days after enactment."
Congressional Record — Senate

July 25, 1996

S9817

(4) the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not stop with the admission of Poland, Hungary, and the Czech Republic as full members of the NATO Alliance.

SEC. 5. SENSE OF THE CONGRESS REGARDING ESTONIA, LATVIA, AND LITHUANIA.

In view of the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union in 1940 under the Molotov-Ribbentrop Pact and the refusal of the United States and other countries to recognize that incorporation for over 50 years, it is the sense of the Congress that:

(1) Estonia, Latvia, and Lithuania have valid historical security concerns that must be taken into account by the United States;

(2) Estonia, Latvia, and Lithuania should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union.

SEC. 6. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been designated pursuant to section 203(d) of such Act: Poland, Hungary, and the Czech Republic.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) meet the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Estonia, Latvia, Lithuania, Romania, Slovakia, Bulgaria, Latvia, Lithuania, Moldova, Ukraine, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $30,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated under subsection (a)—

(1) not less than $20,000,000 shall be available for the subsidy cost, as defined in section 502(f) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the “Foreign Military Financing Program”);

(2) not less than $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the “Foreign Military Financing Program”); and

(3) not more than $10,000,000 shall be available for assistance pursuant to the authority of section 203(d)(1) of the NATO Participation Act of 1994 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for appropriations for the corresponding fiscal year.

SEC. 8. REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.

(a) IN GENERAL.—Funds described in subsection (b) are authorized to be made available to support the implementation of the Regional Airspace Initiative Partnership for Peace Information Management System, including—

(1) the procurement of items in support of these programs;

(2) the transfer of such items to countries participating in these programs, which may include Poland, Hungary, the Czech Republic, Slovakia, Latvia, Lithuania, Romania, Bulgaria, Moldova, Ukraine, Albania, and Slovenia.

(b) FUNDS DESCRIBED.—Funds described in this subsection are funds that are available—

(1) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(2) during fiscal year 1997 under any Act to carry out the Warsaw Initiative.

SEC. 9. EXCESS DEFENSE ARTICLES.

(a) PROGRAM.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(d)(1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extent feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103-306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 10. MODERNIZATION OF DEFENSE CAPABILITIES.

The Congress endorses efforts by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designated by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease to such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 11. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 30 days after the President makes a certification under paragraph (2) unless, within the 30-day period, the President issues a joint resolution disapproving the termination of eligibility.

“(2) Whenever the President determines that the government of a country designated under subsection (d) is hostile to the United States, or that the government of a country designated under subsection (d) is engaging in acts of international terrorism, or that the government of a country designated under subsection (d) is a state sponsor of terrorism, the President shall issue a joint resolution disapproving the termination of eligibility.

“(3) Nothing in this title affects the eligibility of countries to participate under other provisions of law in programs described in this Act.”

SEC. 12. AMENDMENTS TO THE NATO PARTICIPATION ACT.

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking “countries emerging from communist domination” each place it appears and inserting “emerging democracies in Central and Eastern Europe”.

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

“SEC. 206. DEFINITIONS.

“The term ‘emerging democracies in Central and Eastern Europe’ includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.”

SEC. 13. DEFINITIONS.

As used in this title:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term “emerging democracies in Central and Eastern Europe” includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term “NATO” means the North Atlantic Treaty Organization.

INOUYE AMENDMENT NO. 5059

Mr. McCONNELL (for Mr. INOUYE) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 196, between lines 17 and 18, insert the following:

SENATE AMENDMENTS TO THE BILL ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

SEC. 8917. SENSE OF CONGRESS REGARDING EXPANSION OF ELIGIBILITY FOR HOLOCAUST SURVIVOR COMPENSATION BY THE GOVERNMENT OF GERMANY

SEC. 8917. SENSE OF CONGRESS REGARDING EXPANSION OF ELIGIBILITY FOR HOLOCAUST SURVIVOR COMPENSATION BY THE GOVERNMENT OF GERMANY

(a) FINDINGS.—The Congress finds that:

(1) After nearly half a century, tens of thousands of Holocaust survivors continue to be denied justice and compensation by the Government of Germany.

(2) These people who suffered grievously at the hands of the Nazis are now victims of unreasonable and arbitrary rules which keep them outside the framework of the various compensation programs.

(c) SENSE OF CONGRESS.—The Congress calls upon the Government of Germany to negotiate in good faith with the Conference on Jewish Material Claims Against Germany to broaden the categories of those eligible for compensation so that the injustice of uncompensated Holocaust survivors may be corrected before it is too late.

On page 117, line 13, after the period insert the following: “Provided further, That of the funds appropriated under this heading $25,000,000 shall be available for the legal reparation necessary to support a decentralized market-oriented economic system, including enactment of necessary substantive commercial law, implementation of reforms necessary to establish an independent judiciary and bar, legal education for judges, attorneys, and law students, and education of...”
the public designed to promote understanding of a law-based economy.

KYL AMENDMENT NO. 5060

Mr. MCCONNELL (for Mr. KYL) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 117, line 14, before the period insert:

"against civilians in Sarajevo, and for the Herzegovina, for the sniping campaign arising from atrocities perpetrated against the law or customs of war, and grave

of the law or customs of war, and grave

Serb administration of Pale, and Ratko

nal Tribunal issued an indictment for

petrators of gross violations of international

that the perpetrators;"
President determines that the final destination of the technology is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism; or

(4) The Secretary of State has determined under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

(5) In 1994 Congress explicitly enacted section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations.

(6) The presence of ballistic missiles in Syria would pose a threat to United States armed forces and to regional peace and stability in the Middle East.

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

(1) it is in the national security interests of the United States and the State of Israel to prevent the spread of ballistic missiles and related technology to Syria;

(2) the Government of the People's Republic of China should continue to honor its agreement with the United States not to export ballistic missile technology that would violate the Missile Technology Control Regime; and

(3) the President should exercise all legal authority available to him to prevent the spread of ballistic missiles and related technology to Syria.

McCain Amendment No. 5064

Mr. MCCONNELL (for Mr. McCain) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following:

REFUGEE STATUS FOR ADULT CHILDREN OF FORMER VIETNAMESE REEDUCATION CAMP INTERNEES RESSETTLED UNDER THE ORDERLY DEPARTURE PROGRAM

SEC. . ELIGIBILITY FOR ORDERLY DEPARTURE PROGRAM.—For purposes of eligibility for the Orderly Departure Program for nationals of Vietnam, an alien described in subsection (b) shall be considered to be a refugee or contributing to a refugee or contributing to the delay.

(a) Aliens Covered.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a national of Vietnam who—

(A) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; and

(B) is eligible for resettlement as a refugee under the Orderly Departure Program on or after April 1, 1995;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

(c) Supersedes Existing Law.—This section supersedes any other provision of law.

McConnell Amendment No. 5065

Mr. MCCONNELL proposed an amendment to the bill, H.R. 3540, supra; as follows:

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

SEC. . ELIGIBILITY FOR ORDERLY DEPARTURE PROGRAM, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

(b) the development status of military forces and training and activities of the DPRK forces and best estimate of the associated costs of these activities;

(c) steps taken to reduce the DPRK level of forces; and

(d) cooperation, training, or exchanges of information, technology or personnel between the United States and the South Korean forces supporting the development or deployment of a ballistic missile capability.

THE NUCLEAR WASTE POLICY ACT OF 1996

Bryan Amendments Nos. 5066-5077

Mr. BRYAN proposed 12 amendments to the bill S. 1936, supra; as follows:

Amendment No. 5066

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

``SEC. . COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

(a) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Notwithstanding any other provision of this Act, the Secretary shall comply with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in developing and implementing the integrated management system.

(b) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, any agency action relating to the development or implementation of the integrated management system shall be subject to judicial review.

Amendment No. 5067

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

``SEC. . COMPLIANCE WITH OTHER LAWS.

 ``(a) UNAVOIDABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.—Notwithstanding any other provision of this Act, neither the Department nor the contract holder shall be liable under a contract executed under Section 302(a) of the Nuclear Waste Policy Act of 1982 for damages caused by failure to perform any obligation thereunder, if such failure arises out of causes beyond the control and without the fault or negligence of the party failing to perform.

 ``(b) AVARABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.—Notwithstanding any other provision of this Act, in the event of any delay in the delivery acceptance or transport of spent nuclear fuel and/or high-level radioactive waste, the party experiencing such delay will notify the other party as soon as possible after such delay is ascertained and the parties will readjust their schedules, as appropriate, to accommodate such delay.

``(c) REMEDY.—Notwithstanding any other provision of this Act, the Secretary shall comply with all Federal laws and regulations in developing an implementing the integrated management system.

``SEC. . CONTRACT DELAYS.

 ``(a) UNAVOIDABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.—Notwithstanding any other provision of this Act, the Secretary shall comply with all Federal laws and regulations in developing and implementing the integrated management system.

 ``(b) AVARABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.—Notwithstanding any other provision of this Act, the Secretary shall comply with all Federal laws and regulations in developing and implementing the integrated management system.

 ``(c) REMEDY.—Notwithstanding any other provision of this Act, the Secretary shall comply with all Federal laws and regulations in developing and implementing the integrated management system.

 ``(d) cooperation, training, or exchanges of information, technology or personnel between the United States and the South Korean forces supporting the development or deployment of a ballistic missile capability.
AMENDMENT NO. 5059

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

**SEC. . CONTRACT DELAYS.**

(a) **UNAVOIDABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.**—Notwithstanding any other provision of this Act, neither the Department nor the contract holder shall be liable under a contract executed under Section 302(a) of the Nuclear Waste Policy Act of 1982 for damages caused by failure to perform its obligations thereunder, if such failure arises out of causes beyond the control and without the fault or negligence of the party failing to perform. In the event circumstances beyond the reasonable control of the contractor—such as acts of God, of the public enemy, acts of Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather—cause delay in scheduled delivery, acceptance or transport of spent nuclear fuel and/or high-level nuclear waste to or by the Department under contracts executed under Section 302(a) of the Nuclear Waste Policy Act of 1982 caused by circumstances within the reasonable control of either the contract holder or the Department, the charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional costs incurred by the party not responsible for or contributing to the delay.

(b) **AVOIDABLE DELAYS BY CONTRACT HOLDER OR DEPARTMENT.**—Notwithstanding any other provision of this Act, neither the Department nor the contract holder shall be liable under a contract executed under Section 302(a) of the Nuclear Waste Policy Act of 1982 for damages caused by failure to perform its obligations thereunder, if such failure arises out of causes beyond the control and without the fault or negligence of the party failing to perform. In the event circumstances beyond the reasonable control of the contract holder or the Department—such as acts of God, of the public enemy, acts of Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather—cause delay in scheduled delivery, acceptance or transport of spent nuclear fuel and/or high-level nuclear waste to or by the Department under contracts executed under Section 302(a) of the Nuclear Waste Policy Act of 1982 caused by circumstances within the reasonable control of either the contract holder or the Department, the charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional costs incurred by the party not responsible for or contributing to the delay.

(c) **REMEDY.**—Notwithstanding any other provision of this Act, the provisions of subsections (a) and (b) of this Section shall constitute the only remedy available to contract holders or the Department for failure to perform under a contract executed under Section 302(a) of the Nuclear Waste Policy Act of 1982.

AMENDMENT NO. 5074

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

**SEC. . COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.**

(a) **NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—Notwithstanding any other provision of this Act, the Secretary shall comply with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in developing and implementing the integrated management system.

(b) **JUDICIAL REVIEW.**—Notwithstanding any other provision of this Act, any agency action relating to the development or implementation of the integrated management system shall be subject to judicial review.

AMENDMENT NO. 5056

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

**SEC. . COMPLIANCE WITH OTHER LAWS.**

"(a) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—Notwithstanding any other provision of this Act, the Secretary shall comply with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in developing and implementing the integrated management system.

"(b) JUDICIAL REVIEW.**—Notwithstanding any other provision of this Act, any agency action relating to the development or implementation of the integrated management system shall be subject to judicial review.
SEC. 688. DEOBILIZATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS

(a) REQUIREMENT TO DEOBILIZE.—

(1) IN GENERAL.—Except as provided in subsection (b) of this section and in paragraphs (1) and (3) of section 687(a) of this Act, at the beginning of each fiscal year, the President shall deobligate and return to the Treasury any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a project or activity for a period of more than 2 years but have not been expended.

(b) Assistance under the Support for East European Democracy (SEED) Act of 1989; and

(c) Economic assistance for the independent states of the former Soviet Union under chapter 11 of part I of this Act or under any other provision of law authorizing economic assistance for such independent states.

(2) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirements of subsection (a) if the President deems that it is in the national interest to do so.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

BINGHAMAN (AND OTHERS)

AMENDMENT NO. 5078

Mr. BINGHAMAN (for Mr. Bingaman for himself, Mr. Kassebaum, and Mr. Simon) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 126, after line 7, insert the following: "(INCLUDING TRANSFERS OF FUNDS)."

On page 127, beginning on line 14, strike "provided that nothing in this Act shall apply to loans offered to North Korea, not more than $25,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for heavy fuel oil costs and other expenses associated with the Agreed Framework, of which $13,000,000 shall be from funds appropriated under this heading and $12,000,000 may be transferred or obligated by this Act under the headings 'International Organization and Programs', 'Foreign Military Financing Program', and 'Economic Support Fund'."

On page 138, line 12, strike "the Korean" and all that follows through "or" on line 13.

HELMS (AND LOTT) AMENDMENT NO. 579

Mr. McCONNELL (for Mr. Helms, for himself and Mr. Lott) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following:

DEOBILIZATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS

Sec. 520. Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by adding at the end the following:
Mr. McCONNELL (for Mr. Abraham, for himself, Mr. Bennett, Mr. Inouye, Mr. Graham, Ms. Mikulski, Mr. Mack, and Mr. Hatfield) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 107, line 25, before the period insert the following: "Provided further, That of the amount appropriated under this heading, not less than $15,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chernoby!"

The Interstate Stalking Punishment and Prevention Act of 1996

Mr. LOTT (for Mr. Lautenberg) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following:

SEC. GoVERNOR AND ALTERNATE GOVERNOR.

(a) APPOINTMENT.—At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor, and with the advice and consent of the Senate, shall be appointed pursuant to section 3 of the Bretton Woods Agreement Act, signed on May 22, 1944.

(b) COMPENSATION.—Any person who serves as a Governor of the Bank or as an alternate for the Governor, or other compensation from the United States for the Governor of the Bank or as an alternate for the Governor, shall receive such compensation as the Board of Governors of the Bank may act as its discretion, or for its fiscal year, and the Secretary of the Treasury of the United States may subscribe on behalf of the United States for the Governor or as an alternate for the Governor, for the purpose of securing the United States for the Governor or as an alternate for the Governor, for the purpose of securing the United States for the Bank as a distributive interest in the Treasury as a miscellaneous receipt.

Sec. 5. Exemption from Securities Laws for Certain Securities Issued by the Bank; Reports Required.

(a) Exemption from Securities Laws; Reports to Securities and Exchange Commission.—Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities as to both principal and interest, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 and section 3(a)(12) of the Securities Exchange Act of 1934. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in

ABRAHAM (AND OTHERS) AMENDMENT NO. 5081

Mr. McCONNELL (for Mr. Abraham, for himself, Mr. Bennett, Mr. Inouye, Mr. Graham, Ms. Mikulski, Mr. Mack, and Mr. Hatfield) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 107, line 25, before the period insert the following: ".Provided further, That of the amount appropriated under this heading, not less than $15,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chernoby!"
view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors, 

(b) Authority of Securities and Exchange Commission to Suspend Exemption Reports to the Congress.—The Securities and Exchange Commission, acting in consultation with such agency or officer as the President or his designee may designate, may suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

SEC. 3. TECHNICAL AMENDMENTS.

(a) Annual Report Required on Participation of the United States in the Bank.—Section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa," after "Inter-American Development Bank".

(b) Exemption from Limitations on Power of National Banking Associations to Deal in and Underwrite Investments of the Bank.—The 7th sentence of paragraph 7 of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa," after "the Inter-American Development Bank.

(c) Benefits for United States Citizens.—Section 501 of Public Law 91-599 (22 U.S.C. 276c-2) is amended by inserting "the Bank for Economic Cooperation and Development in the Middle East and North Africa," after "the Inter-American Development Bank.

Amend the title so as to read as follows: "A Bill to authorize United States contributions to the International Development Association and to a capital increase of the African Development Bank, to authorize the participation of the United States in the Bank for Economic Cooperation and development in the Middle East and North Africa, and for other purposes."

LEAHY AMENDMENT NO. 5086

Mr. McCONNELL (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 196, strike lines 14 through 26.

MURkowski AMENDMENT NO. 5089

Mr. MURkowski (for himself, Mr. McCaIN, and Mr. Lieberman) proposed an amendment to amendment No. 5078 proposed by Mr. Lieberman to the bill, H.R. 3540, supra; as follows:

On page 2, line 9, of the matter proposed to be inserted, after the word "Fund", insert the following: "Fund: Provided further, That such funds may be obligated to KEDO only if, prior to obligation, the President certifies and so reports to Congress that (1)(A) the United States is taking steps to assure that North Korea is consistently taking and plans to take to assure that North Korea is consistently taking steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in North-South dialogue; and (4) all instances of non-compliance with the Agreed Framework between North Korea and the United States and the Confidential Minute, including diversion of heavy fuel oil:"

THE SMALL BUSINESS INVESTMENT COMPANY IMPROVEMENT ACT OF 1996

BOND AND BUMPERS

AMENDMENT NO. 5090

Mr. MURkowski (for Mr. Bond, for himself and Mr. Bumpers) proposed an amendment to the bill (S. 1784) to amend the Small Business Investment Act of 1958, and for other purposes; as follows:

SEC. 13. EXTENSION OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.


THE GOVERNMENT ACCOUNTABILITY ACT OF 1996

SPECTER AND OTHERS

AMENDMENT NO. 5091

Mr. MURkowski (for Mr. Specter, for himself Mr. Lieberman, Mr. Roth, Mr. Nunn, Mr. Stevens, Mr. Inouye, Mr. Grassley, Mr. Leahy, Mr. Cohen, Mr. Kohl, and Mr. Jeffords) proposed an amendment to the bill (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "False Statements Penalty Restoration Act".

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.
Section 1003 of title 18, United States Code, is amended to read as follows:
"§ 1001. Statements or entries generally

(1) Any person

(a) Prohibited conduct.—

(2) In general.—A person shall be punished under subsection (b)(1) if, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Federal Government, or any department, agency, committee, subcommittee, or office thereof, that person knowingly and willfully—

(3) falsifies, conceals, or covers up, by any trick, scheme, or device, a material fact;
``(B) makes any materially false, fictitious, or fraudulent statement or representation; or
``(C) makes or uses any false written or document, knowing that the document contains any materially false, fictitious, or fraudulent statement or entry.
``(2) APPLICABILITY.—This section shall not apply to parties to a judicial proceeding or anyone seeking to become a party to a judicial proceeding, or their counsel, for statements, representations, or documents submitted by them to a judge in connection with the performance of an adjudicative function.
``(b) PENALTIES.—A person who violates this section shall be fined not more than 5 years, or both.''.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRACTING CONGRESS.

Section 102 of title 18, United States Code, is amended—
``(1) by redesignating subsection (b) as subsection (c); and
``(2) by inserting after subsection (a) the following new subsection:
``(b) CORRUPTLY.—As used in subsection (a), the term ‘corruptly’ means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking ‘‘Federal Government acting within his official capacity’’ and inserting ‘‘executive branch of the Federal Government acting within his or her official capacity, except that this section shall not apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government’’.

SEC. 5. COMPULSORY TRUE TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—
``(1) in subsection (a), by inserting ‘‘or ancillary to’’ after ‘‘proceeding before’’; and
``(2) in subsection (b)—
``(A) in paragraphs (1) and (2), by inserting ‘‘or ancillary to’’ after ‘‘proceeding before’’ each place that it appears; and
``(B) in paragraph (3), by adding a period at the end.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Tuesday, July 30, 1996, beginning at 9:00 a.m. to conduct a markup on S. 1983, to amend the Land Management and Recreation Act of 1992, and for other purposes.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 25, 1996, to conduct an oversight hearing to review the General Accounting Office (GAO) report on the Federal Reserve System.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 25, 1996, to conduct an oversight hearing to review the General Accounting Office (GAO) report on the Federal Reserve System.

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

ADDITIONAL STATEMENTS

CBO COST ESTIMATE—S. 901

Mr. MURKOWSKI. Mr. President, on July 16, 1996, I filed Report 104-322 to accompany S. 901, The Reclamation Projects Authorization and Adjustment Act of 1992, that had been ordered favorably reported on June 19, 1996. At the time the Report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment of S. 901 would not affect direct spending or receipts. I ask that a copy of the CBO estimate be printed in the Record.

The estimate follows:

1. Bill number: S. 901.
2. Bill title: A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes.
3. Bill status: As reported by the Senate Committee on Energy and Natural Resources on July 16, 1996.
4. Purpose: S. 901 would authorize the Secretary of the Interior to participate in the design, planning, and construction of...
null
TRIBUTE TO ALEX MANOOGIAN, 1901-96

Mr. LEVIN. Mr. President, on July 10, Michigan lost one of its greatest citizens. A former synagogue man of great wealth, an immigrant who embodied all that is good about America, a man of 95 years who still had plans to make life better for people.

Alex Manoogian came to this country in 1920 to escape the oppression of the Armenian people. A few years after his arrival, he founded what is today one of Michigan’s most successful businesses, Masco Corporation. But it is the rest of the story that made Alex Manoogian a giant, not only in Michigan but in the United States and in the world, as well.

He touched the lives of young people with educational facilities here and abroad. Cultural and educational institutions in Detroit, Ann Arbor, Armenia and Jerusalem benefit from his generous endowments. If Armenians suffered in America, his adopted land, or in his homeland of Armenia, he was there to help. He founded the Armenian General Benevolent Union to address the catastrophes that befell his people.

The Supreme Patriarch and Catholics of All Armenians came from Yerevan to preside at the funeral of Alex Manoogian. He described himself as a Christian, an Armenian and an American. A Christian, whose deep faith kept him involved in the church for 80 of his 95 years—and he built St. John’s Armenian Church in Southfield, MI, one of the most glorious edifices in our community with its golden dome that glows at night. An Armenian, who never forgot the persecution of his people and the need to continue to touch their lives. An American, who loved this country passionately and who gave back much, much more than he ever took.

I loved meeting with Alex Manoogian. He spoke simply, eloquently and with great intensity about those things that mattered to him. I will always cherish our many discussions. We will all miss him.

BOONDOGGLE FOR THE NRA

Mr. SIMON. Mr. President, the Senate recently approved a Defense authorization bill for fiscal year 1997 that includes an indefensible allotment of tax dollars to a slightly camouflaged version of the earlier Civilian Marksmanship Program.

I have written on this subject in a column that is sent only to newspapers in Illinois, but I let it be reprinted here to call the attention of my colleagues to this questionable line item. The column follows:

AN INCOMPREHENSIBLE, IRRESPONSIBLE, BAFFLING BOONDOGGLE FOR THE NRA

(By Senator Paul Simon)

Buried in the annual Defense Department authorization bill is an outrageous gift of $77 million that something called the Corporation for the Promotion Rifle Practice and Firearms Safety.

This corporation is the new “private” incarnation of the Civilian Marksmanship Program. This program was intended to make sure people could shoot straight in case they were attacked. But more than 17 years ago, however, it has simply funneled cash, weapons and ammunition to private gun clubs, thanks to the power of the NRA. Until a federal judge ruled it unconstitutional in 1979, gun clubs which participated in this program were required to be NRA members.

Under public pressure to eliminate this useless and wasteful program, Congress “privatized” the program last year. In fact, the corporation is private in name only. When the corporation becomes fully operational in October of this year it will be given by the Army:

176,218 rifles the Army views as outmoded, but valued at $53,271,002.

146 million rounds of ammunition valued by the Army at $9,682,656.

$5,332,000 in cash.

That totals $77,085,658.

Our friends in the National Rifle Association strongly back this measure and it appears to be a boondoggle for them.

What the Army should do with outmoded weapons is to destroy them. Our government has a theoretical policy that it does not sell federally owned weapons to the public. The Civilian Marksmanship Program violates this policy, and the new corporation would continue to violate it.

Why should we be subsidizing rifle practice—which is the theory behind this—baffles me. Hardly any of those who will use the weapons will enter into the armed forces. The Defense Department did not request this.

I had never fired a rifle or handgun before entering the Army, and with minimal training I became a fair-to-good marksman. Sen. Frank Lautenberg of New Jersey and I tried to kill off this silly government program and the bill included 29 votes for our amendment. The NRA still has power.

We should be reducing the numbers of weapons in our society, not increasing them.

A government policy of destroying weapons and not selling outmoded guns to the public is sound.

While rifles are not the primary weapons for crime—pistols are—some of those 176,000 weapons will end up in the hands of people who should not have them. If 1 percent reach someone who is irresponsible, that is 1,760 weapons.

Let me in advance extend my sympathy to the families of the people who will be killed by these weapons. The will be needful victims of this folly.

MEMORIALIZING MICHIGAN VICTIMS OF TWA FLIGHT 800

Mr. ABRAHAM. Mr. President, on behalf of Michigan I would like to express my deep regret at the loss of lives of several Michigan residents killed in the explosion of TWA Flight 800 near New York. We still do not know what happened to flight 800, and therefore do not yet know if there are culprits behind it who must be brought to justice. But we do know that the lives of fine people have been lost before their time.

Mr. President, six people with close ties to Michigan died in this crash. They were Courtney Johns, an 18-year-old Bloomfield Hills Marian High School graduate, headed for Paris on an exchange program. Dr. Ghassan and Mrs. Nina Haurani, citizens and parents in Grosse Pointe Shores, starting a brief European vacation. Celine Riou, a 22-year-old French student returning to her home after a 3-week visit as part of a national cultural exchange program. Tracy Anne Hammer, a doctoral student in veterinary science and microbiology at Michigan State University, who was to give a speech on cardiac disease in doberman pinchers before a professional audience. And Elaine Loffredo, a Michigan native who gave up a career in nursing for the excitement of air travel.

Mr. President, these people touched the hearts of many around them, in Michigan and elsewhere. Courtney Johns was a class leader in high school who was headed to Villanova University in the fall. She leaves behind loving friends and a family devastated by the loss of this young, promising life. Ghassan and Nina Haurani were known in their community as loving parents and good neighbors. Termed “joyous, giving people,” they, too, leave behind grieving friends and a family that will miss them terribly. Tracy Anne Hammer, traveling with her mother, was well on her way to a promising career, was, indeed to launch that career in France, when she was taken from us, her family and friends. Celine Riou, a young girl on the edge of adolescence, had learned about America and had gained a second family in the Winters, her exchange program hosts. Now the Winters and her many other friends in America will mourn the loss of this young spirit. And Elaine Loffredo, who found such joy in air travel and in the people she met—I am told that meeting Mother Theresa was a highlight of her career—was taken from her husband and other family and friends, by this explosion.

Mr. President, these were fine people, leading fine lives until they were taken from us. I know I speak for my entire State of Michigan when I tell families and friends of those we have lost that we share their loss, and that our thoughts and prayers are with them.

WHITEWATER INVESTIGATION WAS A COSTLY PARTISAN GAME

Mr. SIMON. Mr. President, the Special Committee To Investigate Whitewater Development Corporation And Related Matters recently transmitted its final report of its return to the

I have written about this costly, partisan game in a column that is sent to newspapers in Illinois, and I submit it.
here to call the attention of my colleagues to this political exercise that contributed nothing.

The column follows:

**WHITETOWER INVESTIGATION WAS A COSTLY PARTISAN GAME**

(For Senator Paul Simon)

The Senate Whitewater investigation resulted in a political exercise that contributed nothing, except to add to public cynicism that in Congress we are already widemouthed in the belief that in Congress we are playing partisan games rather than tending to the nation's and the public's real needs.

Observe how the Senate broke the law in the Whitewater events, but the evidence indicated neither a violation of the law nor of ethical standards by Bill Clinton or Hillary Clinton while he served either as President or as Governor of Arkansas.

But the misuse of the FBI files is another matter. Both the White House and the FBI are at the heart of the White House and administration and it should not be treated as a minor mess-up by the President. The misuse of police powers by governments is as old as governments themselves, and something that must be constantly guarded against.

The abuse of the FBI files comes at a time when we have other abuses.

One is the Senate investigation which spent almost $2 million, received testimony from 139 witnesses, and took more time than any investigation of a sitting President in our history—or longer than the Watergate or Iran-Contra hearings. "Where there is smoke there must be fire" is an old saying, but those excuses were designed to create smoke. Not only is there a product of questionable worth, we took testimony from many individuals who never in their lives thought they would testify before a Senate committee, such as secretaries. Some were terrified by the combination of coming before a committee and being on national television.

A second abuse is multiply the bits of special councils—really special prosecutors—with no limits on their expenses and their ability to use huge resources from the FBI and the FBI and the FBI. I voted for the law creating the special counsel, but now I sense we need a better answer.

Since the FBI and the work of U.S. attorneys fall under the jurisdiction of the Attorney General, I want to indicate my support for the Appropriations Committee, Becky Davies, Hunt Shipman, Galen Fountain, and Jimmie Reynolds, for their excellent work on behalf of the chairman and ranking member.

Mr. President, at this point I would like to comment briefly on two important programs, and express my desire that the Senate-Senate conference committee will support the programs at the funding level provided in the Senate bill.

First, I want to express my strong support for the funding provided in the Senate version of this bill for the State mediation grants program within the Department of Agriculture. The Senate Appropriations Committee has provided $2 million for this important program, and I commend the subcommittee Chairman COCHRAN and Senator BUMPERS for including funding for this program. Regrettably, the House of Representatives did not provide any funding for the State mediation grants program. I hope that Senate and House confer the funding provided in this bill, in light of their overall allocation.

I also want to express my appreciation for the help of the staff of the Appropriations Committee, Becky Davies, Hunt Shipman, Galen Fountain, and Jimmie Reynolds, for their excellent work on behalf of the chairman and ranking member.

Mr. President, at this point I would like to comment briefly on two important programs, and express my desire that the House-Senate conference committee will support the programs at the funding level provided in the Senate bill.

Finally, I want to express my strong support for the funding provided in the Senate version of this bill for the State mediation grants program within the Department of Agriculture. The Senate Appropriations Committee has provided $2 million for this important program, and I commend the subcommittee Chairman COCHRAN and Senator BUMPERS for including funding for this program. Regrettably, the House of Representatives did not provide any funding for the State mediation grants program. I hope that Senate and House confer the funding provided in this bill, in light of their overall allocation.

I also want to express my appreciation for the help of the staff of the Appropriations Committee, Becky Davies, Hunt Shipman, Galen Fountain, and Jimmie Reynolds, for their excellent work on behalf of the chairman and ranking member.

Mr. President, I also want to indicate my support for the funding provided in the Senate version of this program for the Alternate Agriculture and Commercialization (AARC) Corporation, and express my hope that Senate and House confer the funding provided in this bill, in light of their overall allocation.
enterprises in our rural communities are important ways AARC can help modernize the benefits of the AARC Corporation, and provide funding at the Senate-passed level of $10 million.

A MISSTEP BY THE UNITED STATES

Mr. SIMON. Mr. President, the United States unfortunately has openly opposed a second term for United Nations Secretary-General Boutros Boutros-Ghali.

I have written about this hard-working, effective leader in a column that is sent to newspapers in Illinois, and I submit here to call to the attention of my colleagues this policy that has not made us any friends.

The column follows:

A MISSTEP BY THE UNITED STATES

(By Senator Paul Simon)

Suppose a local Rotary Club had the community’s most wealthy and powerful citizen, Sam Smith, as a member. Imagine that the Rotarians had a dues system that reflected the ability to pay, so that wealthy Sam Smith paid more in dues than any other Rotarian.

To complicate the story, Sam Smith is far back in the payment of his dues, so far back that the Rotarian President deduced he had overdrawn against almost the total budget of the club for a year.

The president of the Rotary Club is up for reelection, and most of the members want him reelected, but Mr. Big, Sam Smith, says no.

How popular do you think Sam Smith would be with the other Rotarians? Would his influence rise or fall? And what will the other Rotarians do in their election of a president?

The story is true.

Only the “club” is called the United Nations.

The wealthy deadbeat member is called Sam, Uncle Sam. Most of the UN members believe that Secretary General Boutros-Ghali is as good a president of the UN as any nation wants. He has been paid by the UN approximately $1.4 billion that the United States owes but has not paid.

But the United States has made clear that we want to veto his reelection as Secretary-General.

The other nations, already too often dismissed by our uncertain leadership in foreign policy, are not pleased with what we are doing, believing it is dictated by domestic political considerations.

In 1978, President Jimmy Carter designated me as one of the delegates to a two-month session of the United Nations, and I have followed the UN and its work with more than normal interest.

My impression is that overall the United Nations performs a vital service and a good job, not perfect, and that Boutros-Ghali has been a hard-working, effective leader—hammering in the facts of the United States talking to a great game, but not paying our dues.

Egypt is the home of the Secretary-General, and as an Egyptian he is also an African. Africa sometimes is called “the dark continent.” It is more accurately described as the ignored continent.

One little-known fact is the gradual spread of democracy in Africa, some of them fledgling democracies that deserve more encouragement from the United States and other nations.

African countries take pride in having Boutros-Ghali as the Secretary-General.

Our refusal to work cooperatively with other realities that they see: President Clinton has never visited Africa. Secretary of State Warren Christopher has not visited any sub-Saharan country since he has been Secretary, compared to 24 visits to Syria.

Our inattention, coupled with our unfortunate open opposition to the reelection of the Secretary-General, has not made us any friends.

FOOD QUALITY PROTECTION ACT

Mr. LUGAR. Mr. President, yesterday the Senate gave final approval to the Food Quality Protection Act (H.R. 1627). This legislation will reform the scientifically outdated Delaney clause.

I ask to have printed in the Record letters of support from commodity groups, the Food Chain Coalition, Farm Bureau, and consumer organizations as well as a letter from Senator Kassebaum and a statement from the American Crop Protection Association.

The letters follow:

Food Chain Coalition.

Mr. LUGAR. Mr. President, yesterday the Senate gave final approval to the Food Quality Protection Act (H.R. 1627). This legislation will reform the scientifically outdated Delaney clause.

I ask to have printed in the Record letters of support from commodity groups, the Food Chain Coalition, Farm Bureau, and consumer organizations as well as a letter from Senator Kassebaum and a statement from the American Crop Protection Association.

The letters follow:

JULY 24, 1996.

Hon. Richard G. Lugar, Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Last week, representatives of the Administration, industry and the environmental community reached compromise agreement on H.R. 1627, “The Food Quality Protection Act,” after several weeks of negotiations. This bill represents the best effective and scientifically sound way to update the Delaney Clause and strengthen our nation’s food laws.

As Americans working to produce, process and market our nation’s food supply, we urge the Senate to act promptly to pass this compromise agreement. We applaud the announcement by the Senate Committee that it will markup the legislation on Wednesday, July 24.

There is virtually unanimous agreement that an overhaul of the outdated Delaney clause for pesticide residues is long overdue. With the very limited number of legislative days remaining this year, the need for action to accomplish that objective is now more urgent than ever.

EPA recently proposed disallowing the use of five pesticides on a number of crops under the Delaney Clause, even though the agency has repeatedly stated its belief that those pesticides pose no significant health risk to consumers. By April 1997, EPA is due to determine whether to disallow up to 40 additional uses; without corrective action, farmers could lose the use of a number of safe and effective crop protection agents, and the American food supply abundant and affordable.

The compromise version of “The Food Quality Protection Act” has received bipartisan praise from both the House and Senate, including Senate Agriculture Chairman Lugar, as well as from EPA Administrator Carol Browner and Vice President Albert Gore. Key Republican and Democratic leaders have stated that it is their goal to see this legislation passed and signed into law by the President this year. We urge its prompt adoption by the Committee.

Sincerely,

Agricultural Council of California; Agri-Bank; Agri-Mark, Inc.; Agway, Inc.; American Bankers Association; American Crystal Sugar Company; American Farm Bureau Federation; American Meat Institute; American Feed Industry Association; Apricot Producers of California; Atlantic Dairy Cooperative; Bimbo, Inc.; Black & White Dairy Cooperative; Blue Diamond Growers; California Tomato Growers Association, Inc.; California Pear Growers; Chemical Specialties Manufacturers Association; Chocolate Manufacturers Association; Gold Kist, Inc.; Grocery Manufacturers of America; GROWMARK; Harvest States; Indiana Grange; International Apple Institute; International Dairy Foods Association; Kansas Grain and Feed Association; Kraft Foods, Incorporated; Land O’Lakes; Michigan Agribusiness Association; Milk Marketing Inc; National Agricultural Aviation Association; National Cattlemen’s Beef Association; National Confectioners Association; National Council of Farmer Cooperatives; National Farmers Union; National Food Processors Association; National Grain and Feed Association; National Grain Trade Council; National Grange; National Grape Cooperative Association; National Pasta Association; Nebraska Cooperative Council; North American Export Grain Association; Oklahoma Grain and Feed Association; Producers Marketing Association; Processing Fuels Association; Pro-Fac Cooperative; SF Services, Inc.; Snack Food Association; South Dakota Association of Cooperatives; Southern Tortilla Industry Association; USA Rice Federation; United Fresh Fruit
and Vegetable Association; Upstate Milk Cooperatives, Inc.; Utah Council of Farmer Cooperatives; Wisconsin Agri-Service Association.

July 23, 1996

DEAR REPRESENTATIVE: Last week, the House Agriculture Committee reported a vote of 45-0 compromise language on H.R. 1627, "The Food Quality Protection Act." We congratulate Chairman Billey, Chairman Bilirakis, Mr. Dingell, Mr. Roberts, Mr. Waxman, members of the committee who have worked to resolve the "Delaney paradox" and the problems it presents for farmers and consumers.

Although the agreement contains provisions we do not support, it does address many issues which are of critical importance to agriculture:

Safety Standard: The bill replaces the antiquated, "zero tolerance" Delaney standard with a health-based "safe" standard for food pesticide residues. "Safe" is defined as "reasonably certain of no harm" which is interpreted as a one in a million additional lifetime risk. This is a standard which is essentially the same as the negligible risk standard in the original bill. This key provision removes the threat of unjustified cancellation of more than 50 safe crop protection products which are now jeopardized by the Delaney Clause.

Benefits Consideration: Tolerances could be extended to avoid a significant disruption in domestic production of an adequate, wholesome and economical food supply or if the pesticide protects consumers from a greater health risk. Benefits consideration is broadened from current law in that it is extended from raw agricultural products to include processed food. However, benefits consideration is affirmed by the agreement under the agriculture 10 times a negligible risk for one year or more than two times a negligible risk over a lifetime. Although Farm Bureau does not support this new limitation, we are pleased that the bill preserves benefits consideration and extends it to processed food.

National Uniformity: The bill establishes uniformity for pesticide residues. States could not adopt tolerances which are more stringent than those set by EPA, except with respect to tolerances established by the Agriculture Department. In those circumstances, states would be required to petition EPA and establish that there was an imminent dietary risk to the public.

Minor Use Pesticides: It is our understanding that the FIFRA provisions of H.R. 1627 which have been reported by the House Agriculture Committee will be attached to the Commerce Committee provisions. Included are new incentives and streamlined procedures for so-called "minor crop" chemicals: crop protection products whose relatively small market does not justify the high cost of registration. This provision is essential to fruit, vegetable and horticultural growers in virtually every state.

Miscellaneous Provisions: Although we support the above provisions, Farm Bureau has some concerns with certain provisions of the Committee agreement. These include provisions relating to estrogenic effects of agricultural chemicals, infants and children, civil penalties for food adulteration, and a "right to know" provision for consumers.

At this time, no one can determine with certainty the long-term, cumulative impact of the new agricultural chemicals on the availability of crop protectants necessary for farmers to produce the wide variety of safe, affordable and abundant agricultural products the public demands.

July 18, 1996

Hon. Thomas J. Billey, Jr.
Chairman, Committee on Commerce, Rayburn House Office Building, House of Representatives, Washington, DC.

Dear Mr. Chairman: The following environmental, education, public health, and consumer groups would like to extend our support for the compromise substitute amendment for H.R. 1627, "The Food Quality Protection Act of 1995" that goes a long way towards better protecting the health of consumers from toxic pesticides on their food.

The compromise addresses the deadlock between the industry who oppose the Delaney clause and the organizations that support better protection for children and the public health, by establishing a comprehensive federal program to make pesticides safe for infants and children. The bill establishes a health-based standard and a strict presumption of safety for pesticides that adheres tightly to the recommendations of the 1993 National Academy of Sciences Committee on Pesticides in the Diets of Infants and Children.

Although we are pleased with the extent to which the bill was changed to better protect public health, we have reservations with the sunset actions that will allow benefits consideration for cancer-causing pesticides and pre-emption of states rights to set more protective tolerances than federal limits for pesticides. These provisions will be revised upon further consideration of this legislation.

Our support for this bill is contingent upon the understanding that the bill will not be changed in any way that would allow for a weakening of public health protections.

Again we would like to extend our thanks and appreciation to the members of Congress and their staff who played a part in producing this bill.

Sincerely,

American Preventative Medical Association; Center for Science in the Public Interest; Citizen Action; Environmental Working Group; National Audubon Society; National Wildlife Federation; National Parent Teacher Association; Natural Resources Defense Council; Physicians for Social Responsibility; Public Voice; World Wildlife Fund.

American Crop Protection Association Praises Comprehensive Food Safety Action

Washington, DC, July 24, 1996. The American Crop Protection Association voiced its support of the "Food Quality Protection Act of 1995," a bipartisan bill to reform the nation's food safety laws that Tuesday was passed by the House of Representatives 417-0.

Lay J. Vroom, ACAP president, said, "The action is an overwhelming affirmation of the value and benefits of modern agricultural technology to the consumer, our children and the time the time will allow benefits consideration for cancer-causing pesticides and pre-emption of states rights to set more protective tolerances than federal limits for pesticides. These provisions will be revised upon further consideration of this legislation."

Our support for this bill is contingent upon the understanding that the bill will not be changed in any way that would allow for a weakening of public health protections.

Again we would like to extend our thanks and appreciation to the members of Congress and their staff who played a part in producing this bill.

Sincerely,

American Preventative Medical Association; Center for Science in the Public Interest; Citizen Action; Environmental Working Group; National Audubon Society; National Wildlife Federation; National Parent Teacher Association; Natural Resources Defense Council; Physicians for Social Responsibility; Public Voice; World Wildlife Fund.
I joined over a quarter of the Senate who voted for the Senate welfare reform bill but rejected the changes made in the conference report. I said then that we should not trade in an admittedly imperfect system for one that is certainly not better, and perhaps may prove much worse. The same is true today.

I have been persuaded by the process of debate and projections on the likely impact of this bill on my State that this welfare bill will do far more harm than good. It will cause hardship to State and local governments, throw more than a million more children into poverty and hurt rather than help the Nation's efforts at true welfare reform. The bill will clearly increase the burden on States and local governments. Poor States will, as always, be particularly hard hit. For example, the bill requires progressively more hours of work, from a greater percent of each State's case load every year, with States that comply each year failing each year they fail to hit their targets. While I am a strong proponent of work requirements as an integral part of welfare reform, I am skeptical of this approach. And I am not alone. The National Association of Social Workers feels it will be very hard to meet these targets, especially because the bill allows few exemptions for those who will have the hardest time finding work. And if a State fails to meet these difficult targets they lose funding for next year's program. The irony of this penalty is that the punishment assures that the violation will occur again and again, as a State has less and less Federal money each year to try and meet their employment targets. This leaves states with two choices—use state and local funds for education, training, and child care, or throw more people off the roles so it will be easier to hit their percentage targets.


The legislative clerk read as follows:

A bill (H.R. 1642) to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CONGRESSIONAL FINDINGS. The Congress finds that—

(1) despite recent increases in acts of repression by the Cambodian Government and growing government corruption that has contributed to substantial environmental degradation, Cambodia has made some progress towards democratic rule after 20 years of undemocratic regimes and civil war, and is striving to rebuild its market economy;

(2) extension of unconditional most-favored-nation treatment would assist Cambodia in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with Cambodia will promote United States exports to the rapidly growing Southeast Asian region and expand opportunities for United States business and investment in the Cambodian economy and

(4) expanding bilateral trade relations that includes a commercial agreement may promote further progress by Cambodia on human rights and democratic reform and assist Cambodia in adopting regional and world trading rules and principles.

SEC. 2. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF CAMBODIA.

(a) HARMONIZED TARIFF SCHEDULE AMENDMENT.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking "Cambodia".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to—

(1) imports made on or after the effective date of a notice published in the Federal Register by the United States Trade Representative that the United States has entered into a reciprocal most-favored-nation treatment between Cambodia and the United States.

SEC. 3. REPORT TO CONGRESS. The President shall submit to the Congress, not later than 18 months after the date
of the enactment of this Act, a report on the trade relations between the United States and Cambodia pursuant to the trade agreement described in section 2(b).

Mr. President, I am very pleased that the full Senate will soon approve H.R. 1642, a bill to grant MFN to Cambodia. I would like to thank the chairman of the Finance Committee for his help in seeing it through. He promised to do so last October and has kept his word. I hope now is that the other body will quickly approve the minor alterations in the findings and send the bill to the President for his signature.

Traditionally, we have only restricted trade with Communist countries, and since 1975, only select Communist countries which prevent the free emigration of their people. The only other countries with restricted access to the American market are proven international aggressors and terrorist nations such as Iran and Iraq. Cambodia is no longer Communist and it does not restrict the free emigration of its people. It is certainly not in the category of rogue nations. I think the committee and the Senate has acted appropriately not to impose restrictions on Cambodia more appropriate for other eras and other nations.

Although it did not change the real substance of the bill, the committee did alter the findings. I would not have done so—not because I do not share Senator Roth’s concerns or the other concerns raised in the findings already approved by the other body. I do share concerns about the development of Cambodian democracy, government corruption, human rights abuses. I encouraged the committee not to amend the bill principally because I thought it should be sent to the President as quickly as possible.

I should point out to my friends in Cambodia that they would do very well to heed the concerns expressed in the findings of this bill and in the accompanying report. They are the same concerns which led to the adoption in the other body of H. Res. 345. Those who pay close attention to Cambodia have been concerned about the direction of Cambodian politics. It is true that the Cambodian people have a freely elected government, freedom of speech and freedom of association. It is also true, however, that each of these democratic institutions may not always work as intended and one time or another come under attack from the coalition government.

The Senate is today approving unconditional most-favored-nation status for Cambodia. It is only fair that it do so. But the Cambodia Government should be under no illusions. Granting MFN to Cambodia should not be interpreted as disinterest in the course of Cambodian democracy. The United States Senate is committed to helping democracy and human rights to flourish in Cambodia. Our efforts will not end with this vote.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the committee amendment be agreed to, that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 1642), as amended, was deemed read the third time and passed.

SMALL BUSINESS INVESTMENT COMPANY IMPROVEMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senator proceed to the immediate consideration of the following bill:

SEC. 2. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended by inserting before the semicolon the following:

(15) the term `member' means, with respect to

(iii) funds obtained directly or indirectly from any Federal, State, or local government, or any government agency or instrumentality, except for—

(‘‘i’’) any qualified nonprivate funds (if the investment in such qualified nonprivate funds does not control, directly or indirectly, the management, board of directors, general partners, or members of the licensed entity) or

(‘‘ii’’) any qualified nonprivate funds (if the investment in such qualified nonprivate funds does not control, directly or indirectly, the management, board of directors, general partners, or members of the licensed entity) or

(‘‘iii’’) any qualified nonprivate funds (if the investment in such qualified nonprivate funds does not control, directly or indirectly, the management, board of directors, general partners, or members of the licensed entity)

(b) PRIVATE CAPITAL.—Section 103(9) of the Small Business Investment Act of 1958 (15 U.S.C. 662(9)) is amended to read as follows:

(15) the term `private capital'—

(A) means the sum of—

(i) the paid-in capital and paid-in surplus of a corporate licensee, the contributed capital of the partners of a partnership licensee, or the equity investment of the members of a limited liability company licensee; and

(ii) unfunded binding commitments, from investors that meet criteria established by the Administrator, to contribute capital to the licensee; Provided, That such unfunded commitments may be counted as private capital for purposes of approval by the Administrator of any request for leverage, but leverage shall not be funded based on such commitments; and

(iii) funds obtained by the issuance of leverage; or
Sec. 5. Borrowing.

(a) DeBENTURES. —Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(a)) is amended by adding at the end the following new subsection:

"(2) shall permit such licensees to incur third party debt on any terms and subject to such conditions as may be established by the Administrator by regulation; and"

(b) Third Party Debt. —Section 303(c) of the Small Business Investment Act of 1958 (15 U.S.C. 682(e)) is amended to read as follows:

"(c) Third Party Debt. —The Administrator—

(1) shall not permit a licensee having outstanding leverage to incur third party debt that would create or contribute to an unreasonable risk of default or loss to the Federal Government; and

(2) shall permit such licensees to incur third party debt only on such terms and subject to such conditions as may be established by the Administrator by regulation.

(c) Requirement to finance smaller enterPrises. —Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

"(d) Requirement to finance smaller enterPrises. —The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 20 percent of the aggregate dollar amount of the financings of the licensee will be provided to smaller enterprises."
SEC. 6. LIABILITY OF THE UNITED STATES.
Section 308(e) of the Small Business Investment Act of 1958 (15 U.S.C. 687(e)) is amended by striking "Nothing" and inserting "Except as expressly provided otherwise in this Act, nothing".

SEC. 7. EXAMINATIONS; VALUATIONS.
(a) EXAMINATIONS.—Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687(b)) is amended in the first sentence by inserting "which may be conducted with the assistance of a private sector entity that has both the qualifications to conduct and expertise in conducting such examinations," after "Investment Division of the Administration,"
(b) VALUATIONS.—Section 310(d) of the Small Business Investment Act of 1958 (15 U.S.C. 687(d)) is amended to read as follows:
"(d) VALUATIONS.—
(1) FREQUENCY OF VALUATIONS.—
(A) IN GENERAL.—Each licensee shall submit to the Administrator a written valuation of the loans and investments of the licensee not less often than semiannually or otherwise upon the request of the Administrator, except that any licensee with no leverage outstanding shall submit such valuations annually, unless the Administrator determines otherwise.
(B) MATERIAL ADVERSE CHANGES.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change in the aggregate valuation of the loans and investments.
(C) INDEPENDENT CERTIFICATION.—
(I) IN GENERAL.—Not less than once during each fiscal year, each licensee shall submit to the Administrator the financial statements of the licensee, audited by an independent certified public accountant approved by the Administrator.
(ii) AUDIT REQUIREMENTS.—Each audit conducted under clause (i) shall include—
(A) a review of the procedures and documentation used by the licensee in preparing the valuations required by this section; and
(B) a statement by the independent certified public accountant that such valuations were prepared in conformity with the valuation criteria applicable to the licensee established in accordance with paragraph (2).
(2) VALUATION CRITERIA.—Each valuation submitted by a licensee and pursuant to subsection (a) shall be prepared by the licensee in accordance with valuation criteria, which shall—
(A) be established or approved by the Administrator; and
(B) include appropriate safeguards to ensure that the noncash assets of a licensee are not overvalued.

SEC. 8. TRUSTEE OR RECEIVERSHIP OVER LI- CENSEES.
(a) FINDING.—It is the finding of the Congress that increased recoveries on assets in liquidation under this Act are in the best interests of the Federal Government.
(b) DEFINITIONS.—For purposes of this section—
(1) the term "Administrator" means the Administrator of the Small Business Administration;
(2) the term "Administration" means the Small Business Administration; and
(3) the term "licensee" has the same meaning as in section 303 of the Small Business Investment Act of 1958.
(c) LIQUIDATION PLAN.—
(1) IN GENERAL.—Not later than October 15, 1996, the Administrator shall submit to the Committee on Small Business of the Senate and the House of Representatives a detailed plan to expedite the orderly liquidation of all licensee assets in the event of the control of the Administration or its agents.
(2) CONTENTS.—The plan submitted under paragraph (1) shall include a timetable for liquidating the assets of the licensee and shall contain the Administrator's findings and recommendations on various options for the orderly liquidation of such assets within a reasonable period of time, giving due consideration to the option of entering into one or more contracts with private sector entities having the capability to carry out the orderly liquidation of similar assets.

SEC. 9. BOOK ENTRY REGISTRATION.
Subsection 321(f) of the Small Business Investment Act of 1958 (15 U.S.C. 687(f)) is amended by adding at the end the following:
"(5) Nothing in this subsection shall prohibit the utilization of a book entry or other electronic form of registration for trust certifi- cates.

SEC. 10. TECHNICAL AND CONFORMING AMEND- MENTS.
(1) in section 303—
(A) by striking subsection (a), (b), and (c) and inserting the following:
"(a) IN GENERAL.—It is the finding of the Congress that the noncash assets of a licensee are not overvalued.
"(b) MATERIAL ADVERSE CHANGES.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change in the aggregate valuation of the loans and investments.
"(C) INDEPENDENT CERTIFICATION.—
(I) IN GENERAL.—Not less than once during each fiscal year, each licensee shall submit to the Administrator the financial statements of the licensee, audited by an independent certified public accountant approved by the Administrator.
(ii) AUDIT REQUIREMENTS.—Each audit conducted under clause (i) shall include—
(A) a review of the procedures and documentation used by the licensee in preparing the valuations required by this section; and
(B) a statement by the independent certified public accountant that such valuations were prepared in conformity with the valuation criteria applicable to the licensee established in accordance with paragraph (2).
(2) VALUATION CRITERIA.—Each valuation submitted by a licensee and pursuant to subsection (a) shall be prepared by the licensee in accordance with valuation criteria, which shall—
(A) be established or approved by the Administrator; and
(B) include appropriate safeguards to ensure that the noncash assets of a licensee are not overvalued.

SEC. 11. AMENDMENTS TO THE SMALL BUSINESS ACT.
(a) POWERS OF THE ADMINISTRATOR.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by striking the colon and inserting the following:
"and (v) joint or in-vestment in smaller enterprises or minority businesses.
(b) AUTHORIZATION OF APPROPRIATIONS.—Section 201(d) of the Small Business Act (15 U.S.C. 631 note) is amended by striking paragraph (8) and inserting the following:
"(8) $30,000,000 in guarantees of debentures; and'.'

SEC. 12. EFFECTIVE DATE.
This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

Mr. BOND. Mr. President, I rise today in support of S. 1784, The Small Business Investment Company Improvement Act of 1996. This bill proposes numerous changes to the Small Business Investment Act of 1958 designed to improve, strengthen, and expand the availability of investment capital under the Small Business Administration's Small Business Investment Company (SBIC) program.
S. 1784 builds on the improvements of the SBIC program contained in the law passed by Congress in 1992 by making the following changes to reduce the risk of SBIC defaults and losses to the Federal government:
1. Increases the level of private capital needed to obtain an SBIC license from SBA.
2. Requires experienced and qualified management for all SBICs.
3. Requires diversification between investors and the management team.
In addition, S. 1784 makes these important changes to the Small Business Investment Act to increase the availability of investment capital to small businesses:
1. Increases fees paid by SBICs which reduces the credit subsidy rate.
2. Extends the grandfathering of successful SSBICs into the new program.
3. Places a greater emphasis on SBIC investments in smaller enterprises or smaller small businesses.
In 1958, Congress first approved the Small Business Investment Act creating Small Business Investment Companies, which are private investment companies licensed by SBA, whose sole activity is to make investments in small businesses. An SBIC raises private capital which is matched by additional funds guaranteed by SBA. The
private capital and SBA-guaranteed funds are invested by SBICs in small businesses. SBICs fill a void that is not addressed by private venture capital firms, most of which are so large they are usually unwilling to invest in smaller firms, which generally seek investments in the range of $500,000 to $2.5 million each. Since the beginning of the SBIC program, nearly $12 billion has been invested in approximately 77,000 small businesses. Some make equity investments in small businesses, while others make long-term loans, which are frequently coupled with rights to purchase an equity interest in the company, sometimes called "warrants." The lending-type or debenture SBICs provide long-term financing that is generally not available from banks or private venture capital firms.

Today's SBIC program has been shaped in large part by the Small Business Equity Enhancement Act of 1992. The genesis of this important legislation was the hearing on small business held by SBA's Investment Capital Advisory Council, a public-private working group formed in 1991 to address the problems confronting the SBIC program. The 1992 Act produced the first major change in the SBIC program since its formation in 1958. It created the Participating Security program, which incorporates some of the best practices of the private venture capital industry. The 1992 act came about in response to the persistence of my good friend Mr. Bumpers from Arkansas, Senator Bumpers, who as chairman of the Committee on Small Business held a series of hearings focusing attention on the problems under the program. The result of the Act was to strengthen the SBIC program and to correct serious weaknesses that had been exposed by well-publicized problems of the past.

Since the 1992 Act became law, more than 30 new participating security SBICs with nearly $500 million in private capital have been licensed by SBA, and 17 new SBICs with over $200 million of private capital have been licensed as debenture SBICs.

There is a significant difference between the SBICs licensed before the 1992 Act and the SBICs licensed under the more strict guidelines set forth under the 1992 Act. While the 1992 Act increased the minimum private capital threshold for licensing to $2.5 million for each debenture SBIC and $5 million for each new participating security SBIC, it has imposed even stricter standards in its regulations. Under the SBA rules, debenture SBICs must have a minimum of $5 million in private capital and participating security SBICs must have $10 million in private capital.

Since the 1992 Act has created two distinct types of SBICs, it allows for investments to be tailored to the needs of small businesses. For example, when a small business needs a loan and can meet projected interest payments, the traditional lending-type or debenture SBICs are available to make debt investments. For small businesses that need additional investment capital, the participating security SBICs can offer an equity-type investment which anticipates an extended period of time, such as two to three years, before the small business is expected to begin repayment of this investment. In this latter case, interest payments are deferred until the investments begin to generate a positive return. Under the Participating Security program, the Federal government's return is not limited to repayment of principal and interest—it can also share in the profits of the SBIC.

During this Congress, I have chaired three hearings investigating the success and problems associated with the SBIC program. Testimony before the Senate Committee on Small Business has been supportive and positive. Numerous small business entrepreneurs have testified about their inability to obtain investment capital from banks and other traditional investment sources, and SBICs are frequently their only source of investment capital. Last year, Jerry Johnson, the Chief Executive Officer of Williams Brothers Lumber Co. located near Atlanta, testified that not one bank in the Atlanta area would speak with him about asset-based lending. After a lengthy search, he and his partner turned to Allied Capital Corp., a Washington, D.C.-based SBIC. Within 60 days of their first contact with Allied Capital Corp., Mr. Johnson concluded his financing arrangement. Being able to clear this financing hurdle with the help of an SBIC, Mr. Johnson's company has grown significantly, adding many new employees and increasing its tax base.

Often, we hear about major success stories like Federal Express and the Callaway golf club co. that received SBIC funding at critical times in their early growth stages. It is, however, far better for a company like the Williams Brothers Lumber Co. to be the typical beneficiaries of the SBIC program. These are "Main Street" enterprises located across America who have looked to traditional money sources and been turned away. The SBIC program is filling this niche—a large niche to say the least—that picks up where banks fear to tread and Wall Street is not interested because the investment size is too small. There are thousands of companies like Williams that are located across the country that need investment financing to support growth and new jobs and have nowhere to turn but to the SBIC program. During the past year, the Committee on Small Business has received a great deal of information about the need to strengthen the SBIC program. In July of 1996, Patricia Cloherty, Chair of SBA's private sector SBIC Reinvention Council, testified on the Council's recommendations to strengthen and expand the program. In addition, last summer, the National Association of Investment Companies forwarded to the Committee on Small Business a copy of their recommendations to improve the SBIC program, which was also submitted to SBA's SSBCI Advisory Council.

The involvement of the private sector in analyzing the performance of the SBIC program and the insight provided by these recommendations are commendable. The President's FY 1997 budget request included a recommendation that fees paid by SBICs be increased to finance a significant reduction in the credit subsidy rate. The Office of Management and Budget, recognizing the positive effect of some of the regulatory changes already implemented by SBA, is using a lower projected default rate, thereby reducing the credit subsidy rate for debenture and participating security licensees under the SBIC program.

The Administration's recommendation to lower the credit subsidy rate by increasing fees is similar to one made last year in their amended FY 1996 budget request for the 7(a) Guaranteed Business Loan Program. Accompanying their request for a fee increase were statements that SBA was doing well the 7(a) program was performing. What happened following SBA's positive predictions for the 7(a) program.
has been alarming. Based in part on SBA’s glowing report card on the 7(a) program, Congress passed legislation to raise fees and lower the subsidy rates of the program. The changes became law in October 1995, which is about the same time that OMB was beginning to work on their most recent budget request which raises the 7(a) credit subsidy rate by 150% and the cost of the program by $380 million. This higher cost is the direct result of greater losses from loan defaults and lower recoveries from liquidations.

As Chairman of the Committee on Small Business, I believe it is prudent for Congress to take steps so that we do not allow a repeat of the 7(a) problem with the SBIC program. Based on our experience last year, Congress should not approve any decrease in the credit subsidy rate through the increase of fees without taking some corresponding steps to strengthen the safety and soundness of the SBIC program.

SBICs in Liquidation

In addition, evidence before the Committee on Small Business about the failure of SBA to maximize its recoveries from failed SBICs is alarming. SBA acknowledges that assets held in liquidation are asset values of $500 million tied up with SBICs in liquidation. To make this situation even more alarming, many of these failed SBICs have been in liquidation for over ten years, including some that was transferred into liquidation on January 5, 1967.

S. 1784 directs SBA to submit to the Senate and House Committees on Small Business, no later than October 15, 1996, a detailed plan to expedite the orderly liquidation of all licensed asset values in liquidation. This plan should include a timetable for liquidating the liquidation portfolio of assets owned by SBA.

In addition, SBA needs to take a hard look at how it manages failed SBICs that are in receivership. It is not a sufficient explanation for SBA to claim it is at the mercy of the court system in winding up the affairs of SBICs in receivership. In each case, the court acts in response to SBA’s petition, has named SBA the receiver, and SBA has retained independent contractors to act as principal agents for the receiver. These principal agents are paid hourly and appear to have little or no incentive to wind up the affairs in a timely manner.

SBICs in receivership. In fact, the opposite is true, and the real incentive appears to be to drag out the receivership as long as possible. Based on SBA replies to requests for information from the Committee on Small Business, we have learned that these principal receivers and agents bill significant hours each year. In FY 1995, one principal agent billed over 3,200 hours for one year, the equivalent of over 8 hours per day for 365 days. Other principal agents billed over 2,500 hours each for FY 1995.

At the time of the Committee’s inquiry into these billing practices, SBA gave no indication that it felt they were unusual. It is clear to me that without incentives to complete action on these SBICs in receivership, the current system used by SBA will allow these abuses to continue. Although the Committee did not reach a consensus on my proposal to create an incentive based on a ratio of recoveries from SBICs in receivership, we will continue to monitor SBA’s performance closely in this area.

For several months starting late last year, the Committee worked on draft legislation to improve the SBIC program. S. 1784, the Small Business Investment Company Improvement Act of 1996, is the result. It incorporates recommendations from SBA’s SBIC Reinvention Council, the National Association of Investment Companies, the National Association of Small Business Investment Companies, and the President’s FY 1997 budget request.

S. 1784 was approved by the Senate Committee on Small Business by a unanimous 18-0 vote. It makes substantial progress toward our goal of strengthening the SBIC program, while allowing the program to expand, providing more investment capital to small businesses as the cost and risk to the government declines. It was only after nearly 18 months of study and investigation that we were able to produce such a bill. S. 1784 is sound legislation that improves the safety and soundness of the SBIC program and makes capital available to small businesses. And it accomplishes all of these goals while reducing the risk of loss to the government. It is for these reasons that I recommend to my colleagues that they vote in favor of S. 1784.

Mr. President, I ask unanimous consent that a section-by-section analysis of this bill be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE
This Act may be cited as the “Small Business Investment Company Improvement Act of 1996”.

SECTION 2. DEFINITIONS
The definition of “small business concern” is amended to make clear that investments from venture capital firms or pension plans in small businesses do not affect the small business concern standard as set forth under the Small Business Act.

A new term, “smaller enterprise” is included in the Act. A smaller enterprise is a business that has losses from loan defaults or write-off greater than $6 million and an average net income of no more than $2 million.

“Qualified non-private funds” are defined as funds invested by state or local governments in SSBICs. The bill limits the amount of qualified private, non-private funds that can be included in the private capital of an SBIC. Non-private capital can be qualified non-private funds invested on or after June 30, 1996. 33% of private capital can be from these funds if invested prior to June 30, 1996.

For the first time, the Small Business Investment Act is amended to include “limited liability company” as one of the business entities that can qualify to be an SBIC. Current statute allows corporations and partnerships to be SBICs. The “limited liability” provision is a relatively new entity that is being organized for raising venture capital.

SECTION 3. ORGANIZATION OF SMALL BUSINESS INVESTMENT COMPANIES

This bill includes provisions to speed up the processing of applications from business entities who want to be licensed by SBA as SBICs. It requires SBA to approve the application with a written report detailing the status of the application within 90 days of receipt of the application. In addition it states that SBA will not approve an application because Congress has not appropriated sufficient funds to meet leverage demands.

This bill also permits SBA to accept a new license application which has not less than $3 million in private capital so long as the applicant meets all other licensing requirements. Once approved as a licensee, however, the SBIC would not be eligible for leverage until its private capital reaches $5 million.

SECTION 30(d) of the Small Business Investment Company Act of 1958 is repealed.

SECTION 4. CAPITAL REQUIREMENTS

Under this bill, the minimum capital requirements for new license applicants is increased. To be a debenture licensee, new applicants must have $5 million in private capital. To be a participating security licensee, new applicants must have $10 million in private capital; however if SBA determines that approval of that applicant would not create or otherwise contribute to an unreasonable risk of default or loss to the federal government.

This bill also authorizes existing licensees in the program and includes provisions under which they will be exempt from the increased capital requirement. Licensees with a record of regulatory compliance and profitable operations will continue to be eligible for leverage, based on the exercise of SBA discretion. Any licensee which continues to receive leverage under this exemption must certify that 50% of its aggregate dollar investments are going to small enterprises.

The bill directs SBA to ensure that each licensee licensed after enactment of this bill maintains diversification between the management and ownership of the SBICs. This is a safety and soundness measure designed to maintain independence and objectivity in the financial management and oversight of the investment operations and management of the SBIC.

SECTION 5. BORROWING

This provision requires SBA to regulate SBICs closely to ensure that they do not invest in business areas that would create or contribute to an unreasonable risk of default or loss to federal government. In addition, the provision requires that each SBIC maintain at least 20% of its aggregate dollar investments in smaller enterprises.

This section also requires SBA to ensure that no SBIC receive leverage when it is under capital impairment. This will be a judgment call by SBA which will take into consideration the nature of assets of the SBIC and the amount and terms of any third party debt owed by the SBIC.

This section also includes two increases in fees paid by SBIC. SBICs with more than $5 million in private capital would pay an annual charge of 50 basis point on the value of all outstanding leverage granted after the effective date. In addition, the non-refundable fee would increase to 2% from 1%.
Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to, the bill be deemed read a third time, passed, and the motion to reconsider be laid upon the table, and any statement relating to the bill be placed in the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1784), as amended, was deemed read the third time and passed, as follows:

S. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Small Business Investment Company Improvement Act of 1996.""
first sentence, by striking "body of" and inserting "body, a limited liability company, or"

(b) ISSUANCE OF LICENSE.—Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended to read as follows:

"(c) ISSUANCE OF LICENSE.—

"(1) Submission of application.—Each applicant for a license to operate as a small business investment company under this Act shall submit to the Administrator an application, in a form and including such documentation as may be prescribed by the Administrator.

"(2) Procedures.—Within a reasonable time after receiving a completed application submitted in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall:

"(i) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

"(ii) disapprove the application and notify the applicant in writing of the disapproval.

"(3) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Administrator shall:

"(A) determine whether the private capital of each applicant satisfies the requirements of section 302(a); and

"(B) LEVERAGE.—An applicant licensed under this subsection, as defined by the Small Business Investment Act of 1958 (15 U.S.C. 682(d)), shall be entitled to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a).

"(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph, or who is not eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a)."

(c) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—Section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended by striking "only" and all that follows through "terms).

(b) THIRD PARTY DEBT.—Section 303(c) of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended to read as follows:

"(c) THIRD PARTY DEBT.—The Administrator shall:

"(i) not permit a licensee having outstanding leverage to incur third party debt that would create or contribute to an unreasonable risk of default or loss to the Federal Government; and

"(ii) permit such licensees to incur third party debt only on such terms and subject to such conditions as may be established by the Administrator, by regulation or otherwise.".

(c) REQUIREMENT TO FINANCE SMALLER ENTERPRISES.—Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

"(d) REQUIREMENT TO FINANCE SMALLER ENTERPRISES.—The Administrator shall require each license to be issued as a condition of approval of an application for leverage, to certify in writing that not less than 20 percent of the aggregate dollar amount of the first $10,000,000 of the leverage will be provided to smaller enterprises.

(d) CAPITAL IMPAIRMENT REQUIREMENTS.—Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended to read as follows:

"(c) CAPITAL IMPAIRMENT REQUIREMENTS.—The Administrator shall:

"(i) determine whether the private capital of the licensee is adequate to assure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles of incorporation; and

"(ii) determine that the licensee will be able to pay the proceeds of such leverage on demand.

(f) FEES.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended by striking "and maintain".

(g) F EES.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended by striking "and maintain".

(h) SELECTION OF LICENSEE.—Section 302(a) of the Small Business Investment Act of 1958 (15 U.S.C. 682(a)) is amended by adding at the end the following new paragraph:

"(d) EXCEPTION FROM CAPITAL REQUIREMENTS.—The Administrator may, in the discretion of the Administrator and based on a showing of special circumstances and good cause, permit the private capital of a licensee authorized or seeking authorization to issue participating securities to be purchased or guaranteed by the Administrator to be less than $10,000,000, but not less than $5,000,000.". The Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended by adding at the end the following new paragraph:

"(e) CAPITAL IMPAIRMENT REQUIREMENTS.—The Administrator shall:

"(i) determine whether the private capital of the licensee is adequate to assure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles of incorporation; and

"(ii) determine, taking into account the nature of the assets of the licensee, the amount and terms of any third party debt owed by such licensee, and any other factors determined to be relevant by the Administrator, that the private capital of the licensee has not been impaired to such an extent that the issuance of additional leverage or an increase in the amount of leverage granted to the licensee, would not be an unreasonable risk of default or loss to the Federal Government.

(e) EQUITY INVESTMENT REQUIREMENT.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "and maintain".

(f) F EES.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended by striking "and maintain".
"(i) Calculation of Subsidy Rate.—All fees, interest, and profits received and retained by the Administration under this section shall be included in the calculations made by the Office of Management and Budget to offset the cost (as that term is defined in section 302 of the Federal Credit Reform Act of 1990) to the Administration of the financial cost and guaranteeing debentures and participating securities under this Act.".

SEC. 6. LIABILITY OF THE UNITED STATES.

Section 303(j) of the Small Business Investment Act of 1958 (15 U.S.C. 667j(j)) is amended by striking "Nothing" and inserting "Except as expressly provided otherwise in this Act, nothing"

SEC. 7. EXAMINATIONS; VALUATIONS.

(a) Examinations.—Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended in the first sentence by inserting "which may be conducted with the assistance of a private sector entity that has both the qualifications to conduct and expertise in conducting such examinations," after "Investment Division of the Administration,".

(b) Valuations.—Section 310(d) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(d)) is amended to read as follows: "(d) Valuations.—

(1) Frequency of valuations.—

(A) Not later than 30 days after the end of a fiscal quarter of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change.

(B) Material adverse changes.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the aggregate valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change.

(C) Independent certification.—

(i) In general.—Not less than once during each fiscal year, each licensee shall submit to the Administrator a written valuation of the loans and investments of the licensee not less often than semiannually or otherwise upon the request of the Administrator, except that any licensee with no less than $100,000 in value of assets shall submit such valuations annually, unless the Administrator determines otherwise.

(ii) Material adverse changes.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the aggregate valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator of the nature and extent of the change.

(iii) Independent certified public accountant approved by the Administrator.

(iv) Audit requirements.—Each audit conducted under clause (i) shall include—

(A) a review of the procedures and documentation used by the licensee in preparing the valuation, and

(B) material adverse changes.

(2) Valuation Criteria.—Each valuation submitted under this subsection shall be prepared for or by the Administrator in accordance with valuation criteria, which shall—

(A) be established or approved by the Administrator; and

(B) include appropriate safeguards to ensure that the noncash assets of a licensee are not overvalued.

SEC. 8. TRUSTEE OR RECEIVERSHIP OVER LI- CENSORS.

(a) Finding.—It is the finding of the Congress that increased recoveries on assets in liquidation under the Small Business Investment Act of 1958 are in the best interests of the Federal Government.

(b) Definitions.—For purposes of this section—

(I) the term "Administrator" means the Administrator of the Small Business Administration;

(II) the term "Administration" means the Small Business Administration; and

(III) the term "licensee" has the same meaning as in section 303 of the Small Business Investment Act of 1958.

(c) Liquidation Plan.—

(1) In General.—Not later than October 15, 1996, the Administrator shall submit to the Congress, at such time and place as the Senate Banking Committee and the House of Representatives shall determine, a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation, including assets of licensees in receivership or in trust held by or under the control of the Administration or its agents.

(2) Contents.—The plan submitted under paragraph (1) shall include—

(A) a review of the procedures and documentation used by the Administrator in preparing and administering the plans for the orderly liquidation of similar assets.

SEC. 9. BOOK ENTRY REGISTRATION.

Subsection 321(f) of the Small Business Investment Act of 1958 (15 U.S.C. 687f) is amended by adding at the end the following new paragraph:

(5) Nothing in this subsection shall prohibit the utilization of a book entry or other electronic form of registration for trust certificates.

SEC. 10. TECHNICAL AND CONFORMING AMEN- DMENTS.


(1) in section 303—

(A) in subsection (a), by striking "debentures," and inserting "securities";

(B) by striking subsection (f) and inserting the following:

(f) Re-Redemption or Repurchase of Pre- ferred Stock.—Notwithstanding any other provision of law—

(I) the Administrator may allow the issuer of any preferred stock sold to the Administration before November 1, 1989 to re-deem or repurchase such stock, upon the payment to the Administration of an amount less than the par value of such stock, for an amount determined by the Administrator after consideration of all relevant factors, including—

(A) the market value of the stock;

(B) the market value of comparable stocks;

(C) the amount of dividends paid, accrued, and anticipated; and

(D) the Administrator's estimate of any anticipated redemption; and

(II) any moneys received by the Administrator from the repurchase of preferred stock shall be used to provide investment leverage to licensees having 50 percent or more in aggregate dollar amount of their financings invested in smaller enterprises;

(2) in section 308(h), by striking "subsection (c) or (d) of section 301" and inserting "subsection (c) or (d) of section 303".

(b) Amendment in Other Law.—Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 3431(h)) is amended by striking "section 301(d)" and inserting "section 301.

SEC. 11. AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) Powers of the Administrator.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by striking the colon and all that follows before the semicolon at the end of the paragraph and inserting the following: "Provided, That with respect to deferred participation loans, the Administrator may, in the discretion of and pursuant to regulations promulgated by the Administrator, authorize participating lending institutions to take actions relating to liquidation and successive servicing on behalf of the Administrator, including determining eligibility and creditworthiness and loan monitoring, collection, and liquidation.".

(b) Authorization of Appropriations.—Section 20(p)(3) of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsection (g) and inserting the following:

(3) $300,000,000 in guarantee of debentures; and".

FALSE STATEMENTS PENALTY RESTORATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3186 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the legislative clerk read as follows:

A bill (H.R. 3186) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5091

(Purpose: To propose a substitute)

Mr. MURKOWSKI. Mr. President, I understand there is a substitute amendment at the desk offered by Senator Specter, and I ask for its immediate consideration.
The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows:

The Senator from Alaska [Mr. MUKOWSKI] for Mr. SPECTER, for himself, Mr. LEVIN, Mr. ROTH, Mr. STEVENS, Mr. LEAHY, Mr. GRASSLEY, Mr. LEAHY, Mr. COHEN, Mr. KOHL, and Mr. J EFFORDS, proposes an amendment numbered 5091.

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

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

The amendment as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

"This Act may be cited as the "False Statements Penalty Restoration Act"."

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

"§ 1001. Statements or entries generally

'(a) Prohibited Conduct.—

'(1) In general.—A person shall be punished if, in any case or proceeding within the jurisdiction of the executive, legislative, or judicial branch of the Federal Government, or any department, agency, committee, subcommittee, or office thereof, that person knowingly and willfully—

'(A) falsifies, conceals, or covers up, by any means or device, a material fact;

'(B) makes any materially false, fictitious, or fraudulent statement or representation; or

'(C) makes or uses any false writing or document, knowing that the document contains any materially false, fictitious, or fraudulent statement or representation.

'(2) APPLICABILITY.—This section shall not apply to parties to a judicial proceeding or anyone seeking to become a party to a judicial proceeding, or their counsel, for statements, representations, or documents submitted by them to a judge in connection with the performance of an adjudicative function.

'(b) Penalties.—A person who violates this section shall be fined under this title, or imprisoned not more than 5 years, or both.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

'(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

'(2) in subsection (b)—

'(A) in paragraph (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place that term appears; and

'(B) in paragraph (3), by adding a period at the end.

Mr. SPECTER. Mr. President, I am pleased that the Senate is acting on the False Statements Penalty Restoration Act so quickly after the substitute was reported by the Judiciary Committee. This is important legislation to safeguard the constitutional legislative and oversight roles of the Congress.

Last year, overturning a decision it had rendered in 1955, the Supreme Court of the United States held in Hubbard versus United States that section 1001 of title 18 of the United States Code, the section of the Federal criminal code prohibiting false statements, only covered false statements made to executive branch agencies. That decision put at grave risk the ability of Congress to get truthful and accurate information, as false statements to Congress could no longer be punished. Congressional oversight and investigations would clearly be threatened if those interviewed could lie with impunity. Simple requests for information by Congress, its committees and subcommittees, or its offices, could be met with lies. Investigations by the General Accounting Office could likewise be stonewalled by witnesses providing false information.

Within days of the Hubbard decision, I introduced S. 830 to overturn that decision. Earlier this year, I introduced revised legislation, S. 1734, joined by Senator LEVIN. Joining us in introducing this important bill were Senators STEVENS, NUNN, COHEN, LEAHY, JEFFORDS, INOUYE, and KOHL. Subsequently, both Senators ROTH and GRASSLEY became cosponsors. The broad bipartisan cosponsorship of this bill by both Senate’s leading investigators and practitioners of oversight is testimony to the threat posed by Hubbard to our ability to conduct our constitutional responsibilities.

This bill is needed not simply for the practical reasons I have briefly outlined, but because it is important to make it clear that intentional false statements to Congress are just as pernicious as those made to an agent of the executive branch. We are of equal standing with the executive and the legislative and the judicial in the standing of Congress done by Hubbard must be overturned promptly.

Support for this bill comes not only from many of our colleagues. The Justice Department has been very supportive of this bill and has been helpful in drafting several of the bill’s provisions. The Judiciary Committee heard from Deputy Assistant Attorney General Robert Litt in support of extending the coverage of section 1001 to Congress and the courts.

I am grateful to the Criminal Division and the Office of Legal Counsel of the Justice Department for their assistance and insight in crafting the provisions of this bill, especially parts of section 2 and section 4.

The bill contains four substantive provisions, which I would like to summarize and briefly explain to my colleagues, so that they may fully understand the impact of this bill.

First is the provision to amend section 1001 of title 18 of the United States Code to prohibit false statements to executive agencies and departments, Congress, and the Federal courts. This provision is central to this bill. It is intended to restore section 1001 to its pre-Hubbard status. Any knowing and willful false statement that is material which is made to Congress, including any committee or subcommittee, staff of any member or committee or subcommittee acting in their official capacity, or any component or office of Congress shall be punishable under section 1001. For 40 years, this was the law of the land and there was no abuse. There is no evidence that between 1955 and 1995, the rights of individuals to provide information to Congress, to petition Congress, or to testify before Congress were chilled because of the application of section 1001 to false statements made to Congress. By removing this exception, any knowing and willful false statement to Congress will be punishable under section 1001.

The bill also prohibits false statements made to the Federal courts. Prior to Hubbard, the Federal courts had created a "judicial function" exception to section 1001 to carve out from the coverage of the law false statements made in the course of advocacy before a court. In order to capture the pre-Hubbard application of section 1001, this bill will codify for the first time the judicial function exception to section 1001. The language of the exception was suggested by the Justice Department, although it contains an additional limitation on which I insisted, which was to limit the application of the exception to false statements made to a judge in the performance of an adjudicative function.

The bill will exempt from the coverage of section 1001, any statement made by a party to litigation or any one seeking to become a party to a judicial proceeding, or their counsel, to a judge acting in an adjudicative capacity. In general, the only individuals making statements in court are witnesses, who are already under oath and thereby subject to prosecution for perjury, and parties and their counsel. Knowing, willful and material false statements made by parties or their counsel ought to be exempt for several reasons. First, we do not want to chill committed advocacy in court on behalf of any party. An adversary system requires unfettered advocacy, which application of section 1001 could chill. In addition, our adversary system means that there is an opponent who..."
can call a false statement to the court's attention, supplying a necessary antidote. That is not the case in congressional hearings, during which there may not be anyone to point out and correct false statements. Thus, a similar exemption is not warranted for executive proceedings. Finally, courts retain adequate alternatives to punish and deter false statements, including the contempt power and lesser sanctions provided for in the Federal Rules of Civil and Criminal Procedure and in the inherent power of the court. One power Congress lacks these alternative sanctions, which is yet another reason for not including a similar exemption for congressional proceedings.

The judicial function exception applies only to false statements made to a judge exercising its adjudicative authority, and not when it is exercising administrative authority. For example, the submission of a false bill to a judge by a lawyer for payment under the Crime Bill would not be punishable under the revised section 1001, because the false statement would not be made to the court in its adjudicative function. Also punishable would be applications for membership in the bar of a particular jurisdiction. The reason for the distinction is that many of the safeguards derived from the adversarial system that might call the false statement to the judge's attention are not present, warranting application of section 1001.

The next three sections of the bill are derived from legislation introduced by Senators LEVIN, NUNN, and INOUYE. Two of them passed the Senate in 1988 but were not enacted. Section three of the bill will overturn a 1991 decision of the United States Court of Appeals for the District of Columbia Circuit in United States versus Poindexter. In that case, the D.C. Circuit held that the statute prohibiting obstructing a congressional investigation applies only to persons who attempt to obstruct a congressional inquiry indirectly through another person, and not to witnesses themselves. The bill would overturn this decision and clarify that an individual acting alone could be liable for obstructing Congress.

The next section of the bill is intended to clarify when the Senate may enforce a subpoena against an officer or employee of the executive branch who asserts a privilege in response to a Senate subpoena. The intent is to make it clear that judicial enforcement is available when a person is asserting a privilege personal to him or her, but not when the person is asserting a governmental privilege available only to the executive branch. When a private person asserts a privilege, section 1365 of title 28 of the United States Code allows the Senate to go to court to seek to compel responses. The section does not apply to any action to enforce a similar privilege by an executive branch employee who declines to testify by asserting a governmental privilege. The purpose is to keep disputes between the executive and legislative branches out of the courtroom.

In order to clarify whether the privilege asserted does in fact belong to the government, thus rendering section 1365 inapplicable, or is instead a personal privilege, the revised section 1365 requires that any governmental privilege asserted must be authorized by the executive branch. It is the sponsors' intention, worked out with the Justice Department, to ensure the utmost flexibility in establishing the valid assertion of a governmental privilege. No particular form is required; it simply must be clear that the executive has authorized the assertion of the privilege. The language of the provision demonstrates our intention that the person asserting the privilege will bear the burden in a judicial proceeding under section 1365 of proving that he or she was in fact authorized to assert a governmental privilege. (This is yet another reason for not including a similar exemption for congressional proceedings.)

The obvious result of the Hubbard decision has been to reduce parity among the three branches of government. That is why the Specter-Levin amendment was included as a companion legislation with a Specter-Levin substitute. This provision is essentially to restore the status quo prior to Hubbard. As part of that restorative effort, the bill includes a provision codifying a long-standing judicial branch exception, developed in case law, to exempt from Section 1001 statements made during adjudicative proceedings in a courtroom, in order to ensure vigorous advocacy. The classic example justifying this exception has been to ensure that a criminal defendant pleading "not guilty" to an indictment does not risk prosecution under Section 1001.

The wording of this exception includes suggestions from the Justice Department and Judiciary Committee to clarify its scope and provide adequate notice of the conduct covered. The exception is limited, for example, to parties to a judicial proceeding, persons seeking to become parties, and their legal counsel. It is also limited to statements made to a judge performing an adjudicative function.

The second provision of S. 1734 would strengthen the 50-year-old statute that prohibits obstruction of Congressional
investigations, 18 U.S.C. 1505, which has also been weakened by a court case. In 1991, in a dramatic departure from other circuits, the D.C. Circuit Court of Appeals held in United States v. Poindexter that the statute's prohibition against obstructing Congress bars any person from making false or misleading statements and from withholding, concealing, altering or destroying documents requested by Congress. The bill would, in short, restore the strength and usefulness of the Congressional immunity statute and restore it as well as restore its parity with other obstruction statutes protecting federal investigations.

The final two sections of the bill would re-word the ability of Congress to compel testimony and documents. Both provisions are taken from a 1988 bill, S. 2350, sponsored by then Senator Rudman and cosponsored by Senator Inouye, which passed the Senate unanimously but was never enacted into law. The first of these two provisions would clarify when Congress may obtain judicial enforcement of a Senate subpoena under 28 U.S.C. 1365. Section 1365 generally authorizes judicial enforcement of a Senate subpoena, except when the subpoena has been issued to an executive branch official acting in his or her official capacity— an exception that seeks to keep interbranch disputes out of the courtroom. S. 1734 would not eliminate or restrict this exception, but would make it clear that the exception applies only to an executive branch official asserting a governmental privilege that he or she has been authorized to assert. The bill would make it clear that an executive branch official asserting a personal privilege or asserting a governmental privilege without being authorized to do so could not automatically escape judicial enforcement of the Senate subpoena under Section 1365.

This provision, revised from the bill as introduced, includes suggestions from the Justice Department to make it clear that an official can establish in several ways that he or she has been authorized to assert a governmental privilege, for example, by providing a letter or affidavit from an appropriate senior government official. The provision is also intended to make it clear that the person resisting compliance with the Senate subpoena has the burden of proving that his or her action had, in fact, been authorized by the executive branch.

The fourth and final provision involves individuals given immunity from criminal prosecution by Congress. The bill would re-word the Congressional immunity statute, 18 U.S.C. 6005, to parallel the wording of the judicial immunity statute, 18 U.S.C. 6003, and make it clear that Congress can compel testimony from immunized individuals not only in hearings, but also in "ancillary" proceedings such as depositions conducted by committee members or committee staff. This provision, like the proceeding one, would improve the Senate's ability to compel testimony and obtain requested documents. It would also bring greater consistency across the government in how immunized witnesses may be questioned.

Provisions to bar false statements and compel testimony have been on the Federal statute books for 40 years or more. Recent court decisions and events have eroded the usefulness of some of these provisions as they apply to the courts and Congress. The bill before you is a bipartisan effort to redress some of the imbalances that have arisen among the branches in these areas. It rests on the premise that the courts and Congress ought to be treated as co-equal to the executive branch when it comes to prohibitions on false statements. I urge you to join Senator Specter, myself, and our cosponsors in supporting swift passage of this important legislation.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and an amendment to the title be agreed to, the bill be deemed read a third time and passed.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and an amendment to the title be agreed to, the bill be deemed read a third time and passed.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and an amendment to the title be agreed to, the bill be deemed read a third time and passed.

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

The bill (H.R. 782), as amended, was deemed read the third time and passed.

CONGRESSIONAL RECORD Ð SENATE
July 25, 1996
S8941

FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT ACT OF 1995

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 339, H.R. 782.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 782) to amend title 5 of the United States Code to allow members of employee associations to represent their views before the U.S. Government.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

The PRESIDING OFFICER. The bill is in order and the question is that the Senate proceed to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Representation Improvement Act of 1996".

SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EMPLOYEES.

(a) EXTENSION OF EXEMPTION TO PROHIBITION.—Subsection (d) of section 205 of title 5, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

(A) is a claim under subsection (a)(1) or (b)(1); or

(B) is a judicial or administrative proceeding where the organization or group is a party; or

(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of federal funds to the organization or group.

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 5, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to—

"(1) chapter 71 of title 5; or

"(2) section 1004 or chapter 12 of title 31; or

"(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 833b); or

"(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

"(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.
of complexity by appointing three committees as conferees on the bill.

Indeed, the leadership decided that one committee which added some pork projects to the Safe Drinking Water Act on the floor would be the exclusive conferees on those pork provisions.

I have asked the Parliamentarians for a list of the bills in this or other Congresses in which such an extraordinary and remarkable appointment had been made—naming as exclusive or even majority conferees a committee that was not the primary committee on a bill. Thus far, we have been shown no other examples. This leaves me to conclude that this is merely a political exercise. While, I trust, therefore, that it will have no precedential value, it still must be faced during this conference.

In practical terms this means that there will be no conference report, and no safe drinking water bill enacted into law, until the conferees from the Transportation Committee have secured everything they want. This is not a formula for a fast conference.

So today, only 6 days before this money is lost, we find ourselves in the following predicament. The conferees have not met. No issues have been resolved. We do have a conferees' meeting scheduled for tomorrow morning. But there is no telling at this moment whether there will be any progress before we depart this week.

I remain hopeful that our staffs can make progress without our assistance over the weekend, and that time will not run out on us. But when we get back next week we will have to have an agreement reached, a conference report drafted and signed, approval of that report voted by both Houses of Congress, and a bill sent to the President and signed—all before midnight on Wednesday.

Mr. Speaker, is this possible? Yes, I still believe it is. But I do not want our constituents to suffer an irrational forfeiture of this money for safe drinking water. If it becomes necessary on Monday, I ask the Appropriations Committee, the leadership, and the House to move the conference and rescue this money for the safe drinking water systems of this country.

Abington, PA HONORED IN NEIGHBORHOOD REVITALIZATION SUCCESS

HON. JON D. FOX
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to congratulate the community of Abington, PA for their success in revitalizing the small businesses in their neighborhoods.

The Pennsylvania Department of Community Affairs approved a grant request from Abington Township, in which the township planned to improve six business districts.

Supervisors at the Department of Community Affairs have lauded the Abington proposal as one which truly and effectively works to preserve neighborhoods and the small town atmosphere. The grant will be applied to the Old York Road, Town Center, Roslyn, Keswick, McKinley, and North Hills sections of the township.

While business usually takes the initiative on revitalization issues, in Abington’s case it was the vision of the local government which motivated the program and grant proposal. It should be noted that Abington developed this outstanding economic development program in just 2 years.

Abington’s economic development committee of its board of directors, founded by the late Richard Fluge, exercised vision and wisdom in its work toward economic development.

I would like to add my congratulations and best wishes to these community leaders for their superlative public service. They are proof of the ability and professionalism of our local governments, demonstrating that members of the community are the sources of the best solutions to the problems American families face in their daily lives.

THE TRAIN WHISTLE RESOLUTION
HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today in order to introduce a piece of legislation that will benefit communities throughout the Nation. My legislation is a straightforward resolution regarding the implementation of the train whistle requirement of the Swift Rail Act of 1994.

An amendment added to the Swift Rail Development Act of 1994 mandated the Secretary of Transportation to issue regulations requiring trains to sound their horns at every public road-rail grade crossing in the country, 24 hours a day. According to the law, the Secretary must issue the new regulations by November 1996.

The Swift Rail Act of 1994 made it clear that the Federal Government had to act to protect the safety of communities near railroad crossings.

The legislation is a straightforward resolution requiring that the new regulations be suspended. The resolution will provide a temporary solution to the problem of train whistles.

There are approximately 168,000 public highway-rail crossings in the United States and railroads regularly sound train whistles at most of these crossings. Trains sound their horns as a final warning of a train’s approach; the horn is in addition to motorist warning devices such as signs, lights, bells, and gates at crossings. However, at nearly 2,100 crossings, local communities have banned train whistles to limit excessive noise in residential or other designated areas. The rules required by the Swift Rail Development Act will now preempt the local ordinances that silence train whistles.

At a distance of a half-mile, the noise level of a standard American train whistle is 86 decibels. This is well over what the U.S. Environmental Protection Agency says is the maximum noise threshold tolerable for peace and serenity. It is no wonder that communities that

---

The extension of remarks is about the Safe Drinking Water Act and the Train Whistle Resolution.
have developed along rail lines would want to limit when and where trains can sound their horns.

But now, because of the Swift Rail Development Act, trains will sound their whistles at every public grade crossing in America. This may not pose a problem for rural America, but it is a real isue for communities, like those in Illinois, that are located along rail lines. The Chicago area, for example, is the historic rail hub of the United States and has some 1,500 trains passing through 2,000 crossings. The impact of all these trains blowing their whistles day and night would be immediate and obvious and would make the jet noise at O'Hare International Airport seem like a minor irritation. The village of Western Springs, which lies within my congressional district, has four street crossings and one pedestrian crossing and the new law would mean 75 minutes of whistle blowing a day.

In 1988, the Illinois General Assembly passed a State law which required both freight and passenger trains to sound their horns when approaching crossings, day and night. The law preempted any local ordinances that banned train whistles. As soon as railroads began implementing the law, the public outcry was so loud and the DuPage County Supreme Court stepped in and signed a temporary restraining order to keep trains from blowing their horns. Illinois residents living near rail lines could not live with the noise. They could not even sleep through the night without being interrupted by a train whistle. Shirley DeWine of Bennington, which is also located in my congressional dis- trict, was quoted as saying that she would have to sell her house, which is located a block from the Burlington Northern Railroad if the trains kept blowing their whistles. Fortunately, the Illinois Commerce Commission took emergency action to make sure that the ban on train horns would remain in effect at all crossings.

However, the peace and quiet in Illinois is once again being threatened. This time it is a Federal law that requires trains to blow their whistles at all public grade crossings at all hours of the day and night. Therefore, I, along with a majority of my Illinois colleagues, am introducing this important resolution to express the sense of Congress that the Secretary of Transportation should take into account the interests of the affected communities before issuing the final regulations.

The Swift Rail Development Act of 1994 does allow the Secretary of Transportation to provide exemptions to the train whistle requirement at grade crossings where other safety measures are shown to provide the same level of safety as a final warning from a train whistle. This resolution directs the Secretary to also take into account other criteria, such as the past safety record at the grade crossing and the needs of the community.

The Federal Railroad Administration has been engaged in a very active outreach effort to inform communities of the forthcoming rules regarding train whistles. Administrator Jolene Molitoris informed me, in a letter to my office in February, that because of the intense interest in this issue, the FRA will not be able to issue a final rule by the imposed deadline of November 2, 1996. I believe this is encouraging news. The FRA and the Secretary of Transportation can use the extra time to research and develop additional alternatives to whistle blowing. In fact, this resolution will help guide the Secretary of Transportation as he continues to work out the details of the train whistle requirement.

I understand that the intent of the train whistle requirement is to reduce highway-rail crashes but it is a blanket, one-size-fits-all solution to the problem of rail safety. The resolution I am introducing today allows the Secretary to consider at-grade, accident-reducing safety measures other than whistle blowing that are practical for the affected communities.

I encourage other communities throughout the Nation to join the members of the Illinois delegation, including Congressman RUSH, Congresswoman JESSIE JACKSON, Jr., Congress- man YATES, Congressman PORTER, Congress- man WELLER, Congressman COSTELLO, Con- gresswoman DENNY HASTERT, Congressman EWING, Congressman LAHOOD, Congressman DURBIN, and myself, in sponsoring this legislation. We recognize the importance of safety issues involved, but we also recognize that communities must be given affordable options for avoiding the whistle requirements.

RECOGNIZING JIM QUELLO'S COMMON SENSE AT THE FCC

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FIELDS of Texas. Mr. Speaker, once again, Federal Communications Commissioner Jim Quello has injected a healthy dose of common sense into a proposal from a Fed- eral agency badly in need of both.

In a Wall Street Journal op-ed piece yesterday, Commissioner Quello argued eloquently for flexibility as the FCC works to approve guidelines implementing the Children's Tele- vision Act.

The act—passed by Congress 6 years ago—seeks to increase both the quantity and the quality of children's television programming. Those of us who worked to pass the Children's Television Act sought to establish a simple, flexible yardstick by which broad- casters' compliance with the act could be measured.

But, as Commissioner Quello points out in his excellent op-ed piece, proposed regula- tions implementing the act—regulations that are circulating at the FCC—now exceed 100 pages. Disturbingly, reports suggested that as the number of pages has increased, the guidelines have turned into regulations, and flexibility has been replaced by rigidity and inflexibility.

I say reportedly, because no one on Capitol Hill has yet been provided a copy of the proposed regulations.

I wish to thank Commissioner Quello for his many years of distinguished service at the FCC, as well as commend him on an excellent op-ed piece. I also want to make clear that I share his position with regard to guidelines im- plementing the Children's Television Act, and I pledge to work with him to reduce the regu- latory overkill that has been—and remains— the hallmark of so much of what the FCC does.

I commend Commissioner Quello's op-ed piece in yesterday's Wall Street Journal to your attention, Mr. Speaker, and to the attention of my colleagues.

In their present form, these “guidelines” would have a legal chilling effect—any proposed guidelines that would be held unconstitutional. They dictate in such detail that they amount to a form of content control in which the FCC cannot legally engage.

For example, the draft rules would allow only regularly scheduled, half-hour programs to be counted for purposes of satisfying most of a broadcaster's three-hour children's pro- gramming requirement. This would severely constrain stations' ability to broadcast both programs for a shorter time and on programs that might appeal to President Clinton's hour-long talk shows. Some broadcasters might talk with American schoolchildren—not because they aren't educational but simply because they don't fit the FCC-decreed format. The rules on how often the FCC-sanctioned programs must be broadcast are as intrusive and overregu- latory as anything I have witnessed in more than two decades at the FCC.

CONTENT CONTROL

In their present form, these “guidelines” would have a legal chilling effect—any proposed guidelines that would be held unconstitutional. They dictate in such detail that they amount to a form of content control in which the FCC cannot legally engage.

For example, the draft rules would allow only regularly scheduled, half-hour programs to be counted for purposes of satisfying most of a broadcaster's three-hour children's pro- gramming requirement. This would severely constrain stations' ability to broadcast both programs for a shorter time and on programs that might appeal to President Clinton's hour-long talk shows. Some broadcasters might talk with American schoolchildren—not because they aren't educational but simply because they don't fit the FCC-decreed format. The rules on how often the FCC-sanctioned programs must be broadcast are as intrusive and overregu- latory as anything I have witnessed in more than two decades at the FCC.

Mr. Speaker, the draft rules would require 60% of all programming to be devoted to educational shows on local PBS stations. This would eliminate any realistic possibil- ity that commercial broadcasters would con- tribute to the development of new non- commercial children's programs like “Ses- sion Street”.

On top of these arbitrary rules are page after page of even more burdensome and pointless ancillary requirements. There are rules that now create new burdensome legal requirements and qualifications that must be shown each season, on how many times it can be pre-empted, and on what day of the week it can be broadcast in order to qualify.

There is a new rule requiring all 1,444 tele- vision stations to file paperwork with the FCC. Every three months, though the exact same paperwork must be made available on request at the TV station's local of- fice.

On and on it goes, for over 100 pages and 200 paragraphs—a deadly and meddle- some regulatory mess never envisioned, let alone sanctioned, under the Children's Tele- vision Act.

In fact, Congress seemed to have just the opposite in mind when it passed the act in
1990. The legislation itself does not require any prescribed number of hours or specific types of programming. Its champions in both the House and Senate explained that the criteria for the station’s overall service to children” and that a broadcaster should have the “greatest possible flexibility in how it discharges its public service obligation to children”. On the front lines we have a leaders in Congress have declared that “the era of big government is over.” Is that true for everyone but the FCC?

At the risk of violence to the First Amendment, we will not be doing children or their parents any favors by rushing ahead with an overregulatory exercise in micromanage-ment. Both President Clinton and leaders in Congress have declared that “the era of big government is over.” Is that true for everyone but the FCC?

REMEMBERING THE ISRAELI OLYMPIC ATHLETES

HON. NEWT GINGRICH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to remember the 11 Israeli Olympic athletes and coaches who were vic-tims of terrorism on September 6, 1972, dur-ing the Olympic games in Munich, Germany.

On Sunday, July 28, 1996, the Atlanta Jew-ish Federation along with the Olympic Com-mittee of Israel will host a memorial service honoring the Olympic competitors who were killed by terrorists in 1972. During this occa-sion, a sculpture with an eternal flame, the Olympic rings, and the names of the victims will be unveiled as a reminder of the tragedy and loss suffered on that dreadful day 24 years ago.

We remember again today the families and friends of these athletes and coaches who suf-fered such a terrible loss at the hands of ruthless terrorists.

HONORING THOSE WHO BATTLE DOMESTIC VIOLENCE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, Pennsylvania’s 13th District is home to many weapons in the battle against domestic vio-lence. On the front lines are the Montgomery County Victims Services Center, Laurel House, the Montgomery County Women’s Center, and the Montgomery County Commis-sion on Women and Families.

I rise today to compliment another one of these weapons, and to recognize the men and women who make it work.

In 1978, Upper Moreland, PA Police Lt. Carl Robinson conceived the idea of establishing a corps of trained mental health professionals who would accompany police to the sites of domestic violence police calls. Under current law, there will only be two workers providing universal free service.

Wake-Up Call

This is an unusual step, but this issue is deteriorating into an unusually misguided proceeding. If this draft order were made public, I can’t imagine anyone with any sen-sitivity to the First Amendment supporting it, since it calls for unprecedented government micromanagement of the nation’s lead-ing news and information medium. If adopt-ed, this would set a precedent that could shackle broadcasting with the prospect of even more extensive content and struc-tural regulation in the future. Public disclo-sure would serve as a nationwide wake-up call to what is potentially at stake for all communications media.

Many congressmen have, in good faith, signed legislation that allows 22 hours of children’s programming. I cannot believe these congressmen would support the adoption of overly rigid rules that threaten to undo the judicial sustainability of the act itself. A three-hour-per-week guide-line for children’s educational programming makes sense and is universally supported. But it is not enough to allow broadcasters to do their job—and flexible enough to avoid censorship.

At the risk of violence to the First Amendment, we will not be doing children or their parents any favors by rushing ahead with an overregulatory exercise in micromanage-ment. Both President Clinton and leaders in Congress have declared that “the era of big government is over.” Is that true for everyone but the FCC?

REMEMBERING THE ISRAELI OLYMPIC ATHLETES

HON. NEWT GINGRICH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to remember the 11 Israeli Olympic athletes and coaches who were vic-tims of terrorism on September 6, 1972, dur-ing the Olympic games in Munich, Germany.

On Sunday, July 28, 1996, the Atlanta Jew-ish Federation along with the Olympic Com-mittee of Israel will host a memorial service honoring the Olympic competitors who were killed by terrorists in 1972. During this occa-sion, a sculpture with an eternal flame, the Olympic rings, and the names of the victims will be unveiled as a reminder of the tragedy and loss suffered on that dreadful day 24 years ago.

We remember again today the families and friends of these athletes and coaches who suf-fered such a terrible loss at the hands of ruthless terrorists.

HONORING THOSE WHO BATTLE DOMESTIC VIOLENCE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, Pennsylvania’s 13th District is home to many weapons in the battle against domestic vio-lence. On the front lines are the Montgomery County Victims Services Center, Laurel House, the Montgomery County Women’s Center, and the Montgomery County Commis-sion on Women and Families.

I rise today to compliment another one of these weapons, and to recognize the men and women who make it work.

In 1978, Upper Moreland, PA Police Lt. Carl Robinson conceived the idea of establishing a corps of trained mental health professionals who would accompany police to the sites of domestic violence police calls. Under current law, there will only be two workers providing universal free service.

Wake-Up Call

This is an unusual step, but this issue is deteriorating into an unusually misguided proceeding. If this draft order were made public, I can’t imagine anyone with any sen-sitivity to the First Amendment supporting it, since it calls for unprecedented government micromanagement of the nation’s lead-ing news and information medium. If adopt-ed, this would set a precedent that could shackle broadcasting with the prospect of even more extensive content and struc-tural regulation in the future. Public disclo-sure would serve as a nationwide wake-up call to what is potentially at stake for all communications media.

Many congressmen have, in good faith, signed legislation that allows 22 hours of children’s programming. I cannot believe these congressmen would support the adoption of overly rigid rules that threaten to undo the judicial sustainability of the act itself. A three-hour-per-week guide-line for children’s educational programming makes sense and is universally supported. But it is not enough to allow broadcasters to do their job—and flexible enough to avoid censorship.
personal retirement savings accounts while Social Security benefits continue to flow unimpeded.

My bill may not be perfect, but it offers a way out and I believe Members of Congress and the President can no longer avoid working on a solution to save Social Security. This proposal holds harmless low and medium income workers and also existing retirees. Part I of the bill eliminates the unfunded liability by slowing the growth in benefits in two basic ways. Initial benefits will still rise, after inflation, but they won’t almost double as they do under current law. It also imposes some modest means testing of benefits. Further, it gradually raises the retirement age 2 years longer than existing law. Together, these reforms more than eliminate the unfunded liability of the system according to Social Security’s actuaries. Under part II, and most importantly, my proposal creates personal retirement savings accounts for working Americans that will be funded from the surplus after all benefits are paid.

Over time, the assets in workers’ accounts will grow very rapidly, producing genuine retirement security. The balances in the private accounts are the personal property of the workers. Worker/investors will still receive Social Security checks, although they will be smaller to reflect the amount personally invested. However, the benefits flowing from their personal retirement savings accounts will more than make up the difference. Furthermore, account balances will belong to workers and can be passed on to their heirs, improving the financial security of wives, husbands and their children. Personal retirement savings accounts can be “cashed-out” as early as age 60.

With some safeguards, it would be up to each worker to determine how his funds will be invested or whether to fund a personal retirement savings account at all. In fact, workers may elect to remain in the existing system if they wish and collect only Social Security benefits. It will be their option alone whether to place a portion of their paychecks in the hands of professional money managers. However, funds must be invested under the legal limits of the Individual Retirement Accounts [IRA’s]. Also, under the proposed managed investment accounts will have to meet some additional investment and reporting requirements.

Another important benefit of this proposal is that it will stabilize fiscal policy. This year, Social Security will take in $64 billion more than it distributes. By 2002, the annual surplus will rise to $104 billion. But in 2025 and beyond, there will be annual cash deficits of $330 billion and rising as far as the eye can see. Under this plan, cash flow in and out of the Social Security System will always be equal.

Pressure to cut other spending or to raise taxes will not be required by cash flow problems. Social Security will be depoliticized—as it should be.

Together, we can restore the solvency of America’s most popular program and make it even better. H.R. 3758 does that.

CHILD SUPPORT ENHANCEMENT ACT OF 1996

HON. GREG GANSKE
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. GANSKE. Mr. Speaker, to day I am introducing the Child Support Enforcement Act of 1996. This legislation will help ensure that deadbeat parents take personal responsibility for their children.

It takes two people to bring a child into the world and it takes two people to raise a child in this world. Unfortunately, in too many cases, one parent believes that their responsibility ends when the baby is born. While we can’t legislate and force parents to read to their children, attend Little League baseball games or show up at birthday parties, we can help make sure there is food in children’s mouths and clothes on their backs by encouraging financial responsibility. This is the personal responsibility of both parents.

Too often, the failure of parents to take this responsibility contributes to custodial parents ending up on welfare—unable to make ends meet. Or, they are forced to take on two or more jobs just to keep afloat. This keeps them away from their kids who are already one parent short.

Recent statistics are disturbing. In fiscal year 1993, while $20 billion in child support obligations had been legally established, only $13 billion was collected and paid. Additionally, in fiscal year 1994, the Child Support Enforcement Program collected child support payments for less than 20 percent of its caseload.

I do not believe that child support is merely a legal duty, it is a moral duty.

That is why I am introducing the Child Support Enforcement Act of 1996. This bill authorizes the seizure or interception of judgments or settlements to private individuals in suits brought against the Federal Government. The legislation applies to settlements or judgments in both administrative actions and claims in a court of law.

Currently, State child support enforcement officials and others working on behalf of custodial parents can seize or intercept money in State court cases against parents and State agencies, but only in very narrow circumstances can they do this when Uncle Sam is involved.

If a deadbeat parent is going to receive money from the Federal Government, this legislation will help to ensure that the parents children get their slice of this money.

We must continue to close loopholes in the current system and make it easier for child support collectors to do their job. This will make life easier for our Nation’s children.

For kids sake, I urge my colleagues to support this bill.

CONGRATULATING MAJ. GEN. PAUL BERGSON, USAR

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FIELDS of Texas. Mr. Speaker, I want to take this opportunity to congratulate Maj. Gen. Paul Bergson, U.S. Army Reserve, on his recent promotion from the rank of brigadier general. I regret that pressing business back home in Texas prevented me from being with Paul at his promotion ceremony, held July 18 at the Pentagon.

I have had the pleasure of knowing and working with Paul for several years through his work with the Asia Pacific Exchange Foundation. I know of no one more dedicated to serving his country and preserving the freedoms on which the United States was founded than Paul.

Currently serving as a military assistant to the Assistant Secretary of the Army for Manpower and Reserve Affairs, Paul has been a commissioned officer in the U.S. Army for more than three decades. His service to the Army and to his country inspires everyone who knows him.

Mr. Speaker, I know you join with me in congratulating Paul on his recent promotion; in wishing him continued success in the U.S. Army Reserve and in his business, Bergson & Company; and in extending to him and to his wonderful wife, Jan, our very best wishes for the future.

THE TERMINALLY ILL’S RIGHT TO BENEFITS ACT

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill that will provide greatly needed financial relief to individuals that are inflicted with a terminal illness. Currently, terminally ill individuals must wait for the standard 5-month waiting period before the first social security disability payment can be received. However, many people with such illnesses tragically pass away before they ever receive any payments.

Sick pay, temporary disability programs, and other private disability pension programs do not often cover a period as long as 5 months, and the gap in income during the waiting period affects terminally ill individuals when they can least afford it. Besides, these people have paid money into the Social Security System through payroll taxes and have a right to receive immediate benefits that would greatly diminish the hardships that are suddenly confronted by the terminally ill.

According to the Social Security Administration, the 5-month waiting period was instituted to ensure that people are sufficiently disabled to qualify for benefits. I strongly feel that terminal patients should, in now way, be made to justify their condition. Moreover, medical science has developed to a point where the art of diagnosing terminally ill, and therefore, disabling conditions, provides a sufficiently reliable picture of the severity of the illness. This bill would define terminally ill patients as one that has an illness which is expected to result in death within the 12 months.

I urge all of my colleagues to join me as co-sponsors of this very important legislation. Unfortunately, many Americans are hit with a merciless terminal illness while in the prime of their lives, and we should grant them their right to collect disability payments that they have earned so that they can worry less about
financial concerns and live the rest of their lives in dignity.

EUROPEAN PARLIAMENT URGES GREATER RECOGNITION FOR TAIWAN

HON. GERALD B.H. SOLOMON
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. SOLOMON. Mr. Speaker, on July 18, the European Parliament adopted a resolution urging its member states to support greater representation for the Republic of China on Taiwan in international organizations.

The resolution is a proper recognition of the great strides that the people of Taiwan have made toward democracy and respect for human rights over the past several years. This progress stands in stark contrast to the continuing tyrannical and aggressive behavior of the Communist Chinese regime in Beijing.

Since Taiwan, and not Communist China, represents the best model for the future of Chinese civilization, it is my sincere hope that the world community will follow the advice of this resolution, which I would like to insert for the RECORD.

THE EUROPEAN PARLIAMENT

Having regard to Article J.7 of the Treaty on European Union,

A. Satisfied with the current state of Taiwan’s democracy and Taiwan’s respect for the principles of justice, human rights and fundamental freedom,

B. Welcoming the fact that the elections in Taiwan were conducted democratically and peacefully despite the overt aggression and provocation by the People’s Republic of China,

C. Having regard to Taiwan’s wish to participate in international aid to developing countries,

D. Having regard to the significance of developments in the political situation in Taiwan for the whole of East Asia at a geopolitical and economic level and in terms of a policy of stability, security and peace in the Western Pacific region,

E. Welcoming the attitude of reconciliation displayed by President Lee Teng-hui towards the People’s Republic of China and looking forward to a dialogue spanning both sides of the Taiwan Straits,

F. Convinced that the people of Taiwan ought to be better represented in international organizations than they are at present, which would benefit both Taiwan and the whole of the international community,

G. Whereas neither the European Union nor any of its Member States have diplomatic relations with the Government of Taiwan, recognizing only the People’s Republic of China,

H. Whereas Taiwan is very important to the European Union and its Member States as a trade partner,

I. Whereas it is important for the European Union and its Member States to develop their relations with the governments of both the People’s Republic of China and Taiwan in an amicable and constructive spirit,

J. Urging the governments of the People’s Republic of China and Taiwan to intensify their cooperation,

K. Stressing that participation by Taiwan in certain international organizations can assist in common ground between China and Taiwan and facilitate reconciliation between the two sides,

1. Regretting the fact that Taiwan at present is prevented from making a full contribution to the United Nations and its agencies, and stressing that, for the efficiency of the UN, Taiwan’s participation would be desirable and valuable,

L. Urges:

(a) The Council and Member States to support Taiwan’s attempts to secure better representation than it enjoys in international organizations in the field of human and labour rights, economic affairs, the environment and development cooperation following the precedent of certain cases, known to international law, of countries recognized as independent and sovereign even though the nature of their diplomatic connections and the personal status of state did not display the full symbolic panoply of complete sovereignty (e.g., Her Britannic Majesty’s Dominions, American Samoa, or, until recently, the Ukraine and Belarus);

(b) The Council and Member States to ask the United Nations to investigate the possibility of setting up a UN working group to study the scope for Taiwan to participate in the activities of bodies answerable to the UN General Assembly;

(c) The Council and Member States to encourage the governments of the People’s Republic of China and Taiwan to intensify their cooperation in a constructive and peaceful spirit;

(d) The Council to urge the Commission to adopt measures with a view to opening a European Union information office in Taipei;

2. Instructs its President to forward this resolution to the Council and to the Commission.

C. H. CALIFORNIA NEEDS A BALANCED FEDERAL BUDGET

HON. RON PACKARD
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. PACKARD. Mr. Speaker, my Republican colleagues and I know the infinite potential for our great Nation if we balance the budget. What many do not realize is what it means at home in our own States.

The House-passed balanced budget clearly shows that we can balance the budget, provide tax relief to working families, and still provide Federal spending for programs crucial to State and local governments. However, if spending continues to grow unchecked, as it has in the past, we will heap even more debt on the backs of our children—California’s children.

Californians already pay more in taxes than just about any State in the Union. California families, who today pay a higher share of their family income in taxes than at any time in our Nation’s history, need a balanced budget. We have been a donor State for far too long. It’s time the scales tilted.

Oddly enough, even the unions that rely on government spending agree that a balanced budget works for California—dollars for California actually go up under Congress’ plan to balance the budget.

Mr. Speaker, we know that a balanced budget is good for the country. More importantly, it is good for America’s hard-working families—and, it is good for California.

NEIGHORS WORKING FOR QUALITY CHILD CARE

HON. JON D. FOX
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to recognize 300 citizens of Montgomery County, PA, who, on Saturday, June 8, raised an estimated $10,000 during the Walk for Quality Child Care at the Montgomery County Community College campus.

As you know, Mr. Speaker, more than 4½ million children under the age of 5 are cared for during the day by someone other than their relatives. This is not an inexpensive circumstance.

The men, women, and children who gathered on June 8 recognize this. They know that without adequate funding for child care, their children’s safety and well-being are jeopardized.

Many of the best child care centers cannot care for infants because of the expense. The budgets of most centers are exhausted on maintaining staff, leaving nothing in the way of activities for the children. The money raised during the Walk for Quality Child Care will be used to buy tricycles and a parachute for the children of Hatfield.

There can be no downsizing in child care. Regulations abound for child care providers; regulations which cost money to those who earn their livelihood by caring for their neighbors’ children. Most spend more than 10 hours per day with children other than their own.

In a day where family budgets are squeezed by big taxes and big government, the citizens who put children first on June 8, some of whom pay in excess of $1,000 per month in child care, combined their voices to say, “We will not let our children be the victims of economic pressure.” I’m sure you join me, Mr. Speaker, in applauding these caring people for their efforts to make sure their children have the same opportunities for happiness that our generations have enjoyed.

A TRIBUTE TO E.R. “BOB” MORRISETTE, J. R.

HON. SONNY CALLAHAN
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. CALLAHAN. Mr. Speaker, as you know, the Alabama delegation is rather small in number, but we are close in mind and heart on many issues, often reaching across the political divide, especially when it involves a matter of importance to our beloved State.

That is all the more reason why the death this past Sunday of E.R. “Bob” Morissette, Jr., a longtime aide to my colleague, Senator Howell Heflin, is so difficult to accept. While the Judge has lost an important member of his office family, our State, and especially south Alabama, has lost one of the most likeable and most decent men ever to work in the public arena.

Bob was 73 at the time of his death and unfortunately, poor health had slowed him down a bit during the past few months. But throughout his career, first as a journalist, and later as
a loyal and trusted confidante to Senator HEFLIN, Bob Morrissette was first and foremost a southern gentleman.

Probably one of the reasons Bob was so good at what he did was because of the genuine concern he had for his fellow man. Another reason was simply because Bob Morrissette was a man of integrity. When he gave you his word, you needed no other assurance.

Born in Monroe County into one of south Alabama’s most prominent families, Bob never let the good name or success of his family stand in the way of his willingness to provide a helping hand. In fact, that is one of the hallmarks of the Morrissette family—they are always doing good things to better their community, and Bob carried on that proud tradition in countless ways.

He and Senator HEFLIN became friends when both were attending the University of Alabama in the mid-1940’s. While the Judge returned to the northern part of the State to pursue a career in law, Bob returned home to his native south Alabama and entered the world of journalism. His first assignment was a stint at the Baldwin Times in Bay Minette. In 1958, he moved to Escambia County to take over the Atmore Advance. Bob was owner, editor, and publisher of the Advance for two decades, and like so many others who hold this important post in a small town, he, too, became a one-man chamber of commerce for his hometown.

During his career in journalism, Bob received countless awards and honors. In 1976, he received the Distinguished Alumnus in Journalism Award from the University of Alabama. Two years later he became president of the Alabama Press Association.

In 1979 Bob once again teamed up with his old college pal, HOWELL HEFLIN, who had just been elected to the Senate the year before. In Bob, Senator HEFLIN knew he had a steady hand at the wheel running his southwest Alabama operation. Not only did Bob know south Alabama like the back of his hand, but he loved her people and her soil.

Bob Morrissette was one in a million. Upon meeting you for the first time, he made a connection for life. When you called him with a problem or concern, you knew it would become his problem and concern. He was just that type of human being.

When he was running for President in 1912, Woodrow Wilson said, “There is no cause half so sacred as the cause of a people. There is no idea so uplifting as the idea of the service of humanity.”

Though he held no elected office himself, Bob Morrissette served his community, his State, and his Nation as well as, if not better than, most men and women who ever place their names on a ballot.

We’re going to miss Bob, and it will be a long, long time before we see another man like him. He was truly one of a kind.


Speech of
HON. WILLIAM J. MARTINI
of NEW JERSEY

in the House of Representatives
Wednesday, July 24, 1996

The House in Committee of the Whole

The House in Committee of the Whole had under consideration the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes:

Mr. MARTINI. Mr. Chairman, I wish to thank all of the committee members who worked tirelessly to put together a fair and economically responsible energy and water development appropriations bill.

This bill has carefully balanced the interests of environmentalists with those in the business community. It provides the language that will enable our ports to once again flourish, our citizens to be protected from flooding, our environment to be preserved, and our taxpayers’ dollars to be wisely and not frivolously spent. I would like to specifically mention three provisions in the bill that are of great importance to the citizens in my district.

First, this bill includes funding for the cleanup of the thorium site in Wayne, NJ, which has been a concern to that community. The removal of the thorium-contaminated soil from the Wayne interim site is an issue of great concern to me. After the election in 1994, I traveled to Wayne to discuss the removal of the tainted soil with Mayor David Waks.

On July 20, 1995, the U.S. Department of Energy announced that Envirocare would be awarded a $16 million contract to remove, transport, and store the soil in their Utah facility. In October, Envirocare began the removal process of the contaminated soil. This process can continue thanks to the increased funding in today’s measure.

Second, this bill provides funding for a buyout alternative to the Passaic River flood tunnel, which protects wetlands while providing critical flood protection to my constituents.

Back in 1994 when I was running for Congress, I recognized the importance of flood protection to the citizens of the Eighth Congressional District in New Jersey. In addition, I recognized that there must be a more economically and environmentally sound flood control alternative to the proposed flood tunnel. That project had a price tag of $1.9 billion and would have had extensive negative affects on area wetlands and the existing ecosystems.

By providing for a buyout of certain wetlands, we are taking great strides toward both flood protection for our citizens and environmental protection for the Passaic River, while saving the taxpayer money.

Lastly, the bill provides funding for the continued construction of the Molly Ann’s Brook flood control project, which affects residents from Paterson, Haledon, and North Haledon, NJ. I am pleased that the committee continued to treat this project with the urgency and priority that it deserves.

Once again, I extend my thanks to the committee. This bill is clear example of the 104th Congress making things happen and protecting the interests of not only the citizens of New Jersey, but the interests of all Americans.


Speech of
HON. ROB PORTMAN
of OHIO

in the House of Representatives
Wednesday, July 24, 1996

The House in Committee of the Whole

The House in Committee of the Whole had under consideration the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes:

Mr. PORTMAN. Mr. Chairman, I rise today in support of the Energy and Water appropriations bill. I applaud the Appropriations Committee for their thoughtful approach to the difficult task of balancing our Nation’s energy and water priorities during this era of fiscal restraint. I commend Chairman MYERS and the other members of the committee for their efforts.

I am particularly interested in the provisions of this bill relating to the Department of Energy’s Environmental Restoration and Waste Management budget. There are many contaminated sites around the country left over from nuclear energy and nuclear weapons research and production. Those of us who represent the areas affected by these sites know that people are concerned about the health effects of these sites to themselves and their children—and said no one will fix the problem. I believe this bill sends a strong message that the Federal Government will continue to meet its cleanup obligations.

Within the context of our increasingly tight budget constraints, the Environmental Restoration and Waste Management Budget appropriation is a reasonable investment of public money. Administrative and support costs have been streamlined, while funding for cleanup activities—the true heart of this budget—has been protected.

In my district, the Fernald site—a former uranium processing center—has potentially caused thousands of people, through no fault of their own, to be exposed to hazardous contaminants in the air, in the soil, and in the water. Although problems at the site still persist, and I have requested a GAO investigation into certain serious allegations relating to the management of the site, considerable progress has been made in cleaning up Fernald.

The Fernald site is operating under an accelerated remediation schedule, so that the site will be clean in 9 years, and not the 25 years originally planned—creating a savings to the taxpayer of approximately $2 billion. This accelerated remediation program, if successful...
could serve as a model for other clean-up ef-
forts around the country. In fact, the Approp-
riations Committee’s report specifically com-
ments the efforts underway at Fernald.
I urge my colleagues to support this legisla-
tion. It continues to provide reasonable fund-
ing to protect our natural resources. It still
helps us to sustain our goal of balancing the
budget by 2002—and it will help us to fix an
environmental hazard that has placed thou-
 sands of people at risk.

HONORING MUSIC EDUCATORS AT
PENNFIELD MIDDLE SCHOOL

HON. JON D. FOX
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, those
who enable children to experience the
beauty of music are those who brighten our
future. I am pleased to have some of these
wonderful people in Pennsylvania’s 13th dis-
trict.

One of them is Mr. Alan Malachowski, the
band director at Pennfield Middle School. Mr.
Malachowski recently attracted a grant from
the North Penn Educational Foundation which
allowed his students to experience music in
a way many of their peers are not afforded.

Mr. Malachowski convinced nationally
known composer Jared Spears to compose a
work based on the history of the Montgomery
County Fair, to teach the piece to student mu-
sicians during 2 days of intense rehearsal, and
to personally conduct the students’ perfor-
ance of the work, entitled “The Brass Ring”,
on May 30 at the school.

Mr. Speaker, I’m sure you join me in ap-
plauding the efforts of Mr. Malachowski, Dr.
Sears, and the student musicians at Pennfield Middle School. Not all young people have the privilege of such an enriching expe-
rience. Not all young people have the oppor-
tunity to learn from impassioned educators like Mr. Malachowski.

Music helps young people to form a world
view. All of humanity is moved by the beautiful
compositions of men like Dr. Spears. I am
proud to recognize the efforts of those who by
teaching music point out to our children many of
the better things in life.

THANK YOU, ROBIN BRIDGES, FOR
YOUR LOYAL SERVICE

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was
with mixed emotions that I announced last De-
cember 11 my decision to retire from the
House at the conclusion of my current term.
As I explained at the time, the decision to re-
tire was made more difficult because of the
loyalty and dedication of my staff—and be-
cause of the genuine friendship I feel for them.
Each one of them has served the men and
women of Texas’ 8th Congressional District in
an extraordinary way.

Today, I want to thank one member of my
staff—Robin Bridges, my office manager—for
everything she’s done for me and my constitu-
ents in the 11 years that she has worked in
my office.

Robin has worked on Capitol Hill since
1971. From 1971 to 1976, she served as sys-
tems manager for Representatives Charles
Thomson and Charlie Gerald. From 1980 to 1984, she held the
same position in the office of Representative Larry
Coughlin. And from 1984 to 1985, she served as systems manager for Representative
Buddy Darden.

The first time I met Robin, I was impressed
by her extensive experience and her profes-
sionalism. But the more we talked, the more
I realized that she was not just someone who
knew how to get a job done—although she
certainly knew that. I came to appreciate her
personal warmth and sincerity, and her per-
sonal warmth and sincerity, and her eager-
ness to pitch in to ensure that my constituents
received timely responses to their letters and
calls. Over time, as computer systems have
proliferated and become more complex, I have
been impressed with Robin’s ability to adapt to
new technology—just as she has adapted to a
variety of personnel and other changes in my
office.

Five years ago, I asked her to assume new
responsibilities as my office manager—a re-
quest she readily and eagerly accepted. But
more than her competence as a member of
my staff, I wish to say a word about Robin as
an individual, and as a mother.

To determine what kind of a person some-
one is, one need only look at that person’s chil-
dren. Robin’s daughter, Emily, and her son,
Andrew, are proof that the qualities she
brings to their work in my office are the quali-
ties she lives by. Both Emily and Andrew have
been recognized for academic excellence in
high school and college. The hard work and
dedication they have demonstrated were in-
stilled in them by their mother, who has suc-
sessfully balanced the difficult roles of single
mother and congressional staff member.

Robin Bridges is one of those hardworking
men and women who make all of us in this in-
stitution look better than we deserve. I know
she has done that for me, and I appreciate this
opportunity to publicly thank her for the
dedication, loyalty and professionalism she
has exhibited throughout the years it has been
my privilege to know and work with.

Robin has yet to make a definite decision
about what she wants to do in the years
ahead. But knowing he as well as I do, I am
confident that the skills and the personal quali-
ties she has demonstrated in my office will
lead to continued success in the future.

Mr. Speaker, I know you join me in say-
ing thank you to Robin Bridges for her
years of loyal service to me, to the men and
women of Texas’ 8th Congressional District, and to
this great institution.

The House in Committee of the Whole
House on the State of the Union had under
consideration the bill (H.R. 3816) making ap-
propriations for energy and water develop-
ment for the fiscal year ending September 30,
1997, and for other purposes.

Mr. RICHARDSON. Mr. Chairman, I rise in
opposition to the DeFazio-Petri amendment.
Their amendment would seek to strike funds
from the Animas-La Plata project. This project
is especially important for New Mexico and
Colorado.

As you know, water in my State and through-
out the arid West, is like gold. Con-
sequently, water needs to be conserved. Con-
servation includes storage for the inevitable
dry years. This year has seen a major drought
in the region.

Had construction of the Animas-La Plata
project begun in 1990, as was originally
scheduled, there would have been enough
water stored for the citizens in northwestern
New Mexico. Over the years, delay in the con-
struction of this project have put over 100,000
people at risk.

Furthermore, in a land where Indians and
non-Indians live together, it is important to
share water. In 1985, the Colorado Ute tribes
debegan to negotiate a sharing of their senior
water rights on tributaries to the San Juan
River—water which many of my constituents
in northwestern New Mexico need to sustain
their quality of life and secure their future.
The Ute tribes should be complemented for these
negotiations.

This amendment would render that agree-
ment void. Let’s not tell the Ute tribes and the
people of New Mexico and Colorado, who
strive to share a valuable resource, that their
efforts have meant nothing.

I encourage a “no” vote on the DeFazio-
Petri amendment.

Providing for Consideration of H.R. 3816, Energy and
Water Development Appropriations Act, 1997

SPEECH OF
HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1996

The House in Committee of the Whole
House on the State of the Union had under
consideration the bill (H.R. 3816) making ap-
propriations for energy and water develop-
ment for the fiscal year ending September 30,
1997, and for other purposes.

Mr. LEVIN. Mr. Chairman, I rise in strong
support of the Schaefer amendment. Pulling
the plug on our Nation’s investment in solar
and renewable technology is short-
sighted. The funding reductions contained in
the bill threaten to undermine any hope the
United States has for energy security. Renew-
able energy programs offer enormous benefits
for a very small investment.

I know something about this issue as a
company in my district—United Solar Systems
Corp. of Troy, MI—developed a solar cell that
recently set a new world record for converting
the Sun’s energy into electricity. This effi-
ciency record would not have been achieved
without the assistance of the Federal Govern-
ment.

Most of us are familiar with the solar cells
that power calculators and other consumer
products. The new solar products developed by United Solar are a full four to five times more efficient.

Not only are the new solar cells better at converting sunlight into usable electricity, they are also cheaper to make. Again, this is an example of progress that would not have been made without a public-private partnership.

The progress we've made is proof that private industry and government can work together to develop technology that creates new jobs in the United States, increases our Nation's energy security, and protects the environment.

At the same time, there is a large and growing world market for renewable energy and efficiency technologies. This market is worth hundreds of billions of dollars over the next decade.

If our Nation does not help American companies to develop the technologies to capture this market, we will abandon the field to our international competitors. Japan and Germany invest far more in their nation's photovoltaic programs than we do.

The bottom line is that new industries, jobs and wealth will go to the nations who succeed in developing and applying new technologies. If you want to let other countries win the technology race, then vote against the Schaefer amendment.

Once again, I urge support for solar and renewable energy. Vote for the amendment.

SARAH CHURCHILL, A COURAGEOUS YOUNG LADY

HON. JON D. FOX
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I am pleased to have in Pennsylvania's 13th district an extraordinary young lady who has earned the honor of Better Hearing and Speech Month Child of the Year. Sarah Churchill, who is 6 years old, a gymnast, swimmer, and artist, is serving to increase awareness of resources available to hearing and speech impaired children.

When this American hero was just a year old, Miss Churchill was diagnosed with profound hearing loss. Soon after, she enrolled at the Helen Beebe Speech and Hearing Center in Easton, PA.

Miss Churchill was chosen this year by the Council for the Better Hearing and Speech Month to represent the needs of children with hearing and speech impairments. She has had the opportunity to meet other children's advocates, including Heather Whitestone, and has visited with the President and First Lady to fight for education reforms and public awareness.

I'm sure you will join me, Mr. Speaker, in sending best wishes to Miss Churchill in her efforts to improve the lives of children across our country.

CYPRUS—22 YEARS OF DIVISION

SPEECH OF
HON. DAVID FUNDERBURK
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1996

Mr. FUNDERBURK. Mr. Speaker, in the summer of 1974, 6,000 Turkish troops and 40 tanks formed the invasion force and occupied more than a third of the island of Cyprus. One of the tragedies of that Cyprus invasion is the missing persons. Since 1974, five Americans and 1,493 Greek Cypriots and perhaps 803 Turk Cypriots are missing. To put the current tragedy into better perspective, I quote my good friend Congressman Michael Bilirakis—

the Turkish force "occupied almost 40 percent of the island, representing 70 percent of the country's economic health." Cyprus is the only country in the world that is divided by a barbed wire fence—the Green Line. This barbed wire fence forcibly keeps more than 200,000 Greek Cypriots away from their traditional homes.

There are no easy solutions to this thorny question. The presence of 35,000 Turkish troops garrisoned in northern Cyprus makes it more difficult to resolve. Both Greece and Turkey are NATO allies of the United States.

However, we must call for the cessation of all violations of human rights on the island of Cyprus.

While some individuals may have great historical memory, on the whole, our collective memory is very short. Other than the Armenians, how many people remember what happened to the Armenians. Similarly, we must not forget what the Turks did in Cyprus. Before the term ethnic cleansing became popular and common usage in Bosnia, the Turkish army in Cyprus practiced it against the Greek Cypriots. The atrocities of the Turkish army were so notorious— wholesale and repeated rapes of women of all ages, systematic torture, savage and humiliating treatment of Greek Cypriots as well as extensive robbery and looting—that their approach caused thousands of Greek Cypriots to abandon their homes and take flight.

In this context, a comprehensive proposal by Mr. Glafcos Clerides, the President of Cyprus, in December 1993, called for the complete demilitarization of the Republic of Cyprus. This would have the effect of breaking the vicious cycle of fear and mistrust and leading Cyprus into negotiated settlement by:

1. Disbanding the Cyprus armed forces, the National Guard, and handing over its equipment to the U.N. forces in Cyprus;

2. Establishing an enlarged U.N. peacekeeping force, funded by the Government of Cyprus;

3. Creating a fund, under U.N. supervision for development projects benefiting both communities in Cyprus—as recommended by Andrew J. Jacobs, Jr., Ambassador of Cyprus to the United States to the Foreign Service Institute of U.S. Department of State, Feb. 6, 1996.

It is hard to find a solution for the situation in Cyprus acceptable to all parties. For the United States our primary goal must be to seek an end to the injustice that has fallen on the people of Cyprus. We must see that justice for the Cypriots prevails in the end. Doing the right thing in this case means demanding an end to Turkish occupation on the island, putting in place a U.N. peacekeeping force, ensuring property restoration, and a full accounting of the missing persons. Nothing less will suffice.
with some trepidation, that John serves as the highly effective chairman of the Suffolk County Republican Committee. Throughout his career, he has displayed a strong commitment to his community, and has gained the utmost respect from local leaders on both sides of the partisan divide. Moreover, John's career underscores how one person can accomplish through a disciplined work ethic.

John Powell moved to Long Island when he was 11-years-old and graduated from Patchogue-Medford High School in 1978. While he was a student at Brookhaven Community College, John held two gas station jobs to help pay for his education. He also volunteered with the Brookhaven Republican Party, stuffing envelopes and making phone calls. These early experiences helped establish his strong work ethic, and commitment to public service. John eventually was recommended for a job with the Brookhaven Town Highway Department where he was quickly promoted to being an executive assistant to Highway Superintendent Harold Malkomes. Once again, John's hard work and dedication helped him rise to meet new challenges.

In 1988, John was elected to the New York State Assembly. He brought his unique, blue collar perspective to the halls of the New York State Capitol. After a year in Albany, John felt the need to return to his community. He ran for Brookhaven Town Council and won handily. During his tenure on the council, John became intricately involved in Brookhaven town matters. In 1991, John became the Brookhaven town Republican. By 1995, he rose to the chairmanship of the Suffolk County Republican Committee, where he has served with honor and distinction. He now lives in the town of Medford with his wife Linda, and their three children, Alexandra, John, and Anthony.

John often works closely with the county executive to solve some of Long Island's most complex problems. His perseverance and dedication to the community have gained recognition across New York State. More importantly, he has used his own life experiences toward the betterment of others.

John has also championed the ideal of an inclusive American spirit, he has consistently worked alongside the Jewish community in Suffolk County. It is only appropriate that John Powell be involved with the Jewish National Fund.

The Jewish National Fund is helping rebuild the land of Israel through afforestation, housing, and agricultural projects. Moreover, this organization constructs dams and reservoirs, provides employment and promotes Zionist education. The JNF is literally transforming a community. This year, the JNF will help celebrate the 3,000th anniversary of Jerusalem's 3,000th anniversary by developing new projects throughout the city. These include a new Parks and Events Center, a Children's Garden and Educational Center, and the completion of the greenbelt around Jerusalem.

John is now being honored by the JNF at their Tree of Life Award dinner dance. As an honoree, he will help the JNF raise much needed funds for environmental projects in both Israel and around the world. His actions today will be appreciated for generations to come. John's commitment to the Jewish National Fund epitomizes a lifetime of dedication to worthwhile causes. His distinguished career should serve as a model for us all.

TRIBUTE TO ZEN ART AND POTTERY OF THE VENERABLE KIM KYUNG AM

HON. JAY KIM OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. KIM. Mr. Speaker, I rise to pay tribute to the Ven. Kim Kyung Am on the occasion of the 4th Zen Art and Pottery Exhibition.

For the past 15 years, Ven. Kim has devoted his time and energies to founding the Borimsa Temple in Fairfax, VA and in publishing the Korean Buddhist News, USA. He has also been responsible for opening the U.S. branch of the Daewon Buddhist College in Virginia and is known for his active missionary work in the Korean-American community.

According to the teaching of Buddhist scripture, "Belief is the mother of virtues; wisdom of compassion makes no enemy." Following this teaching with much devotion, he is currently engaged in building a new temple building in the greater Washington, DC area. The fourth Zen art and pottery exhibition is part of that effort and part of the overall effort by Ven. Kim to foster peace, freedom and welfare in the world community.

Regardless of religious faith, I believe we can all agree that Ven. Kim's goals are very commendable and speak highly about his compassion and vision for the future. The 4th Zen art and pottery exhibition is a means by which we can all visualize these concepts. I encourage my colleagues to join me in honoring the work of Ven. Kim.

TRIBUTE TO CAPT. INGLIS P. MANGUM

HON. FLOYD SPENCE OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. SPENCE. Mr. Speaker, I rise today to recognize Capt. Inglis P. Mangum of Walterboro, South Carolina, an outstanding American, who has demonstrated great courage and sacrificed much for the cause of freedom. I would like to enter in the Congressional Record an article that appeared in the Press and Standard, of Walterboro, SC, describing the valiant service of Captain Mangum in World War II. He is a true patriot.

[MANGUM WAS HONORED WITH MEDALS
(By Dan Johnson)

J.P. Mangum was in Walter Reed Medical Center for a year and a half recovering from wounds when the medals started coming. And coming. And coming.

He received: the Combat Infantry Badge for exemplary conduct in combat; the Silver Star with Oak Leaf Cluster for gallantry in combat; the Bronze Star, with V for victory with three Oak Leaf Clusters, for heroic or meritorious achievement in combat; the Army commendation medal for outstanding achievement (given by a Major General or higher); the Good Conduct Medal; and medals and ribbons for the American Theater; the European Theater; Operations; the two Pacific theater battle stars; the Victory Medal; the Asiatic Pacific Medal; the Army of Occupation, Japan; the Army of Occupation, Germany; and American Defense.

"In the heat of battle you didn't think too much about things like that," Mangum recalled. "It did it because I love my country."

As an example of the emphasis Mangum puts on the medals, he commented, "After I'd been wounded three times, I gave two pheasant hearts back."

Two of Mangum's wounds were inflicted by German prisoners of war. "We took 77,000 German prisoners from the day we crossed the Rhine until the day they ordered us not to fire more weapons," Mangum recalled.

One wound was inflicted when 13 German prisoners tried to escape and Mangum took weapons from Americans and opened fire. "I heard a bullet hit my helmet," Mangum said. "My helmet flew off my head. Blood was going down my face. I had the world inside me."

On another occasion, "I went in a German barracks. There was a Luftwaffe boy with a bayonet held up high. When he came down with it, I hit it with my arm. It took a slice out of my arm. I was given a Purple Heart but I gave it back. I wasn't really hurt."

Another wound was inflicted after he thought he was out of range and 12 soldiers had focused on him because he was an officer. "They had picked me out," he remembered. "I lay down on my back and put my helmet up to draw fire. They shot 15 times."

When the firing stopped, he stood up. An antiaircraft shell then exploded. "I heard it hit my lower stomach," he remembered. I got in the woods and pulled my britches down. It didn't look bad to me. I figured 'I'd have it looked at later. I got some mercurochrome and doctored it. It healed from the outside but not the inside."

After the war, a piece of shrapnel "no bigger than a little fingernail" was removed. The surgeon also "took four of five inches of my intestine."

He had to be asked about the times he was wounded, but he spontaneously said, "I helped deliver a baby. We took an airfield in Czechoslovakia in February or March of 1945. I lost 65 wounded and 39 killed taking that airport. We pounded it with artillery and air force all day, all night, all the next day and went in that night. They were hiding civilians in tunnels. They took our medical officer prisoner. We shot an antiaircraft gun and he escaped. They had done him dirt and he wouldn't deliver the baby for a woman on a bed in a room in the tunnel. I said, 'I ain't never delivered a baby and you are gonna deliver one.' Two or three hours after that the baby was born."

In that same battle, Mangum recalled, "My carbine got hit by a bullet while I was in a ditch. The bullet went through the front of my helmet and fell on my chest."

A native of Chesterfield County, Mangum moved to Walterboro, South Carolina, Company C. A week after Mangum got married, the company left Walterboro for Fort Jackson, South Carolina. Key and I are the only ones living of 130 who left September 15, 1940, to go to Fort Jackson," Mangum said.

Mangum rose from private to staff sergeant, and by 1942 was training new recruits.

Two of his children were born while he was in the Army in the United States.

When he was stationed at Fort Benning, he became acquainted with Casper Weinberger, who decades later became Secretary of Defense. "Cap Weinberger said I was the meanest black bastard in the Army," Mangum said.

As an example of the emphasis Mangum puts on the medals, he commented, "After I'd been wounded three times, I gave two pheasant hearts back."

When the firing stopped, he stood up. An antiaircraft shell then exploded. "I heard it hit my lower stomach," he remembered. I got in the woods and pulled my britches down. It didn't look bad to me. I figured 'I'd have it looked at later. I got some mercurochrome and doctored it. It healed from the outside but not the inside."

After the war, a piece of shrapnel "no bigger than a little fingernail" was removed. The surgeon also "took four of five inches of my intestine."

He had to be asked about the times he was wounded, but he spontaneously said, "I helped deliver a baby. We took an airfield in Czechoslovakia in February or March of 1945. I lost 65 wounded and 39 killed taking that airport. We pounded it with artillery and air force all day, all night, all the next day and went in that night. They were hiding civilians in tunnels. They took our medical officer prisoner. We shot an antiaircraft gun and he escaped. They had done him dirt and he wouldn't deliver the baby for a woman on a bed in a room in the tunnel. I said, 'I ain't never delivered a baby and you are gonna deliver one.' Two or three hours after that the baby was born."

In that same battle, Mangum recalled, "My carbine got hit by a bullet while I was in a ditch. The bullet went through the front of my helmet and fell on my chest."

A native of Chesterfield County, Mangum moved to Walterboro, South Carolina, Company C. A week after Mangum got married, the company left Walterboro for Fort Jackson, South Carolina. Key and I are the only ones living of 130 who left September 15, 1940, to go to Fort Jackson," Mangum said.

Mangum rose from private to staff sergeant, and by 1942 was training new recruits.

Two of his children were born while he was in the Army in the United States.

When he was stationed at Fort Benning, he became acquainted with Casper Weinberger, who decades later became Secretary of Defense. "Cap Weinberger said I was the meanest little fellow he'd ever met," said Mangum, who stood four feet, six inches tall and weighed 125 pounds.

He was a first lieutenant with the 97th Infantry Division when he went ashore at Normandy on D-Day. "The early weeks of this war had already taken the beach, but hazards still abounded. "After we landed, I hadn't taken ten steps..."
before my first sergeant knocked me flat on the ground," Mangum remembered. "There was a spider mine I was fixing to put my foot on.

They advanced on foot into Germany, "We thought they'd sold all the trucks," Mangum said.

After entering Germany, Mangum was promoted to Captain. He commanded a heavy weapons (machine guns and mortars) company assigned to a rifle company commanded by Captain Bob Weir.

In one engagement, Mangum recalled, "We traveled 60 miles on foot in one day and two nights. We'd go up and got fired on and go back down. I'd go out from, get organized and go back. Every time we started to move they'd shower us with artillery, screaming meat Nazis you shiver along. Shrapnel tore the blade off the shoe I was wearing on my belt; five boys of Captain Weir's were killed by that shell.

Another time, "I was running to help Colonel Weir's men, where they were pinned down. I stretched out when I heard the shell. I felt the shrapnel hit my leg. I hated to look. It was nasty, so when I went to the aid station, the doctor wanted to take the metal out. I said I wanted to get some men to get Bob Weir's men out. The leg wasn't hurt- ing. I got the table and put it in my pocket. More wounded came in. One's arm was about to fall off. When the doctor worked on the three, I put the door. The leg hurt when I walked on it.

He bandaged the 8-inch gash in his leg himself and kept fighting. After the war, doctors discovered that the shrapnel in the wound was forcing his leg bone to bend out of shape.

As the Americans approached Berlin, Mangum was assigned to a motorized patrol with a Russian interpreter to make contact with Russian troops also approaching Berlin. "Imagine what a feeling it was to know you might be the first person to hit Berlin," Mangum recalled. "I couldn't just get in there and kill Hitler, I'd be satisfied. Had they not put the brakes on, I could have gone in. We held up that night. My driver and the Russian interpreter was killed, I don't know how. The civilians had cut people to pieces. There were wagons full of bodies.

When they arrived in Europe, Mangum was re-deployed to the Southwest Pacific, where the war was still being waged against Japan. While Mangum was at sea for 30 days, Japan surrendered. Mangum was among the Americans who went into Japan and set up a military government. He returned by ship to the United States. Then he joined occupation forces in Germany. After a medical examination in Dusseldorf, he was set back to the United States on a hospital ship to be treated for wounds that had never healed. He had shrapnel in his intestine and in his leg, and a head injury causing pressure on his brain.

He was honorably discharged with a physical disability on Oct. 20, 1947.

Mangum and his wife, Trudy, have four children, 10 grandchildren, and five great-grandchildren. He is an active member of Bethel United Methodist Church and belongs to the American Legion and other veterans associations. After leaving the Army, he worked seven years as a Highway Patrol dispatcher and 35 years with the U.S. Postal Service.

IN THE HOUSE OF REPRESENTATIVES

HON. MARTIN R. HOKE
OF OHIO

Thursday, July 25, 1996

Mr. HOKE. Mr. Speaker, there's an old trick to hawking snake oil. First raise the fear. Then sell to it. That's exactly what the big-union, Washington-based labor bosses are trying to do with their latest advertising campaign of fear and blatant disinformation.

You have possibly seen some of these ads on television. The latest is a real whopper, claiming that Congress is out to kill Medicare. Of course, exactly the opposite is true.

In fact, Congress is trying to save Medicare from impending bankruptcy by increasing spending at a slower rate than before. This is also what the President proposed. So instead of Medicare spending going up 10 percent a year, the President and Congress propose that it go up about 7.5 percent.

So how can he Washington-based labor bosses get away with this blatantly false advertising? Well, they can't everywhere. Stations around the country, including some in Cleveland, have refused to run these Medicare ads because they are factually incorrect and misleading. In one on-air story, a TV station in Maine called this latest ad by the Washington labor bosses, "a callous and flagrant attempt to play upon the fears of senior Americans."

"Close to home, a recent attack ad paid for by AFL-CIO members' dues was so bad that even Cleveland AFL-CIO general secretary Dick Auckland admitted that it, "technically might be in error."

That the Washington labor bosses are flat-out lying about the issues is bad enough. What makes it even more about the issues is bad enough. What makes it even more outrageous is that they are using the forced dues of their hard-working members to pay for it. Washington's labor bosses have pledged to spend $500,000 this year specifically to defeat the President. That effort is being financed by a 36 percent hike in members' political dues. Yet on the vast majority of issues rank-and-file members don't agree with the positions of their out-of-touch bosses in Washington.

The union men and women I speak with overwhelmingly support time limits and work requirements for welfare recipients and tax relief for working families. They want term limits and a balanced budget. The Washington labor bosses oppose every one of those positions.

Perhaps even more telling is that 44 percent of union members consider themselves to be conservative, yet almost 100 percent of their involuntary political contributions go to Democrats. As a result you can understand why so many union members are rightly embarrassed and angry that their forced dues are being used to finance political campaigns they don't support.

It is said that Washington's labor bosses care more about their own power than they do about the truth or the views of their members. They benefited enormously from the growing Federal Government under the old majority. And they are not about to sit idly by as the power that was theirs when the President returns to its rightful owners, the people.

If we allow fear to triumph, we can just wave goodbye to a balanced budget, middle-class tax relief, and welfare reform, and say hello to higher taxes and more debt on the backs of our children.

It is up to the American people. Will it be snake oil and fear, or truth and courage?
The Legal Services Corporation has been under assault by conservatives for many years. They argue that the LSC has been a front to advance and lobby for progressive policies. Nothing can be further from the truth. The LSC, begun in 1974 and supported by President Nixon, is a bipartisan program that has served millions of people, including helping nearly 5 million people in 1995, most of whom were poor children. Further, in 1995, 1 out of every 3 legal services cases concerned family law, which included 59,000 cases involving protecting clients from abusive spouses, and more than 9,000 cases involving neglected, abused, and dependent juveniles.

Restrictions have been placed on the operations of the programs of the LSC, and funding and staff levels have been severely cut. In 1994–95, the Maryland Legal Aid Bureau had a total of 143 lawyers and 80 legal assistants. As a result of the fiscal year 1996 cut, Maryland’s Legal Aid Bureau lost $1.4 million and reduced its lawyers to 92 and 57 legal assistants. Under the fiscal year 1997 Republican funding bill, Maryland stood to lose $1.5 million. The funding bill resulted in further cutbacks and left thousands of Maryland residents without adequate legal representation.

Last year’s funding bill for legal services touted the voices of the needy, this year’s bill attempted to silence those voices. The $141 million recommended by the House Appropriations Committee is a cut of nearly 50 percent from the current fiscal year 1996 budget of $278 million for the Legal Services Corporation. Fortunately, an amendment offered by Representatives MOLLAN and FOX, which I supported, increased the funding for the Legal Services Corporation from $141 to $250 million.

As a lawyer, I was one of 130,000 volunteer lawyers registered to participate in pro bono legal services, encouraged by the LSC. The one hard fact that I witnessed throughout my years of practice is that our system of justice belongs to the wealthy and privileged. Rare is the day when indigents or poor citizens receive equitable treatment in their representation and receive equal justice under law.

I believe that ours is the best judicial system in the world. The reason for this lies across this country, citizens with meager resources have little or no voice in that process. I hope the Senate will follow our lead in the House and ensure that low-income individuals and families will be able to receive legal help.

**THE WAR CRIMES DISCLOSURE ACT**

**HON. CAROLYN B. MALONEY**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, July 25, 1996

Mrs. MALONEY. Mr. Speaker, it is with great pride that I rise today across this country, citizens with meager resources have little or no voice in that process. I hope the Senate will follow our lead in the House and ensure that low-income individuals and families will be able to receive legal help.

I introduced H.R. 1281 to close what I perceive is a tremendous loophole in the Freedom of Information Act. Under current law, the FOIA allows Government agencies to block the release of information for a wide variety of reasons, including outdated “national security” arguments that are no longer valid in the post-cold-war era.

Because of this circumstance, researchers investigating war criminals like Kurt Waldheim are denied information that is sitting in U.S. Government files. I’m indebted to A.M. Rosenthal, the New York Times columnist, for his series of articles which brought this problem to light.

The Waldheim case is the most celebrated example. For years, the CIA was keeping its information on Waldheim a secret, even as other Government agencies, namely the Department of Justice, were placing Waldheim on the Watch List of individuals forbidden to enter the country. Waldheim was given the dubious distinction because of his direct involvement in the deportation and murder of Jews and others during World War II.

It is not difficult to imagine how history might have been changed if Waldheim’s secret past had become public. More notably, Waldheim would probably not have been elected to the post of Secretary General of the United Nations, one of the most shameful events in the history of that world body.

And Mr. Waldheim’s shameful story continues. Just recently, I learned that in his brand new autobiography, “The Answer,” he whitewashes his Nazi past, and blames the American Jewish community for his banishment from the United States.

Waldheim’s book is a dishonest answer to the overwhelmingly credible charges that he persecuted and facilitated the murder of Jews, Italians, Serbs, and others in World War II. It is almost incomprehensible that he calls himself a victim, when it was his murderous activity that helped make victims of so many innocent people.

I drafted H.R. 1281 to ensure that the entire Waldheim file is finally disclosed. It is also my hope that the enactment of this bill would help the United States and other Governments to discover those Nazi war criminals. Finally, we received from the Department of Justice, during which we heard excellent testimony from three witnesses. We heard from Congressman TOM LANTOS, the only Holocaust survivor to be elected to Congress, and a moral mentor to me and to all of our colleagues. As an outstanding Member of this body in the 1970’s, Liz was a pioneer in the efforts to expose Nazi war criminals. Finally, we received valuable insights from Robert Herzstein, a distinguished scholar and professor of history at University of South Carolina. His efforts to uncover the secret files of Kurt Waldheim have played an instructive role in the formation of this legislation.

There are a number of organizations which support my bill. These groups include the Simon Wiesenthal Center, the Anti-Defamation League, the World Jewish Congress, the Jewish Community Relations Council of New York, the Orthodox Union, the American Jewish Committee, and the Agudath Israel of America.

Mr. Speaker, the Second World War ended 51 years ago. It’s finally time for the entire story of this, the most horrible era in the history of man’s inhumanity to man, to emerge. It is time to take a stand against those who insult humanity by denying what took place half a century ago. The great philosopher George Santayana taught us that “those who do not learn from history are condemned to repeat it.” I hope that the passage of the War Crimes Disclosure Act will play a small role in helping us heed Santayana’s warning.
Instruments through regulation language is untenable to those who invent new technologies that could do the same job better or cheaper. Certainly it is in the best interest of the Federal Government to ensure that the best and cheapest new technologies are used to monitor environmental contamination, wherever it occurs. It is our hope that this bill will serve as the basis for common ground on this reform of the EPA approval process, and that we will be able to address the issue in more detail in the coming months.

To be sure, there are many details yet to be worked out. This bill in no way represents the final word on how EPA should act. We know that further analysis may yield further ideas which will be considered through the normal committee process. But we intend, with this bill, to offer a starting point for discussion on this issue.

We encourage those who agree with our intent to make the EPA a more technology friendly agency to join as cosponsors to this legislation. The results will be good for both the U.S. economy and the health of our collective environment.

HEALTH CONSCIOUS COMPANIES

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mrs. MORELLA. Mr. Speaker, I rise today to salute two area corporations, Fannie Mae of Washington, DC, and Marriott International of Bethesda, recently named by Working Woman magazine as 2 of the top 10 healthiest companies for women.

These companies are leading the way in the fight against rising health costs and against the debilitating effects of physical and mental illnesses. They have found that their employees’ good health is good for business. Both Fannie Mae and Marriott received high marks for the quality of their employee health plans that included provisions for family members, for reproductive health care, for mental health care, for preventive care, and for wellness programs.

According to Working Woman, “These corporate leaders believe that what’s good for female employees is good for the bottom line.” Marriott International was singled out for its Wellness and You! program, which offers exercise classes, massage therapy, and other stress-reducing activities and such on-site services as cholesterol checks and healthy cooking classes.

Fannie Mae has a women’s health resource center where employees can check reference materials and use on-line services to get answers to their health-related questions, take evening exercise classes, and enroll in weight-management classes.

These corporations have invested wisely in their employees and in their own futures and serve as role models for our Nation’s businesses. Mr. Speaker, please join me in recognizing these corporations for their commitment to women’s health and to their employees.

PROVIDING FOR CONSIDERATION OF H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

SPEECH OF
HON. THOMAS M. DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1996

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes:

Mr. DAVIS. Mr. Chairman, I rise today to indicate my strong opposition to the severe cut in DOE’s office of policy. This bill in no way represents the final word on how DOE should act. We know that further analysis may yield further ideas which will be considered through the normal committee process. But we intend, with this bill, to offer a starting point for discussion on this issue.

We encourage those who agree with our intent to make the EPA a more technology friendly agency to join as cosponsors to this legislation. The results will be good for both the U.S. economy and the health of our collective environment.

HEALTH CONSCIOUS COMPANIES

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Ms. LOFGREN. Mr. Speaker, I am pleased in joining my colleague from California [Mr. BAKER], in introducing legislation that will encourage the development of new and innovative environmental monitoring technology.

This legislation will help to improve the Environmental Protection Agency’s current prescriptive analytical methods for the approval of toxic environmental monitoring technology.

Mr. Speaker, I regret the inclusion of these deep and Draconian cuts in the DOE budget, and the specific FTE targets mandated on the departmental headquarters. It has damaged this important legislation, and I cannot support its passage.

CASTRO’S INVOLVEMENT IN DRUGS

HON. ILEANA ROSLEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, this morning the south Florida community woke up to new evidence, in addition to the vast amounts which now exist, of the involvement of the Castro regime in drug smuggling into the United States.

The Miami Herald reported that the Drug Enforcement Agency is investigating a link between Castro and a drug shipment of over 5,000 pounds of cocaine which was confiscated in Miami on January 9.

The Miami Herald reported that the drugs were apparently off loaded inside Cuban waters, to speedboats destined to the United States, from a freighter which originated in Colombia, which had previously docked in Havana to off-load cargo. The Herald story adds that United States law enforcement agencies have recently also uncovered the involvement of the individual responsible for smuggling the drugs with Cuban tyrant Fidel Castro.

Mr. Speaker, no longer can the United States turn its back on Castro’s aiding and abetting drug traffickers, because the mounting amount of evidence, both within Cuba, with drug trafficking. These allegations deserve to be examined and investigated thoroughly by our drug enforcement agencies.
Mr. Speaker, the Delaney clause has become outdated, and it is high-time that we replace these laws which are based on science and technology from the 1950's which laws based on modern science. I support H.R. 1627 which makes this reform. The bill includes the recommendation of the National Academy of Sciences regarding both the negligible risk standard for carcinogens and additional protection of infants and children which are based on sound scientific principles.

Mr. Speaker, reform of the Nation's pesticide laws has been a priority of mine since coming in Congress. I am pleased that we have worked together on this legislation which will maintain America's superior food supply while most importantly, protecting and promoting the health of our citizens. Our Nation's farmers, consumers, and especially our children deserve no less.

TRIBUTE TO SUFFRAGAN BISHOP CHARLES L. TAYLOR

HON. BOB FILNER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 25, 1996

Mr. FILNER. Mr. Speaker, I rise today to recognize an outstanding religious leader in the San Diego community who is worthy of special recognition—Suffragan Bishop Charles L. Taylor.

Suffragan Bishop Taylor has been actively involved in the San Diego community since 1958. During that time, he and his wife Esther have shared their love unselfishly with 32 foster children. He was also instrumental in implementing the Free-Lunch Program for underprivileged children at a local elementary school.

In 1967, he established a church and began his pastoral work. He has been most influential in this capacity, and has led indelible trails for others to follow. He is the pastor of the Greater Apostolic Faith Temple Church in my hometown of San Diego, a church that has been a religious landmark for 70 years.

In today's society, where children from all areas and backgrounds must eventually face the scourge of violence and drugs, it is imperative to have religious leaders who can advise, instruct and lead our youth toward a brighter future. In his local assembly and throughout California, Suffragan Bishop Taylor has willingly assumed this critical role. He has worked untringly to help people from all walks of life. He has dedicated most of his efforts toward the young, helping them to lead happy and productive lives.

Suffragan Bishop Taylor prepared himself for these challenging tasks by earning a bachelor of science degree from Virginia State College and two doctoral degrees in Divinity. He
has attained honor and recognition from several leading organizations, including the Pentecostal Assemblies of the World—the oldest and largest Pentecostal organization on Earth. After 39 years as a working member of the organization, Suffragan Bishop Taylor will be elevated to the position of Bishop this August, joining the ranks of those who execute ecclesiastical decisions that affect the religious community.

A gala celebration of his elevation will be held August 17 at the Hotel Del Coronado in San Diego. I join all of those who have been touched by Suffragan Bishop Taylor’s work in congratulating him on this honor and encouraging him to continue his good work.

Mr. DAVIS. Mr. Speaker, I rise today in support of H.R. 497, the National Gambling Impact and Policy Commission Act; legislation introduced by my friend and colleague, the gentleman from Virginia, [Mr. WOLF]. I have cosponsored and support this bill because gambling is not the type of business my district needs or wants in order to build a strong economy and a stable tax base. Virginia has been extremely successful in attracting high tech and Fortune 500 companies that provide quality, high paying jobs. Furthermore, preliminary studies of areas that have introduced gambling show that while the number of jobs increase at first, over time the economy of the area suffers, resulting in the loss of high quality employers. We don’t need this in my district and I suspect that many Members of this body have similar feelings.

Already, my State is seeing the proliferation of gambling activities. One off-track horse betting parlor is already in operation in Virginia, and its owners are anxious to open a second. The bipartisan, unbiased nine-member commission this legislation will create will provide Congress and the President with the information necessary to make decisions regarding national policy on gambling. This study will grant the Federal Government invaluable information concerning gambling. Twenty years have passed since Congress visited this issue and the Commission on the Review of the National Policy toward Gambling issued its report. Since then, 46 States have legalized gambling in some fashion. In 1994, Americans wagered $482 billion on all forms of gambling according to U.S. News and World Report; 85 percent of that figure took place in casinos in 27 States, most of which have opened during the past 5 years. Because of the fact that this industry is growing at such an incredible rate, and because there is a lack of current knowledge on the effects of this particular industry on our society Mr. Speaker, I urge my colleagues to support this important and crucial legislation.
HIGHLIGHTS

Senate passed D.C. Appropriations, 1997.
House committee ordered reported 10 sundry measures.

Chamber Action

Routine Proceedings, pages S8833-S8941

Measures Introduced: Four bills were introduced, as follows: S. 1989-1992.  

Measures Passed:

- **Sexual Offender Tracking and Identification Act**: Committee on the Judiciary was discharged from further consideration of S. 1675, to provide for the nationwide tracking of convicted sexual predators and the bill was then passed, after agreeing to the following amendment proposed thereto:

  Gramm Amendment No. 5038, in the nature of a substitute.  
  Pages S8777-81

- **D.C. Appropriations, 1997**: Senate passed H.R. 3845, making appropriations for government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, after agreeing to committee amendments.  
  Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Jeffords, Campbell, Hatfield, Kohl, and Inouye.  
  Pages S8821-29

- **Hydroelectric Project Extension**: Senate passed H.R. 1051, to provide for the extension of certain hydroelectric projects located in the State of West Virginia, clearing the measure for the President.  
  Page S8830

  Page S8930

- **Cambodia Most-Favored-Nation Treatment**: Senate passed H.R. 1642, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, after agreeing to a committee amendment in the nature of a substitute.  
  Pages S8930-31

- **Small Business Investment Company Improvement Act**: Senate passed S. 1577, to amend the Small Business Investment Act of 1958, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

  Murkowski (for Bond/Bumpers) Amendment No. 5090, to provide for an extension of the Small Business Competitiveness Demonstration Program.  
  Pages S8931-38

- **Health Coverage Availability and Affordability Act**: Committee on the Judiciary was discharged from further consideration of H.R. 3166, to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and to reform medical liability, and the bill was then passed, after agreeing to the following amendment proposed thereto:

  Murkowski (for Specter) Amendment No. 5091, in the nature of a substitute.  
  Pages S8938-41
Federal Employee Representation Improvement Act: Senate passed H.R. 782, to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government, after agreeing to a committee amendment in the nature of a substitute.

Foreign Operations Appropriations, 1997: Senate continued consideration of H.R. 3540, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, with a committee amendment in the nature of a substitute, taking action of amendments proposed thereto, as follows:

Adopted:

By a unanimous vote of 96 yeas (Vote No. 238), McConnell Modified Amendment No. 5017, to require information on cooperation with United States anti-terrorism efforts in the annual country reports on terrorism.

By 51 yeas to 46 nays (Vote No. 244), Coverdell Amendment No. 5018, to increase the amount of funds available for international narcotics control programs.

Cohen Amendment No. 5019, to sanction certain U.S. assistance to Burma unless such sanctions would be contrary to U.S. national security interests. (By 45 yeas to 54 nays (Vote No. 243), Senate failed to table the amendment.)

McConnell (for Bumpers) Amendment No. 5020, to allocate foreign assistance for Mongolia.

McConnell (for Reid) Amendment No. 5021, to restrict the use of funds for any country that permits the practice of female genital mutilation.

McConnell (for Inouye/Bennett) Amendment No. 5022, to earmark funds for support of the United States Telecommunications Training Institute.

McConnell (for Leahy) Amendment No. 5023, to delete provisions relating to a landmine use moratorium.

McConnell (for Leahy/Inouye) Amendment No. 5024, to require a report on actions of the Government of Tunisia with respect to civil liberties and the independence of the judiciary.

McConnell (for Leahy) Amendment No. 5025, to provide additional funds to support the International Development Association.

McConnell/Leahy Amendment No. 5026, to amend the notification requirements provisions.

Subsequently, the amendment was modified.

By 70 yeas to 28 nays (Vote No. 240), Helms Amendment No. 5028, to prohibit United States voluntary contributions to the United Nations and its specialized agencies if the United Nations attempts to implement or impose taxation on United States persons to raise revenue for the United Nations.

Murkowski Amendment No. 5029, to express the sense of the Congress regarding implementation of United States-Japan Insurance Agreement.

McConnell (for Helms) Amendment No. 5030, to express the sense of Congress regarding the conflict in Chechnya.

McConnell (for Brown) Amendment No. 5031, to allocate funds for demining operations in Afghanistan.

McConnell (for Faircloth) Amendment No. 5032, to require a General Accounting Office study and report on the grants provided to foreign governments, foreign entities, and international organizations by United States agencies.

McConnell (for Faircloth) Amendment No. 5033, to require a GAO study and report on the grants provided to foreign governments, foreign entities, and international organizations by United States agencies.

McConnell (for Simon) Amendment No. 5034, to clarify the use of certain development funds for Africa.

McConnell (for Moynihan) Amendment No. 5039, to require certain reports on the situation in Burma regarding labor practices.

McConnell (for Graham) Amendment No. 5040, to make Haiti eligible to purchase defense articles and services.

McConnell (for Brown/Simon) Amendment No. 5041, to express the sense of the Congress that the United States should take steps to improve economic relations between the United States and the countries of Eastern and Central Europe.

McConnell (for Specter) Amendment No. 5042, to permit certain claims against foreign states to be heard in United States courts where no extradition treaty with the state existed at the time the claim arose and where no other adequate and available remedies exist.

McConnell (for Brown) Amendment No. 5043, to express the sense of the Congress that Croatia be commended for its contributions to NATO and peacekeeping efforts in Bosnia.

McConnell (for Brown) Amendment No. 5044, to express the sense of the Congress that Romania is...
making significant progress toward admission to NATO.

Kerry Amendment No. 5046 (to Amendment No. 5045), to promote the establishment of a permanent multilateral regime to govern the transfer of conventional arms. (Subsequently, the amendment fell when Amendment No. 5045, listed below, was tabled.)

By 96 yeas to 3 nays (Vote No. 242), Domenici Amendment No. 5047, to withhold international military education and training assistance from Mexico unless the Mexican Government apprehends and prosecutes or extradites the ten most wanted drug lords indicted in the United States.

By 81 yeas to 16 nays (Vote No. 245), Brown Modified Amendment No. 5058, to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

McConnell (for Inouye) Amendment No. 5059, to express the sense of the Congress regarding expansion of eligibility for Holocaust survivor compensation by the Government of Germany.

McConnell (for Kyl) Amendment No. 5060, to allocate funds for commercial law reform in the independent states of the former Soviet Union.

McConnell (for Lieberman) Amendment No. 5061, to urge continued and increased United States support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia.

McConnell (for Pressler) Amendment No. 5062, to state the sense of the Senate on the delivery by the People's Republic of China of cruise missiles to Iran.

McConnell (for Pressler) Amendment No. 5063, to state the sense of the Senate on delivery by China of ballistic missile technology to Syria.

McConnell (for McCain) Amendment No. 5064, to treat adult children of former internees of Vietnamese reeducation camps as refugees for purposes of the Orderly Departure Program.

McConnell Amendment No. 5065, to provide for a report on activities of the military forces of the People's Republic of Korea.

McConnell (for Helms) Amendment No. 5079, to require the deobligation of certain unexpended economic assistance funds.

McConnell (for Bingaman) Amendment No. 5080, to express the sense of the Senate in opposition to the military overthrow of the Government of Burundi and to encourage the swift and prompt end to the current crisis.

McConnell (for Abraham) Amendment No. 5081, to provide for $15,000,000 earmarked for the American Schools and Hospitals Abroad Program from the Development Assistance Account.

McConnell (for Abraham) Amendment No. 5082, to provide for $5,000,000 earmarked for a land and resource management institute to identify nuclear contamination at Chernobyl.

Subsequently, the amendment was modified.

McConnell (for Cochran) Amendment No. 5084, to reduce the contribution to the International Fund for Agricultural Development.

McConnell/Leahy/Lautenberg Amendment No. 5085, to establish the Bank for Economic Cooperation and Development in the Middle East and North Africa.

McConnell (for Leahy) Amendment No. 5086, to provide for the transfer of unobligated and unearmarked funds to International Organizations and Programs.

McConnell (for Pell) Amendment No. 5087, to express the sense of the Senate that the United States Government should encourage other governments to draft and participate in regional treaties aimed at avoiding any adverse impacts on the physical environment or environmental interests of other nations or a global commons area, through the preparation of Environmental Impact Assessments, where appropriate.

Mackowski Amendment No. 5089 (to Amendment No. 5078), to provide conditions for funding North Korea's implementation of the nuclear framework agreement.

Rejected:
By 43 yeas to 56 nays (Vote No. 239), Smith Amendment No. 5027, to strike funds made available for the Socialist Republic of Vietnam.

Dorgan/Hatfield Amendment No. 5045, to establish standards of eligibility for arms transfers and give Congress a role in reviewing which governments are eligible for U.S. arms transfers and military assistance. (By 65 yeas to 35 nays (Vote No. 241), Senate tabled the amendment.)

Pending:
Simpson Amendment No. 5088, to strike the provision which extends reduced refugee standards for certain groups.
Lieberman Amendment No. 5078, to reallocate funds for the Korean Peninsula Energy Development Organization.

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereon, on Friday, July 26, 1996.

**Health Insurance Reform Act—Conferences:** Senate insisted on its amendment to H.R. 3103, to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, and to simplify the administration of health insurance, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Roth, Kassebaum, Lott, Kennedy, and Moynihan.

**Small Business Job Protection Act—Conferences:** Senate insisted on its amendment to H.R. 3448, to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, requested a conference with the House thereon, and the Chair appointed the following conferees: from the Committee on Labor and Human Resources: Senators Kassebaum, Jeffords, and Kennedy; and from the Committee on Finance: Senators Roth, Chafee, Grassley, Hatch, Simpson, Pressler, Moynihan, Baucus, Bradley, Pryor, and Rockefeller.

**Energy and Water Appropriations, 1997—Agreement:** A unanimous-consent agreement was reached providing for the consideration of S. 1595, making appropriations for energy and water development for the fiscal year ending September 30, 1997, on Friday, July 26, 1996.

**Nominations Confirmed:** Senate confirmed the following nominations:
- Glenn Dale Cunningham, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.
- JoAnn G. Gottschall, of Illinois, to be United States District Judge for the Northern District of Illinois.

**Committee Meetings**

(Committees not listed did not meet)

**COMMERCE ONLINE**

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 1726, to promote electronic commerce by facilitating the use of privacy-enhancing technologies, after receiving testimony from Louis J. Freeh, Director, Federal Bureau of Investigation, Department of Justice; William A. Reinsch, Under Secretary of Commerce for Export Administration; William P. Crowell, Deputy Director, National Security Agency; James Barksdale, Netscape Communications, Mountain View, California; Roel Pieper, Tandem Computers, Inc., Cupertino, California; and Grover Norquist, Americans for Tax Reform, and Michael Skol, Diplomatic Resolutions, both of Washington, D.C.

**NATIONAL PARKS/SITES**

Committee on Energy and Natural Resources: Subcommittee on Parks, Historic Preservation and Recreation concluded hearings on S. 1699, to require the Secretary of the Interior to establish the National Cave and Karst Research Institute in the vicinity and outside the boundaries of Carlsbad Caverns National Park, New Mexico, and S. 1809, entitled “Aleutian World War II National Historic Sites Act”, after receiving testimony from John Reynolds, Deputy Director, National Park Service, Department of the Interior; and Brad Gilman, Ounalashka Corporation, Unalaska, Alaska.

**WORLD BANK PROJECTS**

Committee on Foreign Relations: Committee held hearings to examine the nature of Xinjiang Production and Construction Corp and its role in administering World Bank projects in Xinjiang, China, receiving testimony from David Lipton, Assistant Secretary of the Treasury for International Affairs; Jeffrey L. Fiedler, Washington, D.C., and Harry Wu, Milpitas,
July 25, 1996

CONGRESSIONAL RECORD — DAILY DIGEST

California, both of the Laogai Research Foundation, Washington; Teresa Buczacki, Falls Church, Virginia; Mohammed Ferhat, Munich, Germany; and Abulajiang Baret, Urumqi, Xinjiang, China.

Hearings were recessed subject to call.

BUSINESS MEETING
Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

The nomination of Franklin D. Raines, of the District of Columbia, to be Director, Office of Management and Budget;

S. 1376, to terminate unnecessary and inequitable Federal corporate subsidies, with an amendment in the nature of a substitute;

S. 1931, to provide that the United States Post Office building that is to be located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the “L. Clure Morton Post Office and Courthouse”, with an amendment in the nature of a substitute; and

S. 1718, authorizing funds for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, with an amendment.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following bills:

S. 1237, to revise certain provisions of law relating to child pornography, with an amendment in the nature of a substitute;

S. 1887, to make improvements in the operation and administration of the Federal courts, with an amendment in the nature of a substitute; and

S. 1556, to prohibit economic espionage, and to provide for the protection of United States proprietary economic information in interstate and foreign commerce, with an amendment in the nature of a substitute.

GENETICS RESEARCH
Committee on Labor and Human Resources: Committee concluded hearings to examine recent developments in genetics research, public policy issues with regard to access to and use of genetic information, and the impact of genetic technologies on certain sectors of industry, health care delivery system, and the public, after receiving testimony from Senators Mack and Domenici; Francis S. Collins, Director, National Center for Human Genome Research, National Institutes of Health, Department of Health and Human Services; Karen H. Rothenberg, University of Maryland School of Law, and Neil A. Holtzman, Johns Hopkins Medical Institutions, both of Baltimore, Maryland; Patricia D. Murphy, OncorMed, Inc., Gaithersburg, Maryland; Kate T. Christensen, Permanente Medical Group, Oakland, California; Judy E. Garber, Dana-Farber Cancer Institute/Harvard University Medical School, Boston, Massachusetts; and Wendy L. McGoodwin, Council for Responsible Genetics, Cambridge, Massachusetts.

House of Representatives

Chamber Action


Reports Filed: Reports were filed as follows:

Conference report on H.R. 1617, to consolidate and reform workforce development and literacy programs (H. Rept. 104–707); and

H. Res. 489, providing for the consideration of, H.R. 2823 to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean (H. Rept. 104–708).

Pages H8387–H8458, H8516, H8556

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Myrick to act as Speaker pro tempore for today. Page H8381

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, Resources, Small Business, and Transportation and Infrastructure.

Energy and Water Development Appropriations: By a yea-and-nay vote of 391 yeas to 23 nays, Roll
No. 360, the House passed H.R. 3816, making appropriations for energy and water development for the fiscal year ending September 30, 1997.

Agreed To:

The Schaefer amendment that increases funding for renewable energy programs by $30 million, debated on July 24 (agreed to by a recorded vote of 279 ayes to 135 noes, Roll No. 358).

Rejected:

The Obey amendment that sought to eliminate the $17 million funding for the Advanced Light Water Reactor Program, debated on July 24 (rejected by a recorded vote of 198 ayes to 211 noes, Roll No. 357); and

The Markey en bloc amendment that sought to eliminate the $20 million funding for pyroprocessing or electrometallurgical treatment by reducing energy research and development by $5 million and defense environmental restoration and waste management by $15 million, debated on July 24 (rejected by a recorded vote of 138 ayes to 278 noes, Roll No. 359).

Campaign Finance Reform: By a yea-and-nay vote of 162 yeas to 259 nays, Roll No. 365, the House failed to pass H.R. 3820, to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns.

By a recorded vote of 209 ayes to 212 noes, Roll No. 364, the House rejected the Fazio amendment that sought to recommit the bill to the Committee on House Oversight with instructions to report it back forthwith with an amendment that clarifies the definitions relating to independent expenditures.

Rejected, by a recorded vote of 177 ayes to 243 noes, Roll No. 363, the Fazio amendment in the nature of a substitute consisting of the text of H.R. 3505, to amend the Federal Election Campaign Act of 1971, modified by the modified by the amendment printed in the report of the Committee on Rules, H. Rept. 104±685.

BUDGET RECONCILIATION

Committee on Banking and Financial Services: Began consideration of the following reconciliation recommendations to be transmitted to the Committee on the Budget for inclusion in the Budget Reconciliation Act: Title III, Subtitle A—Deposit Insurance Funds; Subtitle B—Thrift Charter Conversion.

Committee recessed subject to call.

CONSUMER PRODUCTS—ENERGY EFFICIENCY

Committee on Commerce: Subcommittee on Energy and Power held a hearing on Federal Energy Efficiency Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards—clearing the measure for the President.

Senate Messages: Message received from the Senate today appears on page H8381.

Quorum Calls—Votes: Four yea-and-nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H8384–85, H8385–86, H8366, H8367, H8469–70, H8470, H8513–14, H8515–16, and H8516. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 9:40 p.m.

Committee Meetings

PROCESSOR-FUNDED MILK PROMOTION PROGRAM

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held an oversight hearing on the processor-funded milk promotion program (MilkPEP) established by the Fluid Milk Promotion Act of 1990. Testimony was heard from Richard M. McKee, Director, Dairy Division, Agricultural Marketing Service, USDA; and public witnesses.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families approved for full Committee action amended H.R. 3876, Juvenile Crime Control and Delinquency Prevention Act of 1996.
MISCELLANEOUS MEASURES; DRAFT REPORTS

The Committee also approved the following draft reports: “Protecting the Nation’s Blood Supply from Infectious Agents: The Need for New Standards to Meet New Threats”; “Health Care Fraud: All Public and Private Payers Need Federal Criminal Anti-Fraud Protections”; “Investigation into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians”; and “Two Year Review of the White House Communications Agency Reveals Major Mismanagement, Lack of Accountability and Mission Creep”.

SYRIA AND SUPPORT FOR INTERNATIONAL TERRORISM
Committee on International Relations: Held a hearing on Syria: Peace Partner or Rogue Regime? Testimony was heard from Philip Wilcox, Coordinator for Counterterrorism, Department of State; and public witnesses.

ALBANIA—HUMAN RIGHTS AND DEMOCRACY
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Human Rights and Democracy in Albania. Testimony was heard from Rudolf V. Perina, Senior Deputy Assistant Secretary, Bureau of European and Canadian Affairs, Department of State; and public witnesses.

OVERSIGHT
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing to review whether Congress should adopt legislation that would exempt from local taxation wireless service providers who transmit satellite-delivered video programming. Testimony was heard from public witnesses.

CIVIL RIGHTS COMMISSION ACT
Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.R. 3874, Civil Rights Commission Act of 1996.

LABORER’S INTERNATIONAL UNION OF NORTH AMERICA
Committee on the Judiciary: Subcommittee on Crime concluded hearings on the Administration’s efforts against the influence of organized crime in the Laborer’s International Union of North America. Testimony was heard from the following officials of the Department of Justice: James Burns, U.S. Attorney, Northern District, Illinois; John C. Keeney, Deputy Assistant Attorney General, Criminal Division; Paul E. Coffey, Organized Crime and Racketeering Section; Michel Ross, Supervisory Special Agent, FBI; Abner J. Mikva, former Counsel, The White House; and public witnesses.

OVERSIGHT—OUTER CONTINENTAL SHELF MORATORIA
Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Outer Continental Shelf moratoria. Testimony was heard from Representatives Goss, Seastrand, Riggs, Woolsey, Pallone, Eshoo, and Pelosi; and Cynthia L. Quartermar, Director, Minerals Management Service, Department of the Interior.

OVERSIGHT—NATIONAL WILDLIFE REFUGE
Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing on National Wildlife Refuge System. Testimony was heard from Robert Streeter, Assistant Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Department of the Interior.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 3099, Washita Battlefield Nation Historic Site Act of 1996; H.R. 3819, to amend the Act establishing the National Park Foundation; H.R. 3486, to dispose of certain Federal properties at Dutch John, Utah, and to assist local government in the interim delivery of basic services to the Dutch John community; H.R. 3769, to provide for the conditional transfer of the Oregon and California Railroad Grant Lands, the Coos Bay Military Wagon Road Lands, and related public domain lands to the State of Oregon; and H.R. 3497, Snoqualmie National Forest Boundary Adjustment Act of 1996. Testimony was heard from Representatives Bunn of Oregon, Dunn, Lucas, and Orton; the following officials of the Department of the Interior: Katherine
Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service; Nancy Hayes, Chief of Staff and Counselor, Bureau of Land Management; and Steve Richardson, Director, Policy and External, Bureau of Reclamation; Eleanor Towns, Director, Lands, Forest Service, USDA; and public witnesses.

OVERSIGHT
Committee on Resources: Subcommittee on Water and Power Resources held an oversight hearing on deferred maintenance and energy reliability issues at facilities generating power marketed by the Southeastern Power Administration. Testimony was heard from Representatives Franks of New Jersey and Meehan; Victor S. Rezendes, Director, Energy, Resources and Science Issues, GAO; Charles Borchardt, Administrator, Southeastern Power Administration, Department of Energy; Daniel R. Burns, Chief of Operations, Construction and Readiness Division, Corps of Engineers, Department of the Army; and public witnesses.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT
Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 2823, International Dolphin Conservation Program Act.

In lieu of the Committee on Resources amendment, the rule provides for one amendment in the nature of a substitute printed in the Congressional Record and numbered 1 to be considered as an original bill for the purpose of amendment. The amendment numbered 1 shall be considered as read.

The rule also provides for an amendment to be offered by Representative Miller of California or his designee, which shall be considered as read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Young and Representatives Saxton, Gilchrest, and Miller of California.

OVERSIGHT—EFFECTIVENESS OF U.S. EXPORT ASSISTANCE CENTERS
Committee on Small Business: Subcommittee on Procurement, Exports, and Business Opportunities held an oversight hearing on the Effectiveness of U.S. Export Assistance Centers. Testimony was heard from JayEtta Hecker, Director, International Trade, Finance and Competitiveness Division, GAO; the following officials of the Department of Commerce: Johnnie Frazier, Assistant Inspector General, Inspections and Program Evaluations; and Lauri-Fitz-Pegado, Assistant Secretary and Director General, U.S. Commercial Service; James P. Morris, Director, Regional Office, Export-Import Bank of the United States; and Mary N. Joyce, International Trade Specialist, SBA.

COMMITTEE BUSINESS
Committee on Standards of Official Conduct: Met in executive session to consider pending business.

ISTEA REAUTHORIZATION
Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation continued hearings on ISTEA Reauthorization Maintaining Adequate Infrastructure: The Surface Transportation Program. Testimony was heard from Representative Visclosky; William G. Burnett, Executive Director, Department of Transportation, State of Texas; Brian Rude, Senator, State of Wisconsin; and public witnesses.

Hearings continue July 30.

SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT; SSA AS AN INDEPENDENT AGENCY
Committee on Ways and Means: Subcommittee on Social Security approved for full Committee action the Social Security Miscellaneous Amendments Act of 1996.

The Subcommittee also held a hearing to Review the Performance of the Social Security Administration as an Independent Agency. Testimony was heard from Rogelio Garcia, Specialist in American National Government, Government Management and Operations Section, Government Division, Congressional Research Service, Library of Congress; Charles A. Bowsher, Comptroller General, GAO; and Shirley Sears Chater, Commissioner, SSA.

U.S. TRADE COMPETITIVENESS AND WORKFORCE EDUCATION AND TRAINING
Committee on Ways and Means: Subcommittee on Trade held a hearing on U.S. Trade Competitiveness and Workforce Education and Training. Testimony was heard from Robert R. Reich, Secretary of Labor; David Longanecker, Assistant Secretary, Post-Secondary Education, Department of Education; and public witnesses.

Joint Meetings
BUDGET RECONCILIATION
Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 3734, to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget.
for fiscal year 1997, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS
(For last listing of Public laws, see DAILY DIGEST, p. D794)
H.R. 701, to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri. Signed July 24, 1996. (P.L. 104–165)

COMMITTEE MEETINGS FOR FRIDAY, JULY 26, 1996
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Banking, Housing, and Urban Affairs, to hold oversight hearings to review the General Accounting Office report on the Federal Reserve System, 9:15 a.m., SD–538.

House
Committee on Banking and Financial Services, Subcommittee on Housing and Community Opportunity, hearing on Expiring Section 8 Contracts and FHA Insurance, 10 a.m., 2128 Rayburn.
Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, hearing on H.R. 3391, to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act, 10 a.m., 2322 Rayburn.
Committee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental Relations, hearing on Consumers and Health Informatics, 10 a.m., 2154 Rayburn.
Committee on Resources, briefing on proposed National Petroleum Reserve—Alaska Land Exchange contained in the House counter-offer to the Senate on the Presidio legislation, 11:30 a.m., 1324 Longworth.

Joint Meetings
Conferees on S. 1316, to authorize funds for programs of the Safe Drinking Water Act, 9:15 a.m., 2123 Rayburn Building.
Next Meeting of the SENATE
9:30 a.m., Friday, July 26

Senate Chamber

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, July 26

House Chamber
Program for Friday: Consideration of H.R. 2391, Working Families Flexibility Act (modified open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Ackerman, Gary L., N.Y., E 1378
Baker, Bill, Calif., E 1381
Callahan, Sonny, Ala., E 1375
Conyers, John, j r., Mich., E 1378
Cummings, Elijah E., Md., E 1380
Davis, Thomas M., Va., E 1382, E 1384
Dingell, John D., Mich., E 1371
Fields, Jack, Tex., E 1372, E 1374, E 1377
Filner, Bob, Calif., E 1383
Fox, Jon D., Pa., E 1371, E 1373, E 1375, E 1377, E 1378
Ganske, Greg, Iowa, E 1374
Gingrich, Newt, Ga., E 1373
Hoke, Martin R., Ohio, E 1380
Jackson-Lee, Sheila, Tex., E 1383
Kim, Jay, Calif., E 1379
Levin, Sander M., Mich., E 1377
Lincoln, Blanche Lambert, Ariz., E 1383
Lipinski, William O., Ill., E 1371, E 1374
Lofgren, Zoe, Calif., E 1382
Maloney, Carolyn B., N.Y., E 1381
Martini, William J., N.J., E 1376
Morella, Constance A., Md., E 1382
Portman, Rob, Ohio, E 1376
Richardson, Bill, N. Mex., E 1377
Roukema, Ileana, Fla., E 1382
Smith, Nick, Mich., E 1373
Solomon, Gerald B.H., N.Y., E 1375
Spence, Floyd, S.C., E 1379

CONGRESSIONAL RECORD — DAILY DIGEST
July 25, 1996

Congressional Record
The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512-1262; or by calling (202) 512-1350 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.