been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.''

In consultation with the Office of Legal Counsel at the Justice Department and the White House Counsel's Office, it was determined that this constitutional requirement only prohibits the appointment of a Senator or Representative to a civil office if an act of Congress has created, or increased, the emoluments of that office during that Senator's or Representative's current term of office. In Congressman Peterson's case, there have been no salary increases covering ambassadors during his current term of office.

Mr. THOMAS. Had the administration done its job, Congressman PETERSON would have been spared the surprise and awkwardness of having his hearing postponed for several months. It is unfortunate that he has become a victim of this administration's unfortunate tendency to be reactive, rather than proactive, in its foreign policy decisions.

In some other circumstances, Mr. President, I might worry about a delay in sending an ambassador to a particular country and the effect such a delay might have on our foreign policy. Since May the State Department has been strongly urging the Senate to take up the Peterson nomination at the earliest possible date because ''it is vital to U.S. interests that we have an Ambassador in place there.'' With that sense of urgency, the Department was continually requesting that the nomination be placed on a fast track. That sense of urgency is unabated, but the White House has terminally undercut its own argument by stating that even if the Senate gave its advice and consent in this session to avoid a constitutional problem it would not officially commission and send him to Hanoi until after the expiration of his present term—in other words not until next January—to avoid constitutional complications. It seems to make little sense to hold a hearing now on a nominee who all sides agree is constitutionally barred from taking office until the next Congress convenes. Thankfully for Congressman PETERSON, our delay will not appreciably add to the time he will now be kept from his new position.

Second, the postponement it is not about what I view as the administration's hurried move to normalize relations with the SRV. It will not come as a surprise to anyone that as a Senator I have opposed normalization in the past. My opposition was not based on my dislike of that country's communist dictatorship, or even its brutal repression of its own people—although in this administration's somewhat hypocritical view these two bases seem sufficient to deny diplomatic recognition to other countries such as Cuba, North Korea, and Burma. Rather, I did not believe that we should reward Hanoi with normalization when, in my opinion and the opinion of many other Members of this and the other body, Hanoi had not been sufficiently forthcoming with information about our country's missing and dead servicemen.

I acknowledge that the President has wide latitude in the conduct of foreign policy, he has made the decision to normalize relations, and the Congress has more or less decided to go along with that decision. I have repeatedly stated that I will not stand in the way of that process simply because I disagree with the original decision.

Third, the decision to postpone is decidedly not—I repeat not—about politics. While it has become somewhat ''normal'' in the Senate for a committee controlled by one party to hold up action on the nominees proposed by a President from the opposing party at the close of an election year, such is not the case in this committee this year. The distinguished full committee chairman, Mr. HELMS, made it clear several months ago that it is his intention to move all matters pending before the committee—whether nominations, legislation, or treaties—out to the full Senate in time for them to be acted upon before the Senate adjourns sine die sometime in October; I fully support that position.

In addition, I have never managed issues within the jurisdiction of my subcommittee in anything less than a fully bipartisan spirit. I firmly believe that to be effective, U.S. foreign policy is an issue that should be insulated from the currents and eddies of partisan politics. Toward that end, I have never raised objections to an ambassadorial nominee solely because he or she was a Democrat, or a political, as opposed to a career, nominee. First, I would not have scheduled, and then rescheduled, this nomination hearing if I had not had every intention of moving forward with it. Nor would I go on record as publicly committing myself to make the Peterson nomination my first of 1997.

Fourth, this is not a question of the committee making a mountain out of a molehill. It is not some arcane issue to which we can turn a blind eye. It exists in black and white in the Constitution, the very document that many Members of this body carry with them daily and which all of us have sworn to uphold.

Some might ask, ''What would it harm to simply overlook the problem?'' What would it harm, Mr. President? Simply put, I believe strongly that it would harm the Constitution and the Senate. There is an enormous temptation to chisel at the margins of the Constitution. The temptation becomes almost irresistible when the corner chiseled at is deemed a nuisance and the likelihood is very remote that anyone would bring a lawsuit against those holding the chisel. The ineligibility clause would seem to fall into this category.

But a constitutional violation is no less a constitutional violation simply because the offended provision is perceived to be a minor one, or because of the absence of a judicial ruling to that effect. The President has taken an oath to uphold the Constitution; so have I, and I take that oath very seriously. The duty extends to every part of that document, not just to those portions that are considered convenient or more expedient than others. We should not turn our backs on the Constitution simply because we agree Congressman PETERSON is a good candidate or because the State Department would rather that he have his hearing now as opposed to later. Given the Constitution or the administration's convenience, the choice is clear.

INNOVATIVE BUSINESS PRACTICES AT NORFOLK NAVAL BASE

Mr. NUNN. Mr. President, in an article entitled ''An Admiral Turns Big Guns on Waste at Norfolk, VA, Base'' last month, Wall Street Journal reporter John Fialka described some of the new business practices that the Navy is employing to improve the efficiency of its base operations. I will ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks for the benefit of my colleagues who may have missed it.

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

(See exhibit 1.)

Mr. NUNN. This article documents a number of innovative initiatives undertaken by the Navy at Norfolk Naval Base—energy audits; joint agreements with civilian port terminals to increase the Navy's railroad access and terminal capacity; and lease arrangements with private real estate developers to increase the quality and quantity of housing for Navy members and their families. Mr. President, this kind of aggressive and innovative approach to reducing infrastructure costs is essential if our military services are going to have the funds to invest in the new systems and equipment need to modernize our forces.

According to the Wall Street Journal, the individual most responsible for these efforts at Norfolk Naval Base is Adm. William J. ''Bud'' Flanagan, the Commander of the Atlantic Fleet. Many of my colleagues remember Admiral Flanagan from his tour as head of the Navy's Office of Legislative Affairs in the late 1980's. Following that assignment, Admiral Flanagan commanded the Navy's Second Fleet before taking over as Commander of the Atlantic Fleet.

Mr. President, I have known and worked with Admiral Flanagan for many years. He is an extremely capable naval officer, and I am not at all surprised to see that he is also an energetic and creative business manager who is bringing innovative practices to the Navy's base operations. I hope that he keeps up the good work, and that others throughout the military services follow his good example.

EXHIBIT 1

[From the Wall Street Journal, Aug. 19, 1996]

AN ADMIRAL TURNS BIG GUNS ON WASTE AT NORFOLK, VA., BASE

FACING A SEA OF BUSINESS DEALS, FLANAGAN CHARTS A COURSE THAT CHANGES U.S. NAVY

(By John J. Fialka)

NORFOLK, VA.—Not long ago, a private company wanted to rent one of the Navy's sagging, ''temporary'' buildings here. It offered $400,000 a year for a Cold War relic that was sitting empty.

''We can't do that! Tear it down,'' ordered Adm. William J. ''Bud'' Flanagan Jr., commander of the Atlantic Fleet and the short, stocky czar of the sprawling Norfolk Naval Base.

The admiral, who now oversees an $11 billion budget but spent many of his 29 years in the Navy hunting for Soviet submarines, had reason to torpedo the deal. He had hired an outside research firm to analyze the base's $100 million energy bill—a first—and found that heating and cooling the 70,000-square-foot, uninsulated structure would cost nearly $1 million a year. So the rental would lose money. Now, the building is the 84th the admiral has ordered destroyed, and he has targeted 80 more.

Not that Adm. Flanagan hates business deals. In fact, he views this 55-square-mile naval base as awash in entrepreneurial possibilities. He will welcome tourists to what will be, in effect, a theme park with aircraft carriers. He will let a neighboring cargo terminal store cocoa beans on the base—if it helps load Navy ships. He will let developers build fancy townhouses and offices on a slummy-looking peninsula.

For decades, the Navy played a cat and mouse with the Soviet Union at sea, but on shore it operated much like its old adversary. Nobody itemized costs. Electricity wasn't metered. Submarine, aircraft and surface-ship commanders built redundant fiefs and, Adm. Flanagan complains, ''didn't talk to each other.'' As with many federal bureaucracies, leftover funds reverted to the Treasury at year end; so they were spent—on almost anything. ''The old tradition was if the Navy can spend some money, it will,'' he recently noted to a group of naval auditors.

CHANGED RULES

Last year, however, the Navy changed the rules—after hard lobbying by Adm. Flanagan. He did so partly because, as one of a Cape Cod, Mass., policeman's eight children, he admired his mother's gentle but firm grasp on the family budget. But he also was strongly influenced by four mid-career months at Harvard Business School, where he became acquainted with marketing concepts. ''It opened up a whole new avenue of thought,'' he recalls.

Under the Navy's new rules, a commander who saves money or generates outside income can use the funds to buy new ships, planes or other equipment. Now Adm. Flanagan, perhaps with more determination than most senior officers, is trying to get his subordinates on board. His reasoning: The Navy's job remains ''to fight and win.'' he says, but, in an era of shrinking budgets, it can't win ''unless we learn to look more like GE than USN.''

When he found the Norfolk base renting several hundred vans it didn't need and its overstaffed golf course losing vast sums, he didn't ''shoot anybody'' but got the problems corrected, he says. ''If you start assessing fear and blame,'' he adds, waste simply goes ''underground.'' Instead, he praises managers who improve matters.

Meanwhile, the first new business was peering through the front gate. Lured by hulking carriers moored at the docks, some 350,000 visitors showed up at base entrances every year, but most couldn't get past the guards. So in October, the admiral removed the guards from the gates. ''It took some old salts here some time to get used to it,'' recalls Norfolk's mayor, Paul Fraim.

Before long, tour buses will call at a new, privately owned marina and restaurant, which will share any profits with the base, and a ''Welcome Center'' complete with souvenir shops. Naval Number-crunchers—more use to counting munitions—expect 500,000 tourists this year, causing one naval officer to exult: ''When they each buy a baseball cap at $6 a pop, we've just made $3 million!''

Nearbly Norfolk International Terminals is also pleased. Cramped for space, it finds itself inundated by two million bags of cocoa beans after a market upheaval. For years, Robert Bray, executive director of the Virginia Port Authority, which runs it, had sought access to empty Navy warehouses just across the fence but found ''the answer was always no.''

BARTER DEAL PROPOSED

Adm. Flanagan said yes. But he wants a billion-dollar barter deal; if the terminal will load cargo onto Navy ships, it can build storage facilities on unused naval property. Under the projected agreement, the railroad serving the terminal could use Navy land, allowing it to operate longer freight trains. Both the terminal and the base would gain cargo capacity.

Another possible deal that interests Adm. Flanagan involves Willoughby spit, a landfill area with 440 somewhat-shabby Navy apartments—each needing $70,000 of renovation. Two local developers see opportunity—prime waterfront land for a hotel-office-marina complex and townhouses. Monica R. Shephard, the Navy's negotiator, hopes to lease out the site on a long-term basis and use the revenue to finance better naval housing elsewhere. However, civilian tenants would be warned they could be temporarily locked off the base in a national emergency.

In addition, many other tacky, prefab buildings are coming down. Adm. Flanagan, who first came here as a freighter crewman in 1964, remembers even then wondering why so many ''temporaries'' were still around. As the landlord, he found 132 Navy tenants, some with no direct connection to his base's mission, and told them to pay rent or ship out. ''The goal is to make people aware that this stuff isn't free. . . . We are in a limited-resources game,'' he explains.

REPAIR FACILITIES CONSOLIDATED

His staffers also have consolidated 13 electric-motor repair facilities into one and have cut some 30 instrument-calibration shops to five. The savings so far: about $39 million. And Rear Adm. Art Clark, the Atlantic fleet's chief maintenance officer, says he can cut more.

Not all this pleases private repair yards. They invested heavily in drydocks and piers when President Reagan wanted a 600-ship Navy, and now they fear that the Navy will do more of its own work.

J. Douglas Forrest, vice president of Collona's Shipyard Inc., a family business operating here since 1875, grumbles about naval officers going to ''90-to-120-day whizbang programs at Harvard, so then they can deal in the financial world.'' Nothing personal, he adds quickly. ''People like Bud Flanagan broke the Red Navy. . . . They're great guys. . . . But the Navy never prepared them for making all the decisions that have been forced upon them by a government that is downsizing.''

Adm. Flanagan, too, sometimes longs for the days when ''win the war'' was the Navy's bottom line: ''that was easy. You just got up in the morning and followed the plan.''

CONGRATULATIONS TO CAPT. JOHN ''TAL'' MANVEL, U.S. NAVY

Mr. NUNN. Mr. President, I would like to take this opportunity to recognize Navy Capt. John ''Tal'' Manvel who has been named the Navy's program manager for the next generation aircraft carrier. Until this assignment, Captain Manvel had been serving as the Executive Assistant to Assistant Secretary of the Navy for Research, Development and Acquisition John Douglass, where he established an outstanding record of service. Navy acquisition has benefited greatly from Captain Manvel's professional advice to the Assistant Secretary Douglass.

Captain Manvel's next assignment carries a very important responsibility. The aircraft carrier is the backbone of our Navy. With a 50-year expected life cycle—greater than any other weapon platform in the Navy—over 80,000 men and women will serve aboard each of these new ships during their life as well as several generations of Naval aircraft. As the program manager for the next generation aircraft carrier, Captain Manvel's influence on our Navy will be evident for more than a half century.

Captain Manvel has broad experience as both an acquisition professional and as a naval engineer with experience onboard aircraft carriers, including duty as chief engineer onboard the *U.S.S. America* (CV 66). He is superbly suited to lead this project. I know my colleagues join me in congratulating Captain Manvel on his new assignment and in wishing him continued success in his career of service to the Navy and our country.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 3, the Federal debt stood at $5,226,657,169,759.06.

Five years ago, September 3, 1991, the Federal debt stood at $3,617,116,000,000.

Ten years ago, September 3, 1986, the Federal debt stood at $2,110,332,000,000.

Fifteen years ago, September 3, 1981, the Federal debt stood at $979,575,000,000.

Twenty-five years ago, September 3, 1971, the Federal debt stood at $414,181,000,000, an increase of more than $4,812,476,169,759.06 in the past 25 years.

MESSAGES FROM THE HOUSE

At 6:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3269) to amend the Impact Aid Program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.